

Child Abuse, Child Neglect

What Parents Should Know If They Are Investigated

Written by South Carolina Appleseed Legal Justice Center
with editing and assistance from the Children's Law Center and the Foster Care Review
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South Carolina Appleseed Legal Justice Center is a non-profit organization dedicated to advocacy for low-income people in South Carolina to effect systemic change by acting in and through the courts, legislature, administrative agencies, community, and the media, and helping others do the same through education, training, and co-counseling.

Children’s Law Center of the University of South Carolina School of Law is a statewide resource center for attorneys and other professionals involved in judicial proceedings related to child protection and juvenile justice.

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This booklet is for information only. If you need legal advice about a child abuse or neglect investigation or charge, contact an attorney to represent you.

GUARDIAN AD LITEM

What is a Guardian ad Litem (GAL)?

The GAL is a person who will assess the case and make a report to the court. In any hearing about child abuse or neglect, your child needs someone to look out for the interests of just him or her. Children may not understand what is best for them. A GAL is there to look out for the best interests of the child.

A GAL does not work for DSS and does not represent you. The GAL looks out for the child. Usually the GAL is not a lawyer and will have his/her own lawyer in court. However, a lawyer can be a GAL.

What is the GAL's job?

The GAL has a special job in the court case. The GAL assesses the case and makes a report to the court. The report has recommendations about what would be best for your child. The recommendations may be different from what the child says that he/she wants.

The GAL should get information from all the people in the case, including you and DSS. Then, the GAL must reach a conclusion about the following things: whether the child is safe in your home, whether the child should stay with you, and whether special services are needed to make your home safe. The GAL will write these conclusions into a report. You or your attorney should receive a copy of the report.

What should I say to the GAL?

The GAL is a very important person for you and your child. As part of the assessment, the GAL will need to talk to you and your child (if your child is old enough). You can ask the GAL to only contact your lawyer instead of calling you directly to arrange meetings, but you should not refuse to talk to the GAL. You should make sure the GAL hears your side of the story. It is very important for you to cooperate with the GAL, since the judge usually pays a lot of attention to the GAL's report to the court. You can have your attorney with you when you talk to the GAL.