

GAL Duties and Ethics With Children in CINA proceedings

Judge Owens

2022

1. Are Guardian Ad Litem (GALs) in Iowa CURRENTLY required by statute to file written reports with the Court for any child welfare hearing(s)?
Yes or No (circle one)
2. Is a GAL required by Iowa law to interview medical and mental health professionals providing services to a child before a CINA adjudication hearing?
Yes or No (circle one)
3. Is a GAL required by Iowa law to interview medical and mental health professionals providing services to a child in a group care placement after the child has been adjudicated to be in need of assistance?
Yes or No (circle one)
4. Is a GAL required by Iowa law to visit a child each time placement is changed?
Yes or No (circle one)
5. Is a GAL required by Iowa law to visit a child more than once at any given placement?
Yes or No (circle one)
6. Is a GAL required by Iowa law to interview the child prior to all court ordered hearings?
Yes or No (circle one)
7. Is a GAL required by Iowa law to interview the assigned counselor to a child at a QRTP placement or PMIC?
Yes or No (circle one)
8. Is a GAL required by Iowa law to interview foster parents?
Yes or No (circle one)
9. Is a GAL allowed by Iowa law to just submit a written report, and not attend hearing(s), for a child placed outside the parental home in a CINA case?
Yes or No (circle one)

10. As a Guardian Ad Litem, circle the role that you think a lawyer is ethically filling in doing their GAL duties per Iowa Code 232.22(b)?

- a. Advisor
- b. Advocate
- c. Negotiator
- d. Evaluator

11. Any lawyer who has a contract with the state public defender should be able to accept a GAL appointment for a child in out of home care and be competent to do so. This is because Iowa Rule of Professional Conduct 32:1.1 comment 2 states “[a] lawyer can provide adequate representation in a wholly novel field through necessary study.” Any lawyer, new or inexperienced in child welfare, would not even need to associate with an experienced attorney who has done significant GAL work with children in the child welfare system placed outside the home.

Agree or Disagree (circle one)

12. Assume that a Child is 10 years old. The Child is placed outside the home. The judge “bifurcates” and appoints the Child her own attorney, and you are appointed to be the Child’s Guardian Ad Litem.

a. Can Iowa Rule of Professional Conduct 32:1.3 requiring Diligence be enforced upon you if you don’t visit a child or show up for a hearing? In other words, could a violation be shown?

Yes or No (circle one)

b. Can Iowa Rule of Professional Conduct 32:1.4 requiring that a lawyer maintain communication with a client be enforced upon you if you don’t visit a child or call or write her? In other words, could a violation be shown?

Yes or No (circle one)