

**GUARDIAN AD LITEM GUIDELINES**  
**FOR USE IN THE COLUMBIA JUDICIAL CIRCUIT**

**Revised 08/12/2021**

PREAMBLE: ALL LITIGANTS MUST ACKNOWLEDGE IN WRITING THEIR RECEIPT OF A COPY OF THESE GUIDELINES IMMEDIATELY UPON APPOINTMENT OF A GAL. THE GAL SHALL BE RESPONSIBLE FOR DISSEMINATION OF A COPY OF THESE GUIDELINES TO THE PARTIES IN EACH AND EVERY CASE IN WHICH THEY ARE APPOINTED. ALL GUARDIANS APPOINTED IN THE COLUMBIA JUDICIAL CIRCUIT ARE PRESUMED TO HAVE A COMPLETE AND COMPREHENSIVE UNDERSTANDING OF THESE GUIDELINES. A GUARDIAN MAY NOT DISSEMINATE TO LITIGANTS ANY RULES OR INSTRUCTIONS WHICH ARE INCONSISTENT WITH THESE GUIDELINES. THESE GUIDELINES SHALL BE PUBLISHED ON THE AUGUSTA FAMILY BAR WEBSITE AND WEBSITE FOR THE COLUMBIA COUNTY JUDICIAL CIRCUIT.

1. A Guardian ad Litem ("GAL") may be appointed in a domestic case to represent the interests of and protect the minor children who are affected by the litigation, and to independently investigate the facts and circumstances of the case. A GAL may not be required in every case, and a GAL's functions may vary from case to case. Any party in a pending case may request appointment of a GAL and may suggest or agree to appointment of a specific GAL; however, the final decision on whether and who to appoint shall always be up to the assigned judge.
2. GALs shall be subject to all rules of the court and shall receive all pleadings, notices, correspondence and orders relating to the children.
3. A GAL shall have access to all of the children's records of every type, subject only to the requirements of Uniform Superior Court Rule 24.9 or any court order. GALs shall have the right to discuss the children with educators, health care professionals, mental health professionals, and all other persons who may have useful information concerning the education, health, activities, religious training or general welfare of the children, subject only to the requirements of Rule 24.9 or any court order. All parties will usually be required by the Court to sign such authorizations as may be needed by the GAL to enable the GAL to obtain records or information from the individuals identified above. All parties, counsel and the GAL should familiarize themselves with the provisions of Rule 24.9, which are set out verbatim on Appendix A. In the event of any conflict between the provisions contained in these Guidelines and the provisions of the Uniform Rules, the Uniform Rules shall prevail.

4. A GAL may inspect the homes of both parties, any other place that custody or visitation may occur, and any places that the children frequently visit. Inspections may be announced to the parties or unannounced.
5. Unless otherwise ordered by the court, a GAL shall have the authority to interview the parties without the presence of counsel and the children without the presence of the parties or counsel.
6. Parties should make a list of anyone they wish the GAL to interview and provide such list to the GAL within 30 days of the GAL's appointment.
7. GALs may only assist with the implementation of a previously entered order of visitation. A GAL shall have no authority to establish visitation or make binding decisions upon the parties, unless authorized by the court. GALs may assist in mediating temporary and permanent custody and visitation issues; however, such assistance shall only occur with the knowledge and consent of counsel of record. Nothing herein shall preclude the GAL from seeking the assistance and consent of counsel in cases where all parties are represented to formulate a binding settlement agreement regarding custody or visitation.
8. A GAL serves only to represent the best interests of the children and should never be involved in any financial issues, even with the consent of the parties. GALs must protect the children from being used as leverage by one or both parties in negotiating property disputes and child support obligations.
9. Should the GAL become aware of any action or omission which the GAL in good faith believes may be detrimental to the best interests of a child, the GAL should first attempt to discuss that issue with the parties or counsel if the parties are represented; however, this provision shall not be construed so as to preclude the GAL from directly contacting the assigned judge if the GAL has a good faith belief that an emergency exists as contemplated by Uniform Rule 24.9(8)(f). Where both parties are represented by counsel, the GAL should use his/her best efforts to refrain from contacting the assigned judge directly before discussing the issue with counsel.
10. GAL reports should be submitted to the court, counsel and pro se parties at least TEN business days before any FINAL hearing or trial and at least FIVE business days before any TEMPORARY hearing, unless counsel in represented cases mutually agree to shorten the time. The report shall summarize the GAL's investigation, including identifying all sources the GAL contacted or relied upon in preparing the report. The GAL may offer recommendations concerning child custody, visitation, and child-related issues and the reasons supporting those recommendations. If practicable, the GAL shall confer with counsel regarding the GAL's preliminary recommendation before submitting a written report. Nothing herein shall be construed so as to preclude the GAL's submission of a supplemental report, either in writing or by oral testimony, regarding material events which occur after submission of the GAL's written

report, or regarding material events which were unknown to the GAL at the time of report submission but discovered prior to hearing or trial.

If either party disagrees with any fact, finding or conclusion set forth in the GAL's report, then that disagreement shall be made known to the Court in a clear manner and shall be litigated in the applicable hearing or trial. Failure to notify the Court of such disagreement and/or litigate the disagreement shall create a presumption that a party accepts the fact, finding or conclusion set forth in the GAL's report.

11. GAL charges shall be uniform.
  - a. **Hourly rate:** GAL hourly rates are \$65.00 per hour, billable by the 1/10 hour. If the GAL is an attorney, he/she may charge up to \$150.00 per hour or fee as agreed upon by the parties. The GAL shall bill for ALL case related time including, but not limited to, all communications including letters, texts, e-mails and telephone calls.
  - b. **Mileage charges:** A GAL is required to have reliable transportation as a condition of his/her appointment, and the cost of transportation is factored into the hourly rate. Mileage charges for travel within the Columbia Judicial Circuit, or within a 20 mile radius, are not permitted. If a GAL is required to travel outside the Columbia Judicial Circuit, or 20 mile radius, in any particular case, he/she shall first obtain the consent of the parties (or counsel) to be reimbursed at a per mile rate not to exceed 50 cents, or discuss with the assigned judge. Unless otherwise ordered by the assigned judge, a GAL may charge his/her usual hourly rate for travel outside the Columbia Judicial Circuit and surrounding 20 mile radius.
  - c. **Travel time:** A GAL may charge his/her usual hourly rate for travel within the Columbia Judicial Circuit. Unless otherwise ordered by the assigned judge, a GAL may also charge his/her usual hourly rate for travel outside the Columbia Judicial Circuit.
  - d. **Document provider charges:** The GAL shall be entitled to dollar-for-dollar reimbursement (without markup) for costs the GAL pays to any provider of school records, medical records, or education records which the GAL requires as part of his or her investigation.
  - e. **Document Reproduction costs:** Charges for photostatic copies should be minimal since copies may be provided to others involved in the litigation via scanner and e-mail. However, if copying costs are unusual, a GAL may bill no more than the amount she/he actually pays to a third party copy service, such as Kinko's, or 5 cents per page.
  - f. **Telephone charges:** A GAL is expected to have a cell phone for business use with an unlimited local and long distance service plan. No telephone charges, even toll charges,

are permitted unless the GAL's phone account is billed separately for such charges. However, the GAL may bill for his/her time spent on telephone calls that are case related.

- g. **Fax charges:** A GAL is expected to have a fax machine available for his/her use. Facsimile charges, excepting only actual long distance charges, are not permitted.
  - h. **Billing Frequency:** The GAL will send monthly invoices showing all charges, payments and credits to date, to both parties and counsel. The monthly invoice shall itemize all case related charges, including a brief description of the work billed for.
  - i. **Interest on account:** Charging interest on an unpaid account is not permitted. Nonpayment issues shall be directed to the assigned judge for further handling.
  - j. **Hourly Rate Cap:** There shall be a cap of \$1,000.00 total in any case, unless an increase in the cap is pre-approved by the assigned judge. The assigned judge may increase the cap at any stage of the proceedings, included but not limited to the 30-day conference. GALs are encouraged to notify the Court, counsel and parties, at the earliest possible date, of an anticipated need to extend the cap. Where both parties are represented by counsel the attorneys and GAL may agree to an increase in the cap and file a joint stipulation to that effect in the pending action. If the parties cannot agree, either may file a motion with the Court; the GAL may unilaterally request by motion an increase in the fee cap.
  - k. **GAL bill review:** All invoices and charges of a GAL are subject to review and modification by the assigned judge. Either the GAL or responsible party may request a review by the assigned judge.
  - l. **Miscellaneous:** All parties and counsel are advised that the GAL may spend unequal amounts of time with the parties; in other words, each party will be required to pay his or her court-ordered share of the GAL's charges in speaking with the opposing party, counsel or witness. The GAL is charged with responsibility for determining how best to spend his or her time in order to complete the required investigation, subject to review by the Court at trial or hearing. However, if the GAL is required to expend substantially or unnecessarily more time investigating or interviewing on behalf of a party than is required for the other party, then the party requiring the additional time will usually be responsible for the fees associated therewith. The Court reserves the right to apportion fees between the litigants. If there is any dispute over a division of fees, the same shall be timely submitted to the presiding judge for resolution.
12. In the case of any conflict(s) of interest, objection, or complaint the party or parties may have with or against the appointed GAL, the party with such conflict, objection or complaint shall immediately notify his/her attorney or, if a party is self-represented, by filing a motion for the Court to hear. This notification/motion shall include a detailed description of the conflict(s),

objection of complaint. If notification to the assigned judge, (with a copy to all counsel, the GAL and any unrepresented party), is not made within 10 days of the date on which the litigant first becomes aware of the conflict, objection or complaint, then the conflict, objection or complaint shall be deemed waived for all purposes relating to the litigation in which the GAL has been appointed.

13. The GAL shall be strictly prohibited from discussing any aspect of an assigned case with any member of the public or media (other than members of the public who are necessary to perform the GAL's duties). This prohibition shall be in place during the case and shall extend beyond the conclusion of the case.
14. GAL reports, if filed, are filed under seal with the Court and are considered confidential. No GAL, party or counsel shall release a GAL report to any person (other than the court, parties and counsel) either during the case or after the conclusion of the case. This prohibition shall include not only the actual report, but also its contents. Any party who divulges the report or its contents to a child of the parties shall be subject to sanctions by the Court. This provision shall not prohibit the GAL from speaking with other professionals (i.e., doctors, teachers, counselors, etc.) directly related to the GAL's investigation or assigned responsibilities.