GEORGIA GAL ACCOUNTABILITY PROJECT · PAPER NO. 4 · NOVEMBER 2026 · REVISED WITH CORRECTIONS, NOVEMBER 5 AND NOVEMBER 9, 2026

The Shield

Georgia law has long shielded guardians ad litem from civil liability. Georgia never built the office that would make that protection one half of a working system.

The shield stands in O.C.G.A. § 19-9-3(a)(7): neither a custody evaluator nor a guardian ad litem (GAL) is subject to civil liability for an act or failure to act in the role unless it was in bad faith. That sentence is longstanding law — it predates, by years, the 2025 bill (HB 253, "Ethan's Law") that would have restated it, and that stalled and died without enactment, as Section 1 now sets out and the correction note at the end of this paper records. This paper sets the protection — real, current, and old — beside a documented absence: Georgia has no oversight body for GALs in custody cases — no intake office, no investigation standard, no public count of complaints or outcomes. Protection and oversight are the two halves of every accountable profession. Georgia has, at present, only one half, and it has had that half for a long time.

What this paper is — and is not

This is a systems paper from a grassroots project, written anonymously by design. It names no family, describes no individual case, and accuses no individual GAL of misconduct. It does not argue that any GAL should have been liable in any case, and it does not criticize the families and advocates whose work produced Ethan's Law, the 2025 bill described in Section 1 — their central purpose, ending court-ordered reunification programs, is described below as the bill proposed it. Every factual claim is tied to a statute, a rule, or a published source listed in the Sources. The argument is structural: a shield is only as sound as the system standing behind it.

1 · The shield in the statute — and the bill that wasn't

The shield is a sentence in the custody statute. O.C.G.A. § 19-9-3(a)(7) provides that neither a custody evaluator nor a GAL "shall be subject to civil liability… unless such act or failure to act was in bad faith." In plain terms: a parent who believes a GAL's work in a custody case was negligent, incomplete, or unfair cannot sue over it. Civil liability requires bad faith — a standard aimed at deliberate wrongdoing, not at error, and one a complaining parent would have to plead and prove against a court-appointed officer whose file the parent may never have seen. That sentence predates the recent debate by years; it stood in the Code by 2019.

In 2025 the General Assembly took up House Bill 253 — Ethan's Law, a bill with a protective purpose this project does not question. As passed by the Senate in substitute form, it would have done two things relevant here: principally, it would have banned court-ordered "family

reunification treatments" — programs a court could order a child into for the purpose of restoring a relationship with a parent, outside ordinary therapy — and it would have restated the (a)(7) liability sentence. The bill passed the House on February 26, 2025 (166–0) and the Senate, by substitute, on April 2, 2025 (55–0). On April 4, 2025, the last day of the session, the House agreed to the Senate substitute only as amended. The Senate never concurred. HB 253 has no Act number and no governor's signature; it died with the 2025–26 biennium. Law-firm blogs and advocacy accounts widely reported a July 1, 2025 effective date — the effective date written in the bill's own text — but the bill never became law, and the reunification ban appears nowhere in the current Code. The full record is set out in this project's Paper No. 6, *The Law That Wasn't*.

What, then, is the system's latest word on GAL accountability? There isn't one. The project's November 2026 sweep — a full check of the General Assembly's records and the appellate courts — verified no new Georgia bill in 2025–26 affecting GAL appointment, duties, oversight, registry, or training, and no amendment to Rule 24.9. The shield stands in the Code, where it has stood for years, and around it, on the oversight side, the record for 2025–26 is silence.

2 · Where a complaint goes today

If civil liability is closed absent bad faith, what remains for a parent who believes a GAL in a custody case acted improperly? By the Office of the Child Advocate's own published guidance, there are three doors:

- **The judge who appointed the GAL.** Removal is by the appointing judge alone, for good cause shown, under Uniform Superior Court Rule 24.9(8)(h). The judge is also the person who selected the GAL, relies on the GAL's report, and may appoint the same GAL again. No other official can remove a custody GAL.
- **The State Bar of Georgia — for attorney GALs only.** Superior Court GAL service does not itself require Bar membership, so a non-attorney GAL is outside this door entirely. For attorney GALs, the route is the Bar's grievance process, which is a process about law licenses, not about the GAL appointment: grievances are confidential, dismissed grievances are destroyed after one year under Bar Rule 4-224, and public discipline, when it occurs, is published by lawyer name only, with no field identifying the GAL role.
- **The CASA program — for CASA volunteers only.** CASA volunteers serve in dependency cases under program supervision; the route does not reach a privately appointed custody GAL at all.

Beyond the three doors, the structure is empty. Georgia's Child Advocate covers children in the DFCS system; a child in a private custody dispute has no equivalent office. There is no GAL-specific intake body, no published investigation standard for complaints about custody GALs, no ombudsman, and no requirement that anyone count complaints, investigations, or outcomes. The one Georgia statute that counts anything about GALs — SB 401 (2024), which collects GAL

appointment dates in dependency foster-care cases for a report to the General Assembly — concerns the dependency system only, touches appointments rather than complaints, and no public copy of its report has been located.

And discipline, where the doors exist, leaves no public trace a parent or legislator can read. The project's research found no published Georgia decision disciplining an attorney for conduct as a GAL. That is a statement about the public record, carefully bounded: confidential discipline, if any occurred, cannot be assessed from public sources — which is itself part of the point. Nothing in the rules requires an appointing judge to check a GAL's Bar record before appointment, and nothing disqualifies a disciplined attorney from serving. An upheld complaint in one place and a fresh appointment in another can coexist, with no record connecting them, because no one keeps the record that would connect them.

3 · The appellate backstop is narrow

One route remains that this paper has not yet described: appeal. A parent can carry a GAL-related ruling to the Court of Appeals, and Georgia's small appellate record on GAL conduct shows both that the route exists and how rarely it corrects anything. In *Belliveau v. Floyd*, 359 Ga. App. 475 (2021), the Court of Appeals vacated a legitimation order — one that granted legitimation and terminated the legal father's parental rights — because the trial court had decided the case without holding any evidentiary hearing at all, ruling instead on briefs, affidavits, and the GAL's report, which the parties were consequently unable to use at a hearing as Rule 24.9(6) provides — the access principle, vindicated on appeal. Against that stand the affirmances on the conduct questions themselves: in *Murphy v. Murphy*, 328 Ga. App. 767 (2014), the denial of a motion to disqualify the GAL was affirmed, and the court imposed a frivolous-appeal penalty on the appealing parent's counsel; and in *Cockerham v. Cockerham*, 359 Ga. App. 891 (2021), the denial of a motion to remove the GAL was upheld, an appearance of bias without documented harm held not enough — though that judgment was mixed, vacating the parenting-time modification itself for want of the factual findings the father had requested while affirming the fee awards. The project's research summary states the pattern plainly: the appellate record is one vacatur on a hearing principle against affirmances on the conduct questions themselves.

Appeal, in any event, is a remedy pointed at one case's order. It cannot create an intake office, a standard, or a count; it reaches the parent who can afford to take it, after the custody decision has already been made on the report being challenged; and a parent deterred by the prospect of a frivolous-appeal penalty has been given a reason not to try. A system whose only functioning check on a court-appointed officer is an appeal that parent must fund, after the fact, case by case, has not built a check on the office. It has priced one.

4 · The combination is the finding

Each element above is defensible in isolation, and this paper defends none and attacks none in isolation. Immunity for court-appointed officers has a genuine rationale: a GAL who fears suit from every disappointed parent may shade recommendations toward whoever is likeliest to sue, and courts have reason to protect independent judgment. A bad-faith exception preserves liability for deliberate wrongdoing. Confidential grievance processes protect the accused as well as the process. The appointing judge does know the case.

The finding is the combination, and it can be stated in one sentence: Georgia has given its custody GALs the civil protection of a regulated profession without building the regulatory structure that, in every regulated profession, is the protection's other half.

A doctor shielded from ordinary-negligence suits practices under a licensing board that takes complaints, investigates to a standard, and publishes outcomes. A lawyer answers to a Bar. A GAL in a Georgia custody case answers, in practice, to the judge who appointed her or him — the same judge whose decision the GAL's report informs — under a complaint route with no intake office, no stated standard, no count, and no published result. The shield does not create that gap; the research in this project's earlier papers documents that the gap is as old as the shield itself. And the 2025–26 session changed neither side of the ledger: the one GAL-adjacent bill that moved — Ethan's Law — stalled and died, and no bill at all addressed the oversight side — who serves, who complains, what happens. The protected side stands written into the Code; the oversight side remained unaddressed and uncounted.

The practical consequence falls on the people the system exists for. A parent whose complaint cannot be filed anywhere but the appointing judge's chambers, cannot be investigated to any published standard, and cannot be counted even if upheld, has not been given a remedy that failed. The parent has been given no remedy whose working can be checked. And a GAL who serves conscientiously — as the project states plainly in every paper, many do — is ill served by the same gap: with no intake, no standard, and no published outcomes, there is no official record by which good work is distinguished from bad, and no vindication a good GAL can point to when accused.

5 · What standing behind the shield would take

Nothing in this section requires new theory. Each element exists in some American system the project's earlier papers describe, and each is addressed to the institutions positioned to build it — the General Assembly, the Supreme Court of Georgia and the Judicial Council, and the Office of the Child Advocate — as an invitation, with the project's research at their disposal.

- **An intake office that is not the appointing judge.** An ombudsman-style office where a concern about a custody GAL can be reported, logged, investigated to a stated standard,

and counted — whether or not it is upheld. This is the single missing piece that makes every other piece legible.

- **Published counts.** Complaints received, investigated, and resolved, published annually — the Minnesota model, where the statute requires the numbers of complaints, investigations, and complaints resulting in discipline to be reported to the legislature each year. A shield accompanied by published counts can be evaluated; a shield without them can only be asserted.
- **A registry that connects the records.** A public list of who is eligible to serve, so that appointment, any discipline, and any removal exist in one frame rather than in separate confidential files that never meet.
- **A removal route with a second door.** Connecticut's standing-committee model shows a complaint process can run to a body other than the trial judge without creating a new agency. The appointing judge's removal power can remain; it should not be the only power there is.

Until some version of that structure exists, the honest description of Georgia's position is the one this paper opened with: the protection stands in the Code, and the oversight does not exist. Legislators who supported Ethan's Law for the protection of children — in both chambers, nearly unanimously — and judges and GALs who serve under the shield, are the audiences best placed to complete the design — because a shield that stands behind a working system protects everyone in it, including the GALs themselves.

Help build the record

The Georgia GAL Accountability Project is a grassroots effort to document how guardians ad litem work across Georgia — and to press for a system that is accountable and fair.

Two kinds of help matter most right now:

- **Answer a survey.** The project runs separate anonymous surveys for parents who have had a GAL in a Georgia case and for professionals who work alongside GALs. Surveys carry no phone number and ask for no child's name or case details.
- **Share an experience — through the anonymous surveys.** Experiences reach this project only through its anonymous surveys, which ask for no name, no email address, and nothing that identifies a child. The project does not accept accounts by email. Patterns are the point; no single story is published as fact on its own.

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Project email only. This paper was published anonymously by the project; no individual is named as its author, and no family's case is described in it.

A note on method — and on limits

Correction (November 5, 2026). As first published, this paper described HB 253 (Ethan's Law) as enacted effective July 1, 2025, described its Senate substitute as the source of the civil-liability shield in § 19-9-3(a)(7), and described its reunification-treatment ban as law. Each statement was wrong. The project's November 2026 legislation sweep, checked against the bill's official history and the current text of § 19-9-3, established that the House amended the Senate substitute on April 4, 2025, that Senate concurrence never occurred, that the bill bears no Act number or signature, and that it died with the 2025–26 biennium; that the (a)(7) bad-faith liability sentence predates HB 253 and stands in the current Code on its own; and that the Code contains no reunification prohibition. The error followed widely published law-firm and advocacy accounts, which is an explanation, not an excuse: the project's inclusion rule requires verification from official text, and on this point the rule was not met. The paper has been revised throughout to the verified position, and the correction is recorded here permanently rather than silently edited. The paper's structural argument does not depend on the date of the shield's enactment and is unchanged. The full record is in Paper No. 6, *The Law That Wasn't*.

Correction (November 9, 2026). Section 3's descriptions of the three Georgia appellate decisions have been corrected against the opinions themselves. As previously revised, the paper described *Belliveau v. Floyd* as vacating "a custody order"; the vacated order was a legitimation order, and the defect was that no evidentiary hearing was held at all. The paper also stated that the frivolous-appeal penalty in *Murphy v. Murphy* was "imposed on the parent"; it was imposed on the parent's counsel. And *Cockerham v. Cockerham* was described simply as "an affirmance"; the judgment was affirmed in part and vacated in part, as Section 3 now states. Full citations for all three decisions have been added to the Sources. The paper's structural argument is unchanged.

Legislative findings were compiled November 4–5, 2026 from the statutes, rules, and official guidance listed below, and re-checked against the General Assembly's records in the project's monthly review of November 5, 2026 and in the November 2026 legislation sweep. The statement that no published Georgia decision disciplines an attorney for GAL conduct is a research finding about the published record — confidential processes, by design, cannot be assessed from public sources, and this paper does not claim to know what they contain. Readers should check the cited statute for the current text before relying on it.

Sources

- O.C.G.A. § 19-9-3(a)(7), current text — the bad-faith civil-liability provision discussed in this paper; it predates HB 253: law.justia.com/codes/georgia/title-19/chapter-9/article-1/section-19-9-3/
- HB 253 (2025), "Ethan's Law" — NOT enacted (see the correction note above): House passed Feb. 26, 2025; Senate substitute passed Apr. 2, 2025; House agreed as amended

Apr. 4, 2025; Senate concurrence never occurred; no Act number or signature. Official history: legis.ga.gov/legislation/69866.

- Georgia Uniform Superior Court Rule 24.9 (appointment, role, fees, removal — including § 8(h), removal by the appointing judge for good cause shown): gasupreme.us/wp-content/uploads/2015/06/un_sup_ru_24_9and25_E.pdf
- Georgia Office of the Child Advocate, Frequently Asked Questions (complaint routes; scope of the Child Advocate's office): oca.georgia.gov/frequently-asked-questions
- State Bar of Georgia, Bar Rule 4-224 (confidentiality of grievances; destruction of dismissed grievances after one year).
- O.C.G.A. § 15-11-64.1 (SB 401, 2024) — dependency GAL appointment-date reporting to the General Assembly.
- Georgia appellate decisions discussed in Section 3: *Belliveau v. Floyd*, 359 Ga. App. 475, 858 S.E.2d 763 (2021); *Murphy v. Murphy*, 328 Ga. App. 767, 759 S.E.2d 909 (2014); *Cockerham v. Cockerham*, 359 Ga. App. 891, 860 S.E.2d 163 (2021).
- Minn. Stat. § 480.35 (State GAL Board; annual report to state the numbers of complaints, investigations, and complaints resulting in discipline): revisor.mn.gov/statutes/cite/480.35
- Connecticut Judicial Branch, Standing Committee on Guardians Ad Litem and Attorneys for the Minor Child — complaint and removal procedures: jud.ct.gov
- Project research reports, November 4–5, 2026: Georgia GAL Training and Legislation Reference; Issues, Problems and Gaps in Georgia's Guardian ad Litem System — Georgia GAL Accountability Project files.

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