

**This pamphlet can help you IF: a divorce or custody case is pending in Connecticut court AND you and the other parent disagree about who the child should live with or how often the child should see the other parent.**

***IF you have no current case in a Connecticut court and want to file for divorce or custody, see the "Do It Yourself Divorce Guide" which can be found at your local superior court or online at [www.jud.ct.gov](http://www.jud.ct.gov).***

### **Does your child need representation?**

**You have the right to ask a judge to appoint a professional to represent your child.** The judge will make the final decision about whether or not someone will be appointed. You cannot hire someone to represent your child on your own.

**You may want to ask for a lawyer for your child if:**

- you and the other parent disagree on custody or visitation; or
- you are concerned about the safety of your child, child abuse, or domestic violence, etc.; or
- there is a question about the child's paternity.

A judge may also appoint a lawyer without either party requesting one or he or she may send the case to Family Relations for an evaluation.

### **What is a Guardian Ad Litem (GAL)?**

A guardian *ad litem*, often referred to as a GAL, is an attorney or a mental health professional who the judge can appoint to represent your child's best interest in court. The judge may do so if you and the other parent are not able to come to an agreement about a parenting or child related issue. The GAL is a witness for the court and is there to provide information to the judge. If you disagree with a GAL, you have the right to question him or her under oath about information he or she provides.

### **What is an Attorney for the Minor Child (AMC)?**

An Attorney for Minor Child, often referred to as an AMC is an attorney who is appointed to represent the child. The court will consider the appointment of an AMC if you and the other parent are unable to resolve a parenting or child related dispute and the child is older and has his or her own position. The AMC has the rights and obligations of any other attorney in the case. He or she can file motions on behalf of the child, can call or question witnesses, and enjoys legal privilege with the child. Although the AMC is representing what the child wants in court, there is always an overarching obligation to look out for the child's best interest.

## **What will my child's GAL do?**

The GAL's duties will be defined by the judge. However, most times this role requires speaking with both parents, meeting the child one or more times, and speaking with providers who work with the child such as doctors, teachers, and therapists. After gathering information, the GAL will communicate to the judge what he or she thinks is in the best interests of your child. This will be done in open court with everyone present. The GAL does not represent the mother, father, or any other party in the case.

The GAL will do his or her best to consider all factors when assessing what is in the minor child's best interest.

### **You should:**

- make the child available to the GAL and keep appointments;
- sign releases for information sharing;
- remember that the GAL cannot make parental decisions. Note: you will be charged for all contacts with the child's lawyer (unless the court has ordered that the lawyer to be paid at state rates).
- know that the GAL will use his/her own judgment and may not agree with you on issues concerning your child.
- **Remember, the lawyer represents your child--not you.**

## **What will my child's AMC do?**

The AMC's focus will be more specifically on the child and the child's position in the family case and, assuming it is not harmful to the child, will file motions, call witnesses, and build a case on behalf of the child in court. The AMC participates fully as a lawyer in the case.

## **How do I ask for an AMC or GAL to be appointed?**

An AMC or GAL may be appointed by:

- the judge on his or her own
- a motion by either parent (see following pages for sample motion)
- agreement of the parents
- the request of a child who is old enough to make the request

If there is no agreement by the parents to appoint an AMC or GAL, the court can only appoint someone on its own in an emergency situation or when the court believes that all other options available to help resolve a dispute have been attempted.

## **What happens after the court appoints a GAL/AMC**

If the court finds it is appropriate to appoint someone to represent your child and it is not an emergency situation, the court will provide the parties with a list of fifteen professionals who have completed the required training necessary to be an AMC or GAL. There are three possible lists you may be given:

- **Private Pay:** for families where income falls above the limit for Sliding Scale, so can afford a private pay professional.
- **Sliding Scale:** for families who are not below the poverty but whose income does not reach the level for private pay. Fees are determined based on income.
- **State Rate:** for families that fall below 125% of the federal poverty guidelines. There is no fee for the parents.

The parents then have two weeks to agree upon a person from their designated list. If there is no agreement, the judge will select someone from the list. In an emergency, the judge will select someone from the list at the time of the order

## **Who pays for my child's lawyer?**

It depends. In most cases, parents are responsible for paying the fees of the AMC or GAL. Each parent must submit a financial affidavit to the court to determine how the fees will be divided. If you were given the opportunity to choose a State Rate AMC or GAL, then there is no cost to either parent.

DOCKET NO.: \_\_\_\_\_ : SUPERIOR COURT  
\_\_\_\_\_  
(Plaintiff's name) : JD OF \_\_\_\_\_  
v. : AT \_\_\_\_\_  
\_\_\_\_\_  
(Defendant's name) : Date \_\_\_\_\_

**MOTION FOR APPOINTMENT OF AMC / GAL (circle one)**

I, \_\_\_\_\_, respectfully represent:

1. The above captioned matter, pending in this court, concerns a minor child/children.
2. Child custody and/or visitation is currently in dispute.
3. It is in the best interest of the minor child/children that an AMC / GAL (circle one) be appointed to represent the minor child/children.

WHEREFORE, I respectfully requests that an AMC / GAL (circle one) be appointed to represent the minor child/children in this matter.

THE PLAINTIFF/DEFENDANT

By \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(street)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(phone number)

**ORDER**

GRANTED / DENIED

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Judge/Clerk of the Superior Court

**CERTIFICATION**

I hereby certify that a copy of the above motion was mailed on \_\_\_\_/\_\_\_\_/\_\_\_\_ to all counsel and pro se parties of record:

(List all persons and addresses to whom you mailed this motion)

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Your Signature