

9/21/20

## GUARDIAN AD LITEM ATTORNEY APPLICATION

The Guardian Ad Litem (GAL) Program is managed by the San Diego County Bar Association's Lawyer Referral and Information Service (LRIS). Attorney volunteers in the program are eligible for appointment by the juvenile court to serve as guardian ad litem to advance the best interests of a dependent child, to make decisions that will protect the child's legal interests, and to oversee the civil litigation and the work of the civil attorney representing the child.

The duties of the GAL include:

- Acting in the best interests of the child;
- Maintaining age-appropriate contact with the child on an on-going basis;
- Communicating with the child's dependency attorney, civil attorney, social worker, and current caregiver, as appropriate;
- Providing quarterly updates on the status of the case to the dependency court;
- Learning the facts of the case sufficiently to sign verifications for discovery;
- Making best efforts to ensure that the child's claim is diligently and competently pursued;
- Discussing all settlement offers with the civil attorney;
- Signing all legal documents in the case on behalf of the child;
- Providing support to the child throughout the litigation process, as appropriate, which may include assistance in preparing the child to testify;
- Attending any formal settlement conferences or alternative dispute resolution proceedings, as directed by the civil attorney;
- Authorizing or rejecting settlement offers;
- Attending the child's compromise hearings;
- Approving how a settlement or judgment award will be handled for the child, including but not limited to, the selection of the fiduciary;
- Continuing to represent the child's interests as the GAL if dependency court jurisdiction terminates before resolution of the civil case and the GAL's duties have not otherwise been terminated.



The duties of the GAL terminate when any of the following occurs:

- The civil case is resolved by settlement or an award at trial, and the funds belonging to the dependent child are placed in a protected account.
- The civil attorney is relieved, and the judge notifies the GAL that substitute counsel will not be appointed.
- The GAL determines that going forward with the case would not be in the best interests of the dependent child.
- The GAL is relieved by the court.

INSTRUCTIONS: Please return the completed form with a copy of the cover page of your professional liability insurance policy to the San Diego County Bar Association Lawyer Referral and Information Services ("LRIS") at 401 West A, Suite 1100, San Diego, California 92101 or submit via email to Iris@sdcb.org.

Name: (Last) (First) (Middle)

Telephone: Email:

Firm Name:

Office Address:

State Bar Number: Current LRIS member? Yes No

Liability Insurance Carrier name:

Policy Limits:

Expiration Date: (attach declaration page)



Years engaged in active law practice since Bar Admission: \_\_\_\_\_

Have you ever been disciplined in this or any other jurisdiction by a state or federal licensing agency?

Yes \_\_\_\_\_ No \_\_\_\_\_ (check one)

If your answer is yes, by separate attachment fully disclose the nature of each disciplinary action taken, the name and location of the licensing agency involved, relevant date(s), and the final disposition. The Court will review applications where discipline is disclosed.

(Note: All Lawyer Referral Services in California are required to inform clients referred of the nature of any disciplinary action(s) taken against an attorney. Civil Code § 43.95; Revenue and Taxation Code § 23734 (d). Moreover, the LRIS must determine the disciplinary status of all panel members and must disclose to the Court and the client the nature of any disciplinary action taken against the panel attorney and when the disciplinary action occurred. There is no prospective time limit on the duty to disclose disciplinary actions.)

**CERTIFICATION:** I have read, and I am familiar with the guidelines of the Guardian Ad Litem program and certify that I am qualified for appointment to the Guardian Ad Litem panel under the guidelines. I declare under penalty of perjury that the following is true and correct:

1. I am an active member in good standing of the State Bar of California.
2. I agree to be bound by all of the Guidelines for the San Diego County Bar Association Guardian Ad Litem Program, together with such other or additional rules as may hereafter be adopted by the LRIS.
3. I agree to provide only the services required of a guardian ad litem appointed pursuant to California Rules of Court, rule 5.660(g)(3)(C) and San Diego Superior Court Rules, rule 6.5.1.D.3.”
4. I embrace the goals stated in the San Diego County Bar Association Guardian Ad Litem Program and agree that no Appointed Guardian Ad Litem shall offer representation of the child for a fee. Further, I understand that I cannot represent the child in the same matter as a lawyer, even on a contingency or pro bono basis, once I have assumed the duties of a Guardian Ad Litem.
5. I have attended or viewed the recording of the Guardian Ad Litem training program provided by Children’s Legal Services of San Diego, which is hosted on the SDCBA website.



6. I agree to promptly notify the LRIS Program Director if I become ineligible, disqualified, or otherwise unable to serve on the Guardian Ad Litem program panel.
7. I agree to waive all claims I may have against and indemnify and hold harmless the San Diego County Bar Association, the LRIS, and its officers, directors, committee members, and employees against and from all claims, losses, and liability arising out of the operation of the Guardian Ad Litem Program, the LRIS, or arising from any appointment made by or through the Guardian Ad Litem Program.
8. I agree to acquire and maintain professional liability insurance in the amounts of \$100,000 per claim and \$300,000 per policy year, or such other amounts as may be set by the LRIS Committee, and to annually provide proof of the existence of such coverage. I understand I can receive no referrals until proof of malpractice insurance has been received by the LRIS.
9. I agree to notify the LRIS Program Director (Michelle Chavez [mchavez@sdcba.org](mailto:mchavez@sdcba.org)) as promptly as is reasonably practicable, of any disciplinary action taken against me in the future while I am serving as a Guardian Ad Litem.

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Date

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Signature

Please scan and email to [iris@sdcba.org](mailto:iris@sdcba.org)