

Guardian ad Litem Program

OVERVIEW

What is it?

The Guardian ad Litem program provides trained advocates to represent a child's best interests in abuse and neglect cases.

Who is it for?

Guardian ad Litem are appointed for children when the Department of Social Services (DSS) files a judicial action alleging child abuse or neglect.

Where are applications taken?

No applications are necessary. The court will appoint a Guardian ad Litem to represent the child's interests every time DSS files a petition alleging child abuse or neglect. Guardians may also be appointed for children in dependency actions.

INTRODUCTION

The Guardian ad Litem program was started in 1983, to provide trained independent advocates to represent and promote the best interests of abused, neglected or dependent children involved in the court (see chapter on Child Protective Services, chapter 19).

The program was established to ensure that children were represented in abuse and neglect cases. Usually, the parent is available to represent the best interest of the child. However, in abuse and neglect cases, the parent may not be acting in the best interest of the child. DSS has an attorney, but the attorney is charged with representing DSS's interests. Therefore, Guardian ad Litem are appointed to make sure that the child's interests are voiced.

BENEFITS/ SERVICES

The district court will appoint a Guardian ad Litem to represent the interests of the child whenever there have been allegations of abuse and neglect. Most guardians are volunteers who work under the supervision of the Guardian ad Litem program in the judicial district in which the petition was filed. If the Guardian ad Litem is not an attorney, the court shall also appoint an attorney who will represent the child's interest in the court, and will be available to provide legal assistance throughout the process. Judges may also appoint Guardian ad Litem or attorneys to represent the child's interest in a case alleging dependency, although this is not required.

Guardians have a primary responsibility to protect and promote the best interests of the juvenile. They accomplish this purpose by:

- Investigating the facts of the case to determine the child's needs, and the resources available in the community to meet the child's needs;

- Attempting to resolve disputes in a timely manner to meet the best interest of the child;
- Offering evidence on behalf of the child;
- Examining witnesses in court; and
- Conducting follow-up investigations to insure the orders are properly executed and reporting to the court when the needs of the juvenile are not being met.

ELIGIBILITY REQUIREMENTS	There are no financial eligibility requirements for this program. The court will appoint a Guardian ad Litem and/or an attorney to represent the child's interests whenever DSS files a petition alleging that the child has been subjected to abuse or neglect.
NUMBERS SERVED	Guardian ad Litem were appointed for 15,582 children in FY 1998.
APPEAL RIGHTS	If the child or another person acting on behalf of the child is dissatisfied with the representation provided by the guardian, they can call the local or state Guardian ad Litem program to ask that a different guardian be appointed.
FINANCING	The General Assembly appropriated \$6.2 million in FY 1998 for this program.
ADMINISTRATION	The program is administered on the state level by the Guardian ad Litem program within the Administrative Office of the Courts. The program is administered at the local level by local Guardian ad Litem offices which operate in each judicial district.
SOURCES OF LAW	State statute: NCGS 7A-586 (responsibilities of the Guardian) NCGS 7A-489 et. seq.
FOR MORE INFORMATION	Guardian ad Litem program Administrative Office of the Courts PO Box 2448 Raleigh, NC 27602 919-662-4386 1-800-982-4041