



# Indiana Guide to Working with a Guardian ad Litem

Indiana GAL Oversight Committee

Indiana Supreme Court  
November 2024



# Table of Contents

General Information .....	1
Participation in the Investigation .....	2
Reports to the Court.....	3
After Resolution of the Case .....	5

## General Information

### Guardian ad Litem Defined

A Guardian ad Litem, (usually called a “GAL” is a professional appointed by a court to represent and protect the best interests of a child in civil family law cases. Civil family law cases include but are not limited to:

- Custody and parenting time matters in dissolution of marriage cases and in paternity cases;
- Minor guardianship cases;
- Nonparent custody actions in dissolution of marriage cases and in paternity cases;
- Adoptions;
- Grandparent visitation cases; and
- Third party visitation cases.

### GAL Qualifications

A lawyer, a licensed mental health professional, a person with a local GAL or CASA program, or a qualified and trained professional approved by the GAL Family Law Oversight Committee may serve as a GAL.

GALs must have completed initial training and ongoing training to serve as a GAL. A GAL must also pass a criminal and child abuse and neglect background check.

### GAL Registry

GALs that are qualified to serve under the Indiana GAL Guidelines for Civil Family Law Cases can be found on the [Indiana Guardian ad Litem Registry](#).

## Role of the GAL

A court may appoint a GAL on a party's motion or on the court's own motion. The GAL becomes a full party to the case, evaluates a case, and makes recommendations to the court. The GAL does not make the orders—that is the job of the court.

The exact duties of the GAL on each case will be stated in the court's order appointing the GAL. GALs will investigate, assess, and evaluate the case. They will conduct a thorough and independent investigation.

The GAL must have a reasonable amount of in-person contact with the child. Reasonable contact will vary based on the age of the child, the child's developmental needs, the child's physical and mental health, and the facts and circumstances of the case. It is important to note that even if a child is an infant or is nonverbal, the GAL needs to visit the child to determine their condition and their needs to make appropriate recommendations as to the child's best interests.

After the GAL has completed the investigation, the GAL will present the information to the court and will make recommendations the GAL believes to be in the child's best interest.

## Cost of GAL Services

The Order appointing the GAL will include how the GAL will be paid. In most cases, the GAL is paid by the parties themselves. A court can decide that the parties share the cost equally, at a different ratio, or that one party pays. Parties should anticipate paying a deposit to the GAL. Cost can be a major factor in GAL cases, so parties are encouraged to ask for an estimate of the cost of a thorough investigation so they can plan accordingly. In some counties, the court has a fund that can pay for some or all of the GAL services.

## Participation in the Investigation

### Cooperation with the GAL

The parties in the case must cooperate with the appointed GAL. Each party will have an opportunity to speak to the GAL and give their version of events. As issues arise during the pendency of the matter, the parties are encouraged to have ongoing communication with the GAL. The parties may also provide the GAL with documents for the GAL to consider in completing the report. A GAL's investigation is only as thorough as the information they are provided. If a party refuses to cooperate in the investigation, the GAL cannot consider their perspective in making recommendations.

## Tips for Working with a GAL

In general, follow these tips when working with a GAL:

- Cooperate in a timely manner with the GAL in scheduling interviews and home visits.
- Be honest with the GAL about your child and the family situation.
- Communications with the GAL are not confidential.
- Be respectful, calm and polite in your communications with the GAL.
- Tell the GAL about concerns about the other party, especially things you think could cause the child harm.
- Keep your focus on the children. The GAL is appointed to evaluate what is in the child's best interests.
- Allow the GAL to talk and listen to the child without interruptions. If you do not understand, ask. However, the GAL cannot give you legal advice.
- Be prepared to be interviewed by the GAL.
- Stay in communication with the GAL while also respecting the GAL's time.

## Gather Information

Be active and gather witnesses who have information from personal observation of how you care for your child. Provide the GAL with the witnesses' names, addresses, emails, and phone numbers. The best witnesses are professionals or neutral people such as teachers, therapists, and doctors.

## Gather Records

Provide the GAL with any medical records, therapy records, criminal records, police reports, or letters regarding the child. Other documents to gather include school attendance records and report cards.

## Talk to Your Attorney

If you have questions about something the GAL is asking you to do, or want advice on what to do, you should consult with your own attorney. The GAL cannot give you legal advice. If you cannot afford your own attorney, you can utilize a nearby legal clinic or legal services option. You can review the information on the [Indiana Legal Help](#) website.

## Communication with Your Child about the GAL

**IMPORTANT:** Do not discuss the GAL investigation with your child, except to prepare them for meeting the GAL. Children need to know that there is a GAL coming to talk with them. They need to be reassured that it is okay to talk, and that the GAL will be asking them questions.

Do not coach the child on what to say or how to act. Children do not need and should not have details on court proceedings or about any allegations between parties. Children

should never be pressured by either parent before or after any communication between the child and GAL.

## Reports to the Court

### Written Reports

The GAL's Report usually describes the investigation, their recommendations, and the reasoning behind the recommendations.

The recommendations typically focus on:

- Legal Custody: Who should make future decisions about the child;
- Physical Custody: Where the child lives;
- Parenting Time: What the child's schedule with each parent should look like;
- Conditions: Whether there should be conditions in place, such as Batterer's Intervention Classes, substance testing, therapy for a parent or child; co-parenting counseling, firearms safety, etc.;
- Child support: GALs can make recommendation about support;
- Other: Any other issues assigned by the court

The GAL may request that the court refer a child to professional personnel for diagnosis or refer the parents or the child for court-ordered counseling.

The GAL may help the other parties reach an agreement if it serves the child's best interests. If the other parties reach an agreement, that agreement is not valid until the GAL also agrees to the terms and the court approves the agreement.

Each court may give specific instructions to a GAL on a case. This will vary from case-to-case depending on the scope of the appointment as described in the court's order appointing the GAL.

### Who gets the Report

If a written report is requested, the court will receive a copy of the report. In nearly all cases, reports are filed confidentially. The parties involved in the case will also receive a copy, unless a court orders otherwise.

### Deadline for Filing the Report

The report should be filed at least ten (10) calendar days prior to any scheduled hearings. Exceptions may be made for any emergency hearings scheduled. Oral reports might be accepted as well. The court will set the deadline.

## Responding to the Report

A party may choose to file a written response to a GAL's report. A party may also choose to respond to the report by entering evidence at the hearing through documentation and/or testimony. Do not confront or punish your child for disclosing or failing to disclose information to the GAL. Do not allow your child to read the GAL report.

## What to do if you Disagree with the Report

If a party believes the GAL's report is inaccurate or disagrees with the recommendations in the report, that information must be presented to the court at the hearing. Cross examination is the parties' opportunity to ask questions about the information in the GAL's report. Parties may also enter evidence to dispute the information in the GAL's report via documents and/or testimony. The court, not the GAL, will determine the outcome of the case.

## After Resolution of the Case

### Dismissal of the GAL

The GAL stays on the case until the court dismisses the GAL from the case. This is usually done in a written court order.

### Complaints against a GAL

Complaints filed against a GAL will be reviewed only to determine if there has been a violation of the Indiana GAL Family Law Guidelines. Any such finding may result in the GAL being removed from the Indiana GAL Registry.

### **Complaints and any violations of the GAL Guidelines will not affect any underlying litigation.**

The GAL Guidelines went into effect on January 1, 2025. The Complaint process is only valid for GALs appointed after that date. A complaint cannot be filed until 60 days after the date of the court's final order in the case. A complaint must be filed within 180 days of the date of the final order.

[Complaint forms](#) can be found online.