

ROLE OF A *GUARDIAN AD LITEM*

Pursuant to Wis. Stat. § 767.407, a *guardian ad litem* (GAL) may be appointed to represent and advocate the “best interests of the child(ren).” The GAL does not represent the child(ren), but is responsible to ensure that relevant evidence is introduced at trial to ensure that the interest of the child(ren) is made available to the court.

A GAL must be an attorney licensed to practice law in Wisconsin. The responsibilities of the GAL are set forth at Wis. Stat. § 767.407. Although the GAL must in appropriate cases convey to the court the stated wishes of the child the GAL is not bound by such information.

At present each party is expected to deposit \$200.00 as an initial retainer for GAL fees. Each party is expected to pay all costs associated with the GAL’s services, including attorney fees, discovery expense, and social investigations requested by the GAL.

An attorney appointed as a GAL should review the State Bar of Wisconsin, Family Law Section, publication entitled “GAL Practice Guidelines.” Local court practice is not to require a formal report from the GAL, however, the GAL will be expected to file any pre-trial briefs and offers of proof as all attorneys may be required. In this trial brief the GAL may communicate to the court the stated wishes of the child(ren). Other requirements imposed upon the GAL are set forth in the statutes. While a GAL will no doubt interview each parent, and the child(ren) if of appropriate age and maturity, as well as solicit other information, the GAL is not a social worker and if an in-depth home investigation appears warranted, the GAL should consider employing appropriate professionals, since any information gathered cannot be introduced by testimony of the GAL since the GAL is acting in the capacity of an attorney for the best interests of the child(ren).