A Parent's Guide to Guardians ad Litem in Georgia

What a guardian ad litem does, what to expect during the investigation, how to read the report, and how to keep a clear record — in plain language.



For parents in custody and visitation cases. If a judge has appointed — or may appoint — a guardian ad litem (GAL) for your child, this guide is for you. It explains the role as Georgia law defines it, walks through each stage, and gives you checklists you can start using today.

> **You are not alone in finding this confusing.** Many parents first hear the term “guardian ad litem” in a courtroom, with no explanation of who this person is, who they work for, or what happens next. A little structure helps: read the appointment order first, keep your communication child-focused and documented, and ask your own lawyer about anything that affects strategy in your case.

About this paper: Published by the Georgia GAL Accountability Project, a grassroots project for parents. Contact: georgiagalreform@gmail.com. This guide is general information about Georgia law and practice as of November 2026. It is not legal advice and does not create an attorney-client relationship. Laws and local practices change, and every case is different — talk to a Georgia family-law attorney about your situation. No individual family's story or case details appear in this guide.

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1 The one idea to hold onto

In a Georgia custody case, the GAL **represents the best interests of the child**. That sentence, from Uniform Superior Court Rule 24.9(3), explains almost everything that follows:

- The GAL is **not your lawyer** and not the other parent's lawyer. The GAL does not take instructions from either parent.
- The GAL is **not the child's lawyer in the ordinary sense** either. A child's attorney advocates for what the child says they want. A GAL forms an independent view of what serves the child best — which may match a child's stated wishes, or may not, especially with younger children.
- The GAL is an **officer of the court** who “shall assist the court and the parties in reaching a decision regarding child custody, visitation and child-related issues.” [Rule 24.9(3)]
- The GAL **does not decide custody**. The judge decides. Rule 24.9(6) says so directly: the GAL's recommendations “are not a substitute for the court's independent discretion and judgment.”

> **A common misunderstanding:** Because the GAL meets your child, visits your home, and writes a recommendation that can carry real weight, it can feel as if the GAL is the decision-maker. Keeping the roles straight helps you respond in the right place — your evidence and testimony go to the judge; your cooperation and information go to the investigation.

Georgia law lists a GAL's recommendation as just one factor among many the judge may consider — factor (O) in O.C.G.A. § 19-9-3(a)(3). See page 5 for the full list in plain language.

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2 Georgia has two different GAL systems

Parents often hear advice that mixes two systems. They share a name and a “best interests” purpose, but the rules, training, and who pays are different. Knowing which system you are in prevents a lot of confusion.

	Superior Court — custody & divorce	Juvenile Court — dependency
Typical case	Divorce, custody, visitation / parenting time, legitimation, modification between parents	Abuse or neglect (dependency) cases involving DFCS and the state
Main rule	Uniform Superior Court Rule 24.9	O.C.G.A. §§ 15-11-103 to 15-11-105
Appointment	Discretionary — the judge may appoint one; a parent may request one	Mandatory — the court *shall* appoint a GAL for an alleged dependent child [§ 15-11-104(a)]
Who can serve	Any person trained as a GAL or otherwise familiar with the role, as determined by the judge [Rule 24.9(1)]. In practice, often an attorney — but no law license is required by the rule	An attorney, a Court Appointed Special Advocate (CASA) volunteer, or both. The court shall appoint a CASA whenever possible [§ 15-11-104(d)]
Training	Such training as provided or approved by the judicial circuit [Rule 24.9(2)]. The rule lists topics but sets no statewide minimum hours	Training administered or approved by the Office of the Child Advocate before appointment [§ 15-11-104(f)]; Georgia CASA's 40-hour pre-service curriculum is the approved route for non-attorneys
Who pays	The parties, as apportioned by the judge [Rule 24.9(8)(g)]	Different funding rules apply, including county funding in some circumstances
Child's own attorney	Separate appointment is possible; do not assume the GAL is it	The child has a right to an attorney at all stages [§ 15-11-103]; that attorney may also serve as GAL unless a conflict arises [§ 15-11-104(b)]

This guide focuses on the Superior Court custody system (Rule 24.9), because that is where most parents in a custody dispute meet a GAL. Where a point comes from the dependency system, it is labeled as such.

> **CASA is not a separate kind of decision-maker.** A CASA is a screened, trained, supervised community volunteer who can serve *as* the GAL in dependency cases. If you meet a CASA in a dependency case, the same best-interests purpose applies, with program supervision behind it.

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3 When and how a GAL is appointed

A GAL is usually appointed when the judge wants an independent investigation — for example, when parents give very different accounts, when there are concerns about safety, schooling, health, or stability, or when the court wants help understanding a child's daily life beyond what courtroom testimony shows.

1 Read the appointment order first

The order appointing the GAL is the most important document in this part of your case. It — not a website, not another parent's experience — defines what happens in yours. Look for:

- ☐ The GAL's full name and contact information
- ☐ What issues the GAL is asked to investigate (custody, parenting time, specific concerns)
- ☐ Any deadline for the investigation or report
- ☐ How fees are split for now, and any initial deposit required
- ☐ Any limits, required interviews, evaluations, or home visits
- ☐ Whether the order says anything about releases you are asked to sign

If you did not receive the order, ask your lawyer or the clerk how to obtain a copy of the filed order in your case. Keep it with this guide.

2 Questions worth asking at the start

- What is the GAL's background and training for this role?
- What records will the GAL request, and from whom?
- How does the GAL prefer to receive documents — and in what format?
- Will there be home visits to both homes? Will the GAL observe parenting time?
- Who else does the GAL plan to interview, and how can you suggest collateral contacts?
- When is the report expected, and will both parties receive it at the same time?

3 What the appointment gives the GAL access to

Under Rule 24.9(4), the appointing order gives the GAL the right to inspect records relating to the child held by the clerk, DFCS, other social and human service agencies, and Juvenile Court; to examine school, financial, hospital, doctor, and mental-health records on written release or court order; to examine a residence where a person seeking custody proposes to house the child; and to request court-ordered medical or mental-health examinations. A party's confidential information from a mental-health professional is treated specially — see Rule 24.9(5) — so ask your lawyer before signing a broad release.

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4 What the judge must decide

Georgia custody law starts from equality and ends with one test. There is no prima facie right to custody in either parent and no presumption for any particular form of custody. The judge's duty is “to look to and determine solely what is for the best interest of the child and what will best promote the child's welfare and happiness.” [O.C.G.A. § 19-9-3(a)(1)–(2)]

The judge *may consider any relevant factor*, including the list in § 19-9-3(a)(3). In plain language, that list is:

Bonds and caregiving

- **(A)** Love, affection, bonding and emotional ties between each parent and the child
- **(B)** The child's ties to siblings, half-siblings and stepsiblings
- **(C)** Each parent's capacity to give love, affection and guidance and to continue the child's education and rearing
- **(D)** Each parent's knowledge of the child and the child's needs
- **(E)** Capacity to provide food, clothing, medical care and day-to-day needs

Home, stability and involvement

- **(F)** Home environment — nurturance and safety, not superficial or material factors
- **(G)** Continuity, and how long the child has lived in a stable, satisfactory environment
- **(H)** Stability of each family unit and community support systems
- **(I)** Mental and physical health of each parent
- **(J)** Involvement in education, social and extracurricular activities
- **(K)** Employment schedule and flexibility to care for the child
- **(L)** The child's home, school and community record, and any health or educational special needs

Relationships and safety

- **(M)** Each parent's past performance and relative abilities for future performance of parenting responsibilities — paraphrased; check the statute for exact wording
- **(N)** Willingness and ability to facilitate a close, continuing relationship between the child and the other parent, consistent with the child's best interests
- **(P)** Any evidence of family violence or sexual, mental or physical child abuse, or criminal history
- **(Q)** Any evidence of substance abuse

Recommendations and the child's voice

- **(O)** Any recommendation by a court-appointed custody evaluator or guardian ad litem
- Older children also have a voice in specific ways, including election rules at age 14. Ask your lawyer how § 19-9-3 applies to your child's age.

How to use this page: Organize information by these factors, not by general grievances. A school record speaks to (J) and (L); a work schedule to (K); a medical-appointment calendar to (D) and (E).

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5 The investigation, step by step

Every investigation is different, and the appointment order controls. Most follow a recognizable sequence:

1 **Intake and first meetings.** The GAL usually meets each parent separately. Expect questions about routines, work, schooling, health, who does what day to day, and your concerns. Bring identification and any documents the GAL asked for; take notes of what was asked and what you provided.

2 **Meeting the child.** The GAL will meet the child in an age-appropriate way, sometimes more than once and sometimes in each home. The GAL is listening for the child's experience of daily life — not conducting a loyalty test.

3 **Home visits.** The GAL may examine a residence where the child would live [Rule 24.9(4)]. A normal, lived-in home is the point — safe sleeping arrangements, food, and daily necessities matter more than presentation.

4 **Records review.** School, medical, counseling, and other records relating to the child, as the order and releases allow. Keep a log of every record you provide or authorize (page 10).

5 **Collateral contacts.** Teachers, counselors, doctors, family members, and others with relevant knowledge. Suggest people who actually observe your parenting — and give accurate contact information.

6 **Observation and follow-up.** The GAL may observe parenting time or follow up on specific concerns, and may request that the court order a medical or mental-health examination or a custody evaluation by a court-approved expert [Rule 24.9(4), (8)(a)]. An evaluation is a separate role from the GAL's — ask who is doing what.

7 **Report and, if the case is tried, testimony.** See page 8. The GAL's appointment continues until final disposition of custody, visitation, and child-related matters, unless the court orders otherwise [Rule 24.9(3)].

> **Participation is part of the rule.** Under Rule 24.9(4), the GAL is entitled to notice of, and to participate in, hearings, trials, investigations, depositions, settlement negotiations, and other proceedings concerning the child. If you learn of a proceeding the GAL may not know about, tell your lawyer promptly — do not assume everyone was notified.

Timelines: There is no single statewide deadline for a custody GAL report. The time is as directed by the assigned judge [Rule 24.9(6)]. If a deadline matters to a hearing date, ask — in writing, through your lawyer — well before the hearing.

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6 Working well with the GAL

You do not have to agree with the GAL to work clearly with the investigation. These habits help any investigator see your child's daily life accurately — and they protect you if there is later disagreement about what happened.

Be organized, brief, and child-focused

- Lead with the child: routines, needs, school, health, and what you do about each. Save adult conflict for the specific factor it affects, with a document if you have one.
- Give documents in order, labeled, with dates. A short index (“School records, Sept–Dec; Medical visits; Work schedule”) beats a large undifferentiated file.
- Answer the question asked. If you do not know, say so. If you need to check a date, say you will confirm — then do, in writing.
- Distinguish what you saw yourself from what someone told you, and name the source. That distinction matters to every investigator and court.

Communicate in a way that leaves a record

- Confirm important conversations with a short, factual follow-up email: date, what was discussed, what you sent, what was requested next.
- Keep copies of everything you send, in the order you sent it. Keep the GAL's requests the same way.
- Be reachable and on time. If an emergency prevents that, communicate as early as you can and document it.
- Do not record, photograph, or post about the investigation without legal advice. Rules about recordings, confidentiality, and the GAL report (page 8) are specific, and a well-meant post can create a separate problem.

Your first meeting — a short checklist

- ☐ Photo identification and the appointment order
- ☐ A one-page timeline of the child's life and this case (dates only where you are sure)
- ☐ School, medical, and childcare contacts, with phone numbers
- ☐ Your work schedule and childcare arrangements
- ☐ A list of collateral contacts who observe your parenting, with how they know the child
- ☐ Your questions about process, records, home visits, fees, and the report date
- ☐ A notebook — write down requests and deadlines before you leave

> **Do not coach your child, and do not ask your child to carry messages.** Tell the GAL — and, if asked, the court — what you told your child about the meeting, in simple terms. Page 10 offers age-appropriate language. Coaching concerns can damage credibility more than almost any single answer helps it.

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7 The report: read it, check it, respond

What the report must contain

Unless the judge directs otherwise, the GAL submits a written report to the parties or their counsel and to the court at the time the judge directs. Under Rule 24.9(6), the report must:

- detail the GAL's findings and recommendations;
- summarize the investigation;
- identify all sources contacted or relied on; and
- give recommendations with the reasons for them.

At trial, the report is admitted into evidence for direct evidence and impeachment purposes, or any other purpose allowed under Georgia law. The report is not a substitute for the GAL's attendance and testimony at the final hearing unless all parties agree otherwise. [Rule 24.9(6)]

Confidentiality — handle the report carefully

The report is released only to counsel (including their staff and experts) and the parties. If filed, it is filed under seal. Unauthorized dissemination is sanctionable, including by contempt, and the GAL's file can be reviewed or copied by parties and counsel only if the court orders it. [Rule 24.9(6)(b)–(d)] In plain terms: **do not post the report, send it to family or social media, or share it beyond your lawyer and the people the rule and any court order allow.** When in doubt, ask your lawyer first.

How to read it — a four-pass method

1. **Sources pass.** List every source named. Who was *not* contacted whom you expected? Were records you provided actually listed?
2. **Facts pass.** Mark each factual statement: is it accurate, inaccurate, incomplete, or a relay of what someone else said? Note the document that proves your point, by date and page.
3. **Reasons pass.** For each recommendation, find the stated reasons. Do the cited facts support it? Is a § 19-9-3 factor addressed — or missing?
4. **Response pass.** With your lawyer, decide what belongs in testimony, cross-examination, additional documents, or a written response the court's procedures allow. In dependency cases, Georgia law expressly protects the parties' ability to challenge a GAL's recommendations and their factual basis under the rules of evidence [§ 15-11-104(k)]; in custody cases, the GAL testifies as the court's witness and is subject to examination by the parties and the court [Rule 24.9(7)].

At the hearing

The GAL is expected to be called as **the court's witness**, is qualified as an expert witness on the child's best interests, and may testify to the foundation provided by witnesses and sources and to the results of the investigation, including the recommendation. [Rule 24.9(7)] Prepare with your lawyer: which facts, sources, and methods matter most — not personal attacks on the GAL.

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8 Fees, boundaries & communication

Fees

In Superior Court custody cases, the GAL's compensation is in the judge's discretion and is apportioned between the parties. The GAL applies for payment, and the parties are given an opportunity to be heard on the application. [Rule 24.9(8)(g)] The rule sets no statewide rate or cap, so the appointment order and fee application in your case control. Keep every invoice and payment record, and ask promptly — through your lawyer — about any amount you do not understand. The GAL may bring a contempt action or other remedy to recover court-ordered fees. [Rule 24.9(3)]

Boundaries built into the rule

- **At trial:** The GAL “shall not be allowed to question witnesses or present argument, absent exceptional circumstances and upon express approval of the Court.” [Rule 24.9(7)]
- **Motions and discovery:** If appropriate, the GAL may file motions and pleadings the GAL determines are necessary to preserve, promote, or protect the child's best interests, including discovery requests and subpoenas, with prompt service on all parties. [Rule 24.9(8)(b)]
- **Settlements:** The GAL has the right to be informed of, and to object to, any settlement affecting the child's best interests before court approval. [Rule 24.9(8)(d)]
- **Contact with the court:** No ex parte communication with the court except in emergencies concerning the child's welfare or with consent — with immediate notice to parties and counsel, and an immediate hearing on request. [Rule 24.9(8)(f)]
- **Contact with counsel:** The GAL may communicate with one party's counsel without including the other. [Rule 24.9(8)(e)]

9 If you have concerns

Disagreement with a recommendation is not, by itself, misconduct. Concerns carry more weight when they are specific, documented, and tied to the rule: a source never contacted, a factual error with a document behind it, or a missed deadline in the order.

1. **Start with your own lawyer** and this record: dates, documents, and the exact rule or order provision involved.
2. **The appointing judge.** On motion of either party or the court's own motion, the court may consider removing the GAL “for good cause shown.” [Rule 24.9(8)(h)] Removal decisions belong to that judge.
3. **If the GAL is an attorney,** a grievance to the State Bar of Georgia is a separate route parents are commonly directed to. If the GAL is a **CASA volunteer**, the CASA program is the route for program concerns. These routes are not appeals of the custody decision itself.
4. **Preserve, do not escalate.** Keep communicating professionally and meeting deadlines while any concern is pending.

Georgia has no statewide GAL oversight board or registry for Superior Court custody cases — training and appointment are handled circuit by circuit under Rule 24.9. Sharing your experience with this project (back page) is voluntary, is not a court filing, and does not substitute for the routes above.

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10 Helping your child through it

Children do best with simple, calm, truthful information — and with adults who keep adult conflict away from them.

Language you can use

“A person called a guardian ad litem is helping the judge understand kids' lives — school, home, and what helps you feel safe and cared for. They may talk with you and visit our home. You can tell them about your everyday life. My job is to take care of you; the judge's job is to make the grown-up decisions.”

Adjust the words to your child's age. For a teenager, add that the judge — not the GAL and not either parent — makes the final decision.

Habits that help

- Keep routines, school, and sleep as steady as you can.
- Do not question your child after a GAL meeting. A neutral “How was your day?” is enough.
- Do not ask your child to keep secrets, carry messages, or report on the other home.
- Write down — for your lawyer, not for your child — anything your child volunteers that concerns safety, with date and exact words.
- If safety is urgent, use emergency services and your lawyer, not this guide.

Keep one clean record — document log

One log, kept contemporaneously, is more useful than scattered notes. Copy this table into a notebook or spreadsheet.

Date	What happened / was sent	Who was there / sent to	Document or proof (file name / page)

Questions to ask before you sign anything

- ☐ What records does this release cover, and for what dates?
- ☐ Who will receive what I sign or provide?
- ☐ Is this required by the appointment order, or requested beyond it?
- ☐ Has my lawyer seen this? (If you have no lawyer, consider a consultation before signing a broad mental-health release — Rule 24.9(5) treats that information specially.)

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Glossary & sources

Words you will hear

Guardian ad litem (GAL)	Person appointed to represent a child's best interests and assist the court. In custody cases, governed by Rule 24.9.
CASA	Court Appointed Special Advocate — a trained volunteer who may serve as GAL, principally in dependency cases.
Collateral contact	A person with relevant knowledge of the child (teacher, doctor, counselor, family member) whom the GAL interviews.
Custody evaluator	A separate, court-approved expert who conducts an evaluation. Not the same role as the GAL.
Ex parte	Communication with the judge without the other side present or notified. Strictly limited for GALs by Rule 24.9(8)(f).
Parenting time / visitation	The schedule of time a child spends with each parent, as ordered by the court.
Under seal	Filed with the court but not open to the public. The GAL report, if filed, is filed under seal [Rule 24.9(6)].

Sources — read the rules yourself

- Uniform Superior Court Rule 24.9, “Appointment, Qualification and Role of a Guardian Ad Litem” — Supreme Court of Georgia (order of April 11, 2005). https://www.gasupreme.us/wp-content/uploads/2015/06/un_sup_ru_24_9and25_E.pdf
- O.C.G.A. § 19-9-3 — Establishment and review of child custody and visitation (best-interests factors). https://law.justia.com/codes/georgia/title-19/chapter-9/article-1/section-19-9-3/
- O.C.G.A. § 15-11-104 — Appointment and removal of guardian ad litem; use of a CASA (dependency). See also §§ 15-11-103 and 15-11-105.
- Georgia Office of the Child Advocate — Guardian ad Litem (Juvenile Court dependency proceedings), training and CASA information. https://oca.georgia.gov/training/guardian-ad-litem-juvenile-court-dependency-proceedings

Quotations are short excerpts for explanation. The official rule and statutes control over any summary in this guide. Factor (M) on page 5 is paraphrased and flagged as such.

Share your experience — in the anonymous surveys. The project publishes papers for parents and collects anonymous survey responses about how the GAL system works in Georgia. The surveys are the only place experiences are collected — they ask for no name and no email address, and the project does not take accounts by email. Please leave children's names, case numbers, sealed reports, and confidential documents out of a survey answer — a short, general account is enough.

— End —

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