

## GUARDIAN AD LITEM'S IN MINNESOTA CUSTODY CASE



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If you are involved in a Minnesota custody dispute, your lawyer or a judge might have brought up the topic of a guardian ad litem with you. A guardian ad litem is someone who is appointed, for the duration of your legal battle, to look out for the best interests of your child. The idea is that while you can make your wishes known, and your ex can make his or her wishes known, your child has no one to advocate for him or her. The guardian ad litem will be an independent, neutral person—so not your ex-mother-in-law, fortunately, but also not your best friend.

It's also important to recognize what the guardian ad litem is NOT. He or she is not your child's attorney, is not a [custody evaluator](#) and he does not have legal custody of your child. He also does not provide a home or other services to your child. Further, the guardian will not act as an intermediate or a mediator between you and your ex.

### How To Obtain A Guardian Ad Litem?

A guardian ad litem can enter the picture in one of several ways. First, the court can choose, of its own accord, to appoint a guardian, this is not done very often. Second, the court is required to appoint a guardian in cases where the court has reason to believe that the child is a victim of domestic abuse or neglect. It is important to note that while the statute indicates it is required, simply yelling "Abuse!" does not always mean a GAL (the abbreviation for guardian ad litem) will be appointed, instead the Judge must truly believe abuse or neglect is occurring. Third, one parent can request that the court appoint a guardian ad litem, and the court will consider the request and decide if that's necessary. Finally, both parents can agree that a guardian should be appointed.

If a guardian ad litem is appointed by the decision of the court, it's important not to view that appointment as an affront to your parenting skills and remember that the court simply has the best interests of your child in mind. After appointment, the guardian ad litem will perform an independent review of the case. This will involve meetings with the child, the child's parents, and other important people in the child's life. The guardian will then prepare a report for the court, with opinions and factual bases for those opinions. He or she will then continue to advocate on behalf of your child throughout the rest of the custody proceedings.

## **Cost for Guardian Ad Litem**

It's important to note that Guardian ad litem's are not that common in outstate Minnesota. The resources are not what they used to be. 10 years ago if one party wanted a GAL, then they got it. Now, you nearly always have to show the abuse or neglect is occurring. In Minnesota, there is a \$500 guardian ad litem fee, which is generally split 50-50 between the parties to the custody dispute or divorce proceeding.

Any questions feel free to email me at [Jkohlmeyer@rokolaw.com](mailto:Jkohlmeyer@rokolaw.com) or call us at 507-625-5000 to discuss your custody in Minnesota.