



**LEGAL
SERVICES**

INCORPORATED

What Is a Guardian *ad Litem* (GAL)?

WHAT IS A GUARDIAN *AD LITEM*?

A guardian *ad litem*, also called a GAL, is a person appointed by a judge in a court case to help a litigant in a case.

WHY IS A GUARDIAN *AD LITEM* APPOINTED?

A guardian *ad litem* is appointed if a court determines that a litigant is unable to adequately participate in the case before that court.

WHEN IS A GUARDIAN *AD LITEM* APPOINTED?

A guardian *ad litem* can be appointed at any stage in the proceeding – before you appear in court for the first time or during the course of the litigation.

CAN I ASK TO HAVE A GUARDIAN *AD LITEM* APPOINTED?

Yes, you can tell the judge in your case that you think you need a guardian *ad litem*. If a judge has not been appointed to your case, you can go to the Clerk's Office.

CAN I OBJECT TO THE APPOINTMENT OF A GUARDIAN *AD LITEM*?

Yes, but you will have to show the court that you are capable of participating in the case without the assistance of a guardian *ad litem*.

WHO WOULD BE APPOINTED AS THE GUARDIAN *AD LITEM*?

The court generally appoints a lawyer to serve as a guardian *ad litem*. However, it is not necessary that the person serving as the guardian *ad litem* be a lawyer. It can be an adult who is willing to help the litigant resolve the issues in the case.

IF THE GUARDIAN *AD LITEM* IS A LAWYER, WILL THAT PERSON ACT AS MY LAWYER TOO?

The guardian *ad litem* is an officer of the court whose duty is to assist the litigant to resolve the case and report to the court on what s/he is doing. Some people think it's okay for the guardian *ad litem* to serve as the attorney, but be careful. A lawyer's first duty is to you, as the client, while the guardian *ad litem* has a duty to both the court and you. It can lead to a conflict.

CAN I GET MY OWN LAWYER IF I HAVE A GUARDIAN *AD LITEM*?

Yes, you can retain your own lawyer regardless of whether you have been appointed a guardian *ad litem*. The guardian *ad litem* can also help to find you a lawyer.

WILL THE GUARDIAN *AD LITEM* TAKE OVER MY LIFE AFFAIRS?

No, the guardian *ad litem* is appointed only to help you with the litigation and does not have any powers over your money or to force you to make decisions you do not want to make. *Ad litem* means “for the proceeding” in Latin. The assistance of the guardian *ad litem* concludes when the case is over.

WHAT WOULD THE GUARDIAN *AD LITEM* DO FOR ME?

The role of the guardian *ad litem* is to act in your best interest and help you participate in the case and resolve your case. For example, if you are in court because you owe rent, the guardian *ad litem* may help you apply for a rent arrears grant; if you are in court because your landlord claims your apartment is cluttered, the guardian *ad litem* may arrange for cleaning services. The guardian *ad litem* may also recommend to the court ways to settle the case.

WHAT IF I DISAGREE WITH THE GUARDIAN *AD LITEM*'S RECOMMENDATION?

You have a right to let the court know your opinion, and the court will consider your opinion in its decision. You are never required to sign any agreement with which you do not agree. If you do not agree with an agreement that your guardian *ad litem* is asking you to sign, you should refuse to sign it and ask to speak with the judge in your case.

IS A GUARDIAN *AD LITEM* THE SAME AS AN ARTICLE 81 GUARDIAN UNDER NEW YORK STATE MENTAL HYGIENE LAW?

No, an Article 81 guardian is appointed after a full due process hearing and can be ordered to take care of your financial affairs, health care decisions and host of other matters, depending upon what the judge decides.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

If you are a mental health consumer, you may call MFY Legal Services, Inc.'s Mental Health Law Project on Mondays, Tuesdays, and Thursdays from 10:00 a.m. to 5:00 p.m. at 212-417-3830.

**DISCLAIMER: This fact sheet gives general information
For NYC residents; it is NOT legal advice.**