

Mille Lacs Band of Ojibwe Guardian as Litem General Information

“All children deserve the opportunity to grow up in a safe, secure environment.”

Frequently Asked Questions



What is a Guardian ad Litem?

A Guardian ad Litem (GAL) is an independent contractor appointed by the court to protect the rights and advocate the best interest of a child involved in a court proceeding. The Guardian ad Litem makes independent recommendations to the court by focusing on the needs of each child.

When the court is making a decision that will affect a child's future - the child needs a spokesperson; an objective adult to provide independent information about the best interest of the child. While other parties in the case are concerned about the child, the Guardian ad Litem is the only person in the case whose sole concern is the best interest of the child, and he or she is assigned to ensure that the child's best interests are represented in the court at every stage of the case.

Different from a legal guardian, the Guardian ad Litem has no control over the person or property of the child and does not provide a home for the child. The GAL does not function as the child's attorney and does not provide direct services to the child.

What is the Primary Function of a Guardian ad Litem?

- Investigation – Carries out an objective of gathering information, systematic examination of the situation, including relevant history, environment, relationships and needs of the child.
- Recommendations – Identifies resources and services for the child and facilitates a collaborative relationship between all parties involved in the case, helping to create a situation in which the child's needs are met.
- Advocacy – Conveys the best interest of the child to the court and relevant agencies.
- Monitoring – Keeps track of whether the orders of the court are carried out.

What is the role and responsibility of the Guardian ad Litem in and outside the judicial process?

- The GAL visits and interviews the child, the child’s family, friends, neighbors, members of the child’s school, and so forth.
- Reviews records of the child.
- Based on their independent information gathering about the case, and their contact with the child and other people concerned, the Guardian ad Litem comes to court and gives recommendations to the judge that they think would be in the best interest of the child.
- Determines whether a permanent or temporary plan has been created for the child in accordance with federal, state and Band laws and whether appropriate services are being provided to the child and/or family.
- Submits a signed written report with recommendations to the court on what placement, visitation plan, services and permanent plan are in the best interest of the child.
- Maintains complete records about the case, including appointments scheduled, interviews held and information gathered about the child and the child’s life circumstances.



Guardian ad Litem input is one of several important pieces of information the judge uses in making an informed ruling on behalf of the child.

Guardian ad Litem is an independent voice that is not influenced by any other party’s interests or position. A GAL who can tell the court “I was there; this is what I observed” can be invaluable.

What type of cases requires a Guardian ad Litem?

Cases in which children are under the supervision of the Mille Lacs Band Family Services; and other family cases involved in court proceedings.

CASES INITIATED BY THE BAND

When a Guardian ad Litem is ordered for a child protection case – the court will provide the services of a GAL at no cost to the family or guardian.

PRIVATE CASES

In private cases, either party may request a Guardian ad Litem be appointed to the case, however if a Guardian ad Litem is ordered for a private family case – the cost of the GAL services will be equally divided between the parties involved in the case. In most cases, the cost will be charged upfront; however this will be determined at the time of the hearing.

For more information about the Guardian ad Litem Program contact:

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