

# Code of Ethics for GAL in Civil Family Law Cases

This Code of Ethics (COE) provides Indiana Guardians ad Litem (GAL) with guidelines for professional behavior and ethical conduct. This COE is applicable to each GAL who serves in family law cases, which include but are not limited to custody and parenting time matters in dissolution of marriage cases and in paternity cases; minor guardianship cases; third party custody actions in dissolution of marriage cases and in paternity cases; adoptions, grandparent visitation cases, and third-party visitation cases. The GAL Registry maintained by the Indiana State Office of GAL/CASA is a list of all qualified GALs in Indiana who can be appointed in family law cases. Rule 3.3 of the GAL Guidelines requires every Order of GAL Appointment to contain a statement requiring the GAL to adhere to the GAL Guidelines and GAL Code of Ethics.

## CONDUCT

1. GAL must be a qualified individual appointed by a court to represent and protect the best interests of the child.
2. GAL will abide by this COE and all laws, standards and regulations governing their activities.
3. GAL will uphold the credibility, integrity and reliability of GAL advocacy by conducting all business in an honest, fair, professional, and compassionate manner.
4. GAL will not use their authority inappropriately, nor condone any illegal acts or unethical practices related to their role and responsibilities.
5. GAL will not use their position or relationships with families on cases in which they are appointed as the GAL for inappropriate personal, professional or financial gain.
6. GAL will maintain independence, objectivity and the appearance of fairness in dealing with parties and professionals, both inside and outside of the courtroom. GAL is an officer of the court and shall treat parties with respect, courtesy, fairness, and act in good faith in completing their GAL responsibilities.
7. GAL will demonstrate candor to the court at all times; GAL shall not knowingly make a false statement of fact or law to the court or fail to correct a false statement of fact or law previously made to the court and shall not offer evidence that he or she knows to be false.

8. GAL shall complete their responsibilities in a timely manner and will not unnecessarily delay court proceedings. GAL shall timely inform the court of relevant information. GAL will decline appointments, or will withdraw, when the GAL does not have the time or ability to effectively advocate for a child.
9. GAL will not initiate, permit or participate in any *ex parte* communications with the judge. *Ex parte* communications are communications outside the presence of the parties concerning a pending or impending proceeding except as authorized by court rules or statutes.
10. GAL will not practice, condone, facilitate or participate in any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, or mental or physical handicap.
11. GAL will take necessary steps to avoid any actual or apparent conflicts of interest related to cases including, but not limited to:
  - a. GAL shall avoid self-dealing or associations for which the GAL might indirectly benefit, other than for compensation as a GAL.
  - b. GAL shall not accept or maintain appointments if their performance as a GAL may be limited by the GAL's responsibilities to another client or third person or the GAL's own interests.
  - c. GAL shall not engage in a personal relationship with a child, party, or participant that creates an unacceptable risk of harm to the child's best interest or of impairing the GAL's objectivity or judgment.
  - d. GAL shall not serve on a case when GAL has been personally involved with a family or with the circumstances surrounding the case unless there is full disclosure of the potential conflict to all parties and any perceived or actual conflict is waived. This provision does not prevent a GAL from being re-appointed to a case on which they previously worked.
12. GAL shall take immediate steps to resolve any potential conflict of interest or impropriety. GAL shall advise the court, attorneys and parties of actions taken, and ask the court for guidance on resolution of the conflict.
13. GAL shall not act as a mediator, parenting coordinator, or therapist or provide other services to the family on a case in which they are serving as the GAL.
14. GAL will exercise independent judgment on behalf of a child and advocate solely for the best interests of the child. GAL will resist influences and pressures that interfere with impartial judgment and will report honestly and impartially to the court.

15. GAL shall maintain documentation to substantiate recommendations and conclusions. GAL records are available to the parties and can be reviewed upon request as provided by applicable GAL statutes.

### CONFIDENTIALITY

16. GAL will respect the right to privacy of all individuals. GAL will maintain strict confidentiality of all information related to a case and will acknowledge their obligation to maintain confidentiality in their Oath and Acceptance for each case. GAL will not disclose confidential information relating to a case to any person who is not a party to the case except as necessary to perform the responsibilities of a GAL, in reports to the court and as provided by law or court order. GAL will not use confidential information obtained through their work for personal benefit.
17. GAL shall advise the parties and the child that there is no GAL privilege and that any statements or documents shared with the GAL can be shared with the parties to the case, their attorneys, and the court.

### KNOWLEDGE AND UNDERSTANDING

18. GAL must meet and maintain the qualifications and training required by the GAL Guidelines for Civil Family Law Cases and shall promptly notify the Court of any grounds for disqualification or unavailability to serve.
19. GAL must respect a child's inherent right to grow up with dignity in a safe and permanent environment that meets that child's best interests.

### COMPLIANCE

20. Compliance with the COE and GAL Guidelines shall be monitored by the Director of the Indiana State Office of GAL/CASA and the Indiana Supreme Court GAL Family Law Oversight Commission.