

Guardian ad Litem Project

A Project of the Cleveland Metropolitan Bar Association
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Guardian ad Litem Project Policy for the Conduct of Guardians ad Litem Appointed on Judicial Bypass Cases - Adopted 6-4-09

1. Unless the ward has a separate attorney, a guardian ad litem representing the best interests of a ward in a judicial bypass case may also be appointed as counsel for the ward unless a conflict of interest exists in the dual role.
2. The guardian ad litem shall make all reasonable efforts to schedule an interview with the ward at the time the guardian ad litem receives the appointment from the Court.
3. During the guardian ad litem's interview of the ward, the guardian ad litem shall inquire as to the ward's knowledge of all options available to her, the medical procedures, the risks involved, and the reasons for her decision.
4. The guardian ad litem shall fully prepare the ward for an evaluation by the Diagnostic Clinic and for the hearing.
5. The guardian ad litem shall ascertain if it is in the best interests for the ward to call any other witnesses to testify at the hearing.
6. The guardian ad litem shall fully prepare for hearing and determine the most appropriate legal arguments in order to advance what is in the best interest of the ward. This may include whether to pursue, as a primary strategy, the "sufficiently mature and well informed" argument and/or "best interests" argument. The guardian ad litem shall discuss each argument with the clinician and the ward.
7. Prior to the hearing, the guardian ad litem shall inform the ward in regard to the conduct of the hearing and interview the clinician who evaluated the ward at the Diagnostic Clinic.

8. The guardian ad litem shall ascertain whether the hearing should not proceed for any reason and shall so inform the ward.
9. The guardian ad litem shall make other inquiries of the ward as prescribed by the list of questions provided in judicial bypass advanced training.
10. The guardian ad litem shall advance what is in the best interest of the ward which may include conducting thorough direct examination of the ward, the clinician, and any other necessary witnesses.
11. The guardian ad litem shall ensure that a record is made of the proceedings, make appropriate objections, and preserve the record for appeal.
12. If the request for judicial bypass is denied, the guardian ad litem shall discuss with the ward all available legal options.
13. The guardian ad litem shall file an appeal for the ward unless the guardian ad litem determines there is sufficient good cause not to do so.
14. Once the appeal is filed, if a conflict of interest exists that prevents the guardian ad litem from pursuing the appeal, the guardian ad litem shall comply with Guideline 6 of the Guidelines for Guardians ad Litem Practicing in the Court of Common Pleas – Juvenile Division.