

PREPARING QUESTIONS FOR THE FAMILY LAW GAL
PRACTICE TIPS

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PREPARATION

- a. Review everything provided from the GAL during his/her investigation
 - What said/recommended at hearings and parenting conference
 - What stated in written reports, declarations, and other pleadings.
 - What said in letters and emails
 - What stated in billing statements
 - If you copied any portions of the GAL file, review that too.
- b. Prepare a timeline of GAL's work. (What did, what recommendations made, when opinions changed etc...)

EXAMINATION

- a. Keep it simple- Court usually covers 3 things (Pros Se/Pro Forma)
 - Terms of my appointment-When, for whom, to do what?
 - What did I do to complete my investigation?
 - What are my recommendations?
- b. If you are going to examine a GAL cover these 5 areas
 - GAL qualification
 - What did GAL do to complete their investigation
 - Scope of GAL appointment
 - GAL's recommendations
 - GAL's reasoning for recommendations

1. QUALIFICATION

- a. Stipulated
- b. Academics and Training- GAL Statement re: RCW 26.12.175(3)
- c. Practice Experience

2. SCOPE

- a. Know exactly what the GAL has been asked to investigate
 - New form invites limitations
 - GAL often used as a discovery tool
 - Don't ask questions that exceed the scope
 - Don't ask the GAL questions about things she did not investigate

3. CONTACTS

- a. Summarized in GAL report and stated at time of Parenting conference
- b. Billing sheets- Order requires GAL to provide them
- c. Is time with GAL and # of contacts on both sides reasonable or fair? Are there documents that were not requested or not reviewed?
 - Explanations
 - Unhampered GAL access to both parties?
 1. Avoid restricting GAL's access to your client.
 - a. Really want your client to be as open and honest with the GAL as possible
 - b. Want them to be available/accessible within reasonable time
 - c. Want the GAL to know your client's position from them, not you or your pleadings.
 2. If deny GAL access to client, GAL has to bring it to attention of court
 - a. Expensive for family – increases litigation
 - b. GAL request discharge or Representation at party expense
 - c. Takes focus of GAL from their duties to the children- distraction
 - d. Can affect GAL's willingness to communicate with other parent
 3. If good faith reason to be concerned, ask to be present for all GAL contacts with your client

4. RECOMMENDATIONS Ask for them to recite his/her recommendations as succinctly as possible. Last page of report.

5. REASONS FOR RECOMMENDATIONS

- a. Ask questions to flesh out the recommendations that support your case or cast doubt on his/her recommendations that hurt your case
- b. On direct- Ask questions that encourage the GAL to answer as succinctly as possible.
- c. On Cross- Ask leading questions: Avoid what, where, why, tell us, explain
- d. Keep all questions within the scope of what he/she can testify to
- e. Object if an attorney is trying to ask questions beyond the scope of appointment
- f. Ask the question you want the GAL to answer- GAL's don't answer the question the lawyer should have asked

OTHER ISSUES

Requesting child therapy records
Copying GAL File
Professionalism