



M



THE MILLARD LAW FIRM

Alpharetta Divorce & Family Law

DIVORCE & CHILDREN WITH SPECIAL NEEDS

What to Expect from a Guardian ad Litem During Your Divorce Matter Involving a Special Needs Child

A major part of our family law practice involves working with couples and families going through the divorce process. In many divorce cases, complex issues such as child custody, child support, parenting time, alimony, and financial or property division may arise. The divorce process can be traumatic for parents and couples, but it can be complicated further when the divorce involves children with special needs.

Whether it is specialized equipment and vehicles, complex medical needs, therapist not covered by insurance, or decisions involving educational decisions in the school system, it is important you communicate these needs with your attorney.

Finding an attorney who understands your situation will help ensure the needs of your child/ren are addressed and protected; one way to address these needs is by having a Guardian ad Litem (GAL) appointed to your case. A GAL is appointed by the Court with the sole purpose of representing what is in the best interest of the child. A Court may assign a GAL when a case is contested, has complex circumstances, or has unique situations requiring an outside party to investigate. It is the GAL's job to

Speak with the parents, witnesses, teachers, and the children, as well as conduct home visits of both parties. The GAL will review medical records, school records, text messages between parents and other documents and evidence relevant to determining what is in the best interest of the child/ren.

When there is a case with a child with special needs, it is imperative the GAL is provided information and strategies on how to interact with the child prior to a home visit so as to not make a situation any more difficult for the child. Some things an attorney, parent, and GAL may consider in preparation for a home visit may be:

- A familiar/ comfortable environment for the child
- Utilizing favorite objects/activities (i.e., stuffed animals, games, drawing)
- Training or assistance with a communication device prior to the visit
- Strategies/advice on the child's preferred means of communication, compliance, and responding to different types of questions (i.e., how to get the child comfortable with the GAL prior to questions/interview: art, play, games, reinforcers for positive interactions)

Outside of the home environment, a GAL may find it important to communicate with school personnel, therapists, or other people who work with the child on a consistent basis. The GAL will have access to school and medical records, including special education records (i.e., psychoeducational evaluations, speech language/occupational/physical therapy evaluations, Individualized Education Plans (IEPs), attendance, grades, and clinic visits). In addition, a GAL may:

- Request school documents and meeting notes or minutes
- Attend an IEP meeting or parent conference to witness parent involvement and interaction with school
- Request health records and notes
- Speak with therapists, doctors, or specialists to determine the child's health care needs and common issues amongst parents

Finally, it is common that a GAL require both parents to complete a questionnaire providing basic background information on the parents, child/ren, the case itself, developmental history and current skills of the child, and any concerns either parent may have. The questionnaire also provides information the GAL may need to understand the unique needs of the child in terms of medical support/equipment, special transportation needs, or mental health needs. The questionnaire provides

insight into each parent's familiarity and involvement in the needs of the child/ren. These tools allow the Guardian ad Litem to learn each parent's level of involvement regarding the health needs for the child/ren and their concerns for their child/ren.

As you research and consult with divorce or family law attorneys, your top priority should be to find one who understands and has the ability to advocate for the needs of not only you, but for the unique needs of your child/ren. Finding an attorney who understands all aspects of your case means you can focus on the needs, health, and overall wellbeing of you and your child/ren during this difficult and often traumatic time.

The right divorce or family law attorney can provide peace of mind while you transition your family into the next phase of your life.

Marcy A. Millard is a family law attorney with over 15 years of experience. She is also the mother of a child with special needs and desires to educate and serve the special needs community. Please contact Marcy to schedule a free consultation to discuss any issues related to family law and special needs children.