

# Guardian ad litem/Parenting Investigator in a Family Law Case

## What is a Guardian ad litem (GAL) / Parenting Investigator (PI) in a Family Law Case?

A Guardian ad litem (GAL) or Parenting Investigator (PI) is an adult who is appointed by the court to represent the best interests of a child for a specific purpose for a specific period of time. Revised Code of Washington (RCW) 26.09 & 26.12. GALs are often appointed to represent the best interests of minor children in domestic relations (family law) cases.

Information about guardians ad litem can be found on the Washington Courts Web site at [www.courts.wa.gov](http://www.courts.wa.gov) under the heading "Boards, Commissions, Programs & Orgs" or on the Washington Law Help Web site at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) under the heading "Family Law." In addition, statutes that apply to guardians ad litem can be found in Chapter 26.12, RCW, downloadable at [www.leg.wa.gov](http://www.leg.wa.gov). Local and state court rules that apply to guardians ad litem can be found under "court rules" on the courts' Web site page at [www.courts.wa.gov](http://www.courts.wa.gov).

Under the direction of the court, the GAL/PI performs an investigation and prepares a written report for the court of the GAL's findings and recommendations. The GAL's/PI's responsibilities and duties are set forth by statute, court rule, and the order appointing the GAL/PI.

## Who is the Guardian ad litem / Parenting Investigator?

Pierce County maintains a registry of individuals who have qualified to be Guardians ad litem/Parenting Investigators. They have met training requirements, completed the application process, and been approved by the Judges. For more information about the process, see Pierce County Local Rules, Policy 1.

The current certified registry and their information (application, resume, etc.) are available on the Superior Court web page (<https://www.co.pierce.wa.us/1054/Guardian-ad-Litem-Title-26--Parenting-P>) or in the Law library at the County-City Building located at 930 Tacoma Avenue South, Tacoma, Washington.

## What does it cost to have a Guardian ad litem / Parenting Investigator?

There is an initial retainer of \$1875 (note: this retainer may be set higher by the court depending upon the issues to be investigated). It can be paid by one party or shared by both parties. The court will make that determination. The retainer must be paid prior to the GAL/PI appointment to begin the investigation. This initial retainer is for 15 hours of investigation. PLEASE NOTE: the investigation could require more than 15 hours and you may be required to pay additional amounts during the course of the investigation. The court may require that the GAL fees be paid by a certain date.

## How do you Get a GAL/PI appointed?

First the court needs to AUTHORIZE the appointment of a GAL/PI and determine who will pay the retainer. When that happens, you will get a document entitled "Order for Selection of Guardian Ad Litem." This includes a list of 3 randomly-selected individuals from the registry\*. After reviewing the qualifications of each individual, you should strike-out the name of the person who is unacceptable to you and file the list at the clerk's office. You must do that within 15 days of the selection list being created, but you can do it sooner, even the same day. Each party can strike one name from this list and the remaining individual can be appointed.

Once the retainer has been paid and the strike lists have been filed, the order APPOINTING the GAL/PI (FL All Family 146) needs to be completed, signed and filed. Copies of this order may be obtained in the Law library or on the state forms website, [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). The GAL/PI **can't do anything at all** without this appointment order. This is different than the "Order AUTHORIZING GAL/PI." It is your responsibility, or your attorney's responsibility, to prepare and present the appointment order to the Court.

Fill out the order completely and go to the Court Commissioner Ex Parte Department. If your paperwork is filled out properly and the full retainer has been paid, the Commissioner will sign the order appointing the GAL/PI.

*\* In the event the court is asked to establish/disestablish paternity you will be given only one name: a randomly selected attorney GAL (who will not be performing the role of a Parenting Investigator).*

*In a few cases, the GAL appointed for parentage may become a GAL for other purposes, but that will be by order of the court and you will likely be required to deposit additional GAL fees for the additional work.*

## What happens once the GAL/PI is appointed?

Family Court Services will send you a questionnaire to complete and return to the GAL/PI so they can begin the investigation. To conduct their investigation, the GAL/PI needs to have the names and birthdates of everyone involved: petitioner, respondent, child(ren), and anyone else who may live in the house. The GALs/PIs' contact information is available on the Superior Court web page ([www.co.pierce.wa.us/superior](http://www.co.pierce.wa.us/superior)).

The GAL's/PI's purpose is to provide information that will enable the Court to protect the interests of your child – so you share a common goal. The investigation may feel intrusive since they have to talk to you about sensitive and personal issues or access confidential documents. However, the GAL/PI reports are confidential documents and the GAL/PI is charged with the responsibility to exercise discretion in the use and reporting of information.

A GAL/PI has the responsibility to conduct an independent investigation. Each GAL approaches investigations differently and there are many variables in any given situation that may influence how the GAL/PI chooses to proceed.

The GAL/PI may be a lawyer – but they CANNOT give legal advice.

## What happens during the Investigation?

You need to provide the GAL/PI with copies of any documents and notices of any motions filed. The Court does not forward any paperwork or orders. The GAL is not expected to be at every court hearing. You should give reasonable notice if you want the GAL to attend any court hearings, including Trial.

Also, if you choose to correspond with the GAL/PI during the investigative process, you must send a copy of this correspondence to the other party or opposing counsel.

***The Guardian ad Litem is not the enemy.*** It is important to realize that the GAL is a trained professional and is not an advocate for either side, only the minor child(ren) in the case. Civility towards the GAL is required, as is your cooperation. Remember, the GAL is acting under the Courts supervision. Your cooperation and conduct is often a factor in determining parenting ability. Please note, the GAL's reports are recommendations which are not necessarily binding on the court. The report is one piece of the puzzle.

The GAL/PI is required to submit their report within a certain number of days from their appointment as set out in the order authorizing and appointing the GAL/PI. If, prior to that time, the GAL/PI has expended the initial retainer of \$1875, the GAL/PI may require additional time and fees. Any additional time and fees are to be authorized by the Family Court Judge prior to the GAL expending the time and fees. It is the responsibility of the parties, not the GAL, to request the additional fees. The Family Court Judge will review the request and make an order regarding the additional fees that are required, including who is responsible for the payment. The additional fee needs to be paid to the Clerk's office and if not paid, the GAL/PI may not continue investigation and further sanctions against the parties may be made by the court. Court Commissioners do not approve requests for additional GAL/PI fees.

Any agreements regarding the parenting plan/residential should be reviewed and signed by the GAL/PI before presenting any orders to the court. If you do not reach agreement prior to trial, the GAL/PI may be required to testify at trial. It is possible that further fees will be ordered for the GAL's/PI's preparation and appearance at trial.

It is important to the court that matters involving children be resolved without delay and by agreement when possible and appropriate. You and/or the other party may make a motion to ask the commissioner who AUTHORIZED your GAL/PI, or your judge,\* if you may proceed without a GAL/PI APPOINTMENT. This may happen because after making your best efforts you cannot afford to pay the GAL retainer as ordered by the court, or if you and the other party have come to agreements about the children before the GAL/PI is actually APPOINTED.

*\*This is one of the two family court judges who have been assigned the case after the AUTHORIZATION of the GAL/PI.*