

FAIRFAX CIRCUIT COURT
Guardian Ad Litem Procedures
(Updated October 2019)

Petitions which Require a GAL Appointment & Request for Hearing:

- Petitions which require the judicial appointment of a *Guardian Ad Litem*, should be filed *at least* (4) four weeks *prior to* the anticipated Friday motions day hearing date. Any *Praecipe* setting the case on the Friday Motions Docket filed *with* the Petition should observe this minimum, 4-week time schedule.
- The filing fee for a Petition for Guardian/Conservator is **\$20.00**. If the Petitioner is indigent, he/she may file an additional petition for waiver of fees with the Circuit Court (Fairfax Circuit Court's local civil waiver form CR-A-25 or the Virginia Supreme Court's Form CC-1414 <http://www.courts.state.va.us/forms/circuit/cc1414.pdf>) **NOTE:** filing such a waiver form may delay the GAL Appointment Process, since the waiver must be considered by the bench, as an independent matter.
- If the facts of the case necessitate immediate attention, please see our ***“Guidelines for Emergency Appointment of Guardian Ad Litem and Guardianship for Incapacitated Persons.”*** (see below)
- If the Petitioner has not done so already, after the GAL has been appointed and has prepared the confidential report, Petitioner may then file a *Praecipe* to place the matter on the Friday Motions Docket (9am uncontested; 10am contested).

ATTORNEYS PLEASE NOTE: *If Petitioner's Counsel has multiple hearings scheduled in Fairfax Circuit Court for that Friday, contact the **Motions Day Clerk by phone at 703-246-4355** and we will try to assign all of your cases to one courtroom.*

The Order Appointing the GAL:

- Once you have filed your Petition which requires the judicial appointment of a *Guardian Ad Litem*, the Clerk's Office will prepare the GAL Appointment Order by selecting the next, eligible person on the Fairfax GAL Rotation List (“GAL List”). The Clerk's Office's GAL List is derived from the Virginia Supreme Court's GAL-approved list for the 19th Judicial Circuit. Our GAL List is updated monthly by the Clerk's Office, based on the Virginia Supreme Court's Master List. We apply the GAL List appointments in a sequential, rotating fashion, to ensure equal distribution of appointments among all eligible Fairfax GALs.

GALs PLEASE NOTE: *If you want to be de-activated from the GAL List, you must **first** be removed from the Virginia Supreme Court's Master GAL List, before contacting us for de-activation.*

- Once the GAL Appointment Order is signed by a Circuit Judge, our offices **will email** the GAL Appointment Order to both the Petitioner's Counsel and to the GAL being appointed. If there has already been a conforming Friday Motions Day *Praecipe* filed (see above for 4-week timeline), it is imperative that the GAL and Petitioner's Counsel communicate effectively regarding the upcoming hearing.

ATTORNEYS PLEASE NOTE: *If a GAL with a specialized expertise is needed, and you would like to recommend to the Court a certain GAL by name, please indicate any recommendation in the initial Petition and place a Motion on the 9:00 a.m. Motions Docket. If you do NOT recommend a specific GAL by name, the Clerk's Office will use the GAL List.*

- The Judges of the 19th Judicial Circuit expect GALs on the GAL List to accept GAL appointments in all cases when contacted by the Clerk's Office. If there is a conflict, or the

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appointed GAL is unable to accept the appointment, the GAL must file a *Praecipe* and Motion to withdraw from the GAL appointment, placing the Motion on the 9:00 a.m. Friday Motions Docket with a Judge.

- You can expect the GAL Appointment ORDER to be entered within four (4) days of the Petition's filing.

The Clerk's Office **will e-mail** a copy of the signed order to the Petitioner's Counsel and the appointed GAL. NOTE: it is imperative that the Clerk' Office has the most current emails for both GAL List members and Petitioner's Counsel.

- Attorneys will no longer be notified by phone that the Order has been entered.
- Petitioner's Counsel is responsible for forwarding copies of the Petition and the *Praecipe* (if one has been filed at this point) to the GAL.

GAL Report Submission:

The now-appointed GAL should file the GAL Report by e-mail to CCRGalReport@FairfaxCounty.gov. Pursuant to §64.2-2005, GALs should attach their report to the email and may title it "Confidential GAL Report in CL-2019-xxxx."

GALs PLEASE NOTE: Reports must be received **one week prior** to the Friday Motions Day Hearing.

Guidelines for Emergency Appointment of Guardian Ad Litem for Incapacitated Persons through Calendar Control

In most cases, four (4) days is a sufficient turn-around time from the initial filing of a Petition for Guardian/Conservator, to the GAL Appointment Order entry by the Judge.

In a limited number of cases, it may be essential for a GAL to be appointed immediately. Counsel may seek the signing of an Emergency GAL Appointment Order at Calendar Control.

1. Petitioner reasonably believes that the Respondent's *life or health is threatened*.

- The Respondent has left or may leave or be removed from a care facility or their home.
- The Respondent's living conditions are dangerous.
- Consent for a medical procedure or surgery is needed (being in a hospital is not necessarily an emergency situation).

2. Petitioner reasonably believes the Respondent is being *financially exploited*.

- Repeated payments for the same services.
- Participation in telemarketing sweepstakes and ventures.
- Inappropriate transactions with family members.

Please do not bring non-emergency matters to Calendar Control.