

STATE OF CONNECTICUT JUDICIAL BRANCH

CODE OF CONDUCT FOR COUNSEL FOR THE MINOR CHILD AND GUARDIAN AD LITEM

Consistent with Public Act 14-3 as amended by Public Act 14-207 (the 'Act') and other applicable statutes and rules of court, in every case in which the court appoints counsel or a guardian ad litem for a minor child in a family relations matter as defined by subsection (1) (d) of the Act, counsel and the guardian ad litem shall perform the responsibilities and act in accordance with the requirements set forth below. Except where specifically provided, these requirements apply to both counsel and a guardian ad litem (GAL).

I. REPRESENTATION OF MINOR CHILD

- (a) **Representation by Counsel.** Counsel shall represent the minor child's legal interest and consider the child's best interests. Counsel's role when representing a child should mirror as closely as possible counsel's role when representing an unimpaired adult.
- (b) **Representation of the Child's Best Interest by a Guardian Ad Litem**
 - (i) A GAL shall identify and communicate to the court the best interests of the minor child without being bound by the child's preferences.
 - (ii) A GAL may discuss with the child, in an age and developmentally appropriate manner, the nature of the proceeding and the role and responsibility of the GAL.
 - (iii) A GAL shall identify himself or herself as a GAL when contacting individuals in the course of a particular case and inform those individuals about the role of a GAL in the case at the earliest practicable time. A GAL shall advise such individuals that their communication, the documents and the information obtained may become part of court proceedings.
 - (iv) A GAL shall not disclose information or participate in the disclosure of information relating to an appointed case to any person who is not a party to the case except as may be contemplated by the scope of the court's order or otherwise specifically provided for by law.
 - (v) If the GAL is an attorney, he or she acts in the capacity of a guardian, rather than as an attorney, and the information he or she receives is not subject to attorney-client confidentiality.

- (vi) A GAL shall communicate recommendations directly to the litigant when self-represented and to counsel when a party is represented, unless the GAL obtains counsel's consent to communicate the recommendations directly to the client.

II. COUNSEL AND THE GUARDIAN AD LITEM SHALL:

- (a) **Qualification.** Satisfy all training requirements established by the Judicial Branch and promptly advise the Judicial Branch of unavailability to serve.
- (b) **Competence.** Provide competent representation. Competent representation requires the knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- (c) **Professional Conduct.** Maintain the ethical principles of his or her own profession and the rules of conduct set forth in this Code, which shall be read as consistent with each other.
- (d) **Candor.** 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.
- (e) **Maintain Independence.** Maintain independence, objectivity and operate with fairness in dealings with parties and professionals, at all times and in all settings.
- (f) **Treat Parties With Respect.** At all times treat the parties with respect, fairness and good faith. He or she shall not practice, condone, facilitate or participate in any form of discrimination on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability.
- (g) **Conflicts of Interest.** Avoid any actual or apparent conflict of interest or impropriety in the performance of his or her responsibilities. If counsel or a GAL determines that there is a conflict of interest requiring withdrawal, he or she should continue to perform as appointed and seek permission from the court to withdraw. He or she should request appointment of a successor.
- (h) **Limit Duties to the Scope of the Court Order.** Comply with the court's order of duties as set out in the order appointing counsel or a GAL, and shall not provide or require services beyond the scope of the court's order of duties unless he or she obtains additional instruction, clarification or expansion of the scope of such duties from the court.

- (i) **Diligence.** Perform responsibilities with reasonable diligence, in a prompt and timely manner, and if additional time is necessary, request judicial intervention in writing with notice to the parties.
- (j) **Attend Hearings.** Unless otherwise directed by the court, attend any hearing for which the duties of counsel or a GAL or any issues substantially within his or her duties and scope of appointment are to be addressed.
- (k) **Ex Parte Communication.** Not have ex parte communications concerning the case with the judicial authority involved in the matter in which he or she is appointed except as permitted by law.
- (l) **Imminent Danger.** Make an immediate report to the court if he or she believes that the child is in imminent danger of serious physical harm, unless one of the parties has already done so to the police, the Department of Children and Families or in writing to the court.
- (m) **Solicitation.** Not initiate, nor permit a third person to initiate on his or her behalf, personal, live telephone or real-time electronic contact, including telemarketing contact, with a party for the purpose of being appointed to a case.
- (n) **Trial Publicity.** Not make an extrajudicial statement that he or she knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially affecting an adjudicative proceeding in the matter or that may negatively impact the child.
- (o) **Maintain Documentation.** Maintain documentation to substantiate recommendations and conclusions and keep written records of all interviews and investigations for six years from the date of completion of services rendered by counsel or a GAL.
- (p) **Recordkeeping.** Keep accurate records of work performed, time spent, fees charged and expenses incurred.
- (q) **Responsibilities Regarding Assistants.** Make reasonable efforts to ensure that the conduct of any of his or her assistants is compatible with his or her own obligations pursuant to this Code.
- (r) **Removal.** Be subject to removal by a judicial authority upon motion of either party or upon the court's own motion, for a violation of this Code of Conduct or for failure to comply with the court's order of appointment.