

## Guardian Ad Litem Description 【General Edition】

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To whom it may concern,

For the protection of your rights and interests, this court has appointed a guardian ad litem for you in a family case you involved. For your reference, a brief statement of relevant matters regarding a guardian ad litem is as follows:

1. What is guardian ad litem?

In order to protect your rights and ensure your best interests being served, a guardian ad litem program is instituted in family court proceedings. A guardian ad litem could represent you to conduct all proceedings of the action in your interests, while serves as the communication bridge between you and the family court as well as assists the court to deal with your cases rapidly and appropriately.

2. Who can be a guardian ad litem? How many guardians ad litem can be appointed in an individual case?

Any qualified and competent individual, recommended by competent authorities of social welfares, personnel of social welfare organizations, bar associations, social worker associations, and other similar associations, may be appointed as a guardian ad litem by the family court. The court may appoint the guardian ad litem not limited to one, while taking the actual demands of individual case into consideration.

3. Duty description for guardian ad litem:

(1) Protecting the best interest of the person under guardianship:

When performing duties, guardian ad litem shall take notice of all circumstances such as family relationship between you and other relatives, lives and emotional status to protect your best interest. If any conflict of interest is found, appointed guardian ad litem shall

report to the court.

- (2) Conducting proceedings: Guardian ad litem may conduct all proceedings for you, as well as independent appeals against court judgment, appeals against rulings, or other objections against court decisions. However, a guardian ad litem may not conduct proceedings that can only be proceeded by you in accordance with laws.
- (3) Use of litigation documents: Guardian ad litem may apply to the court for reviewing documents in the case file, as well as transcribing materials from the case file or copying relevant materials.
- (4) Description of proceedings: Guardian ad litem will, in accordance with your age, inform you of the subject, proceedings, and the possible results of the case in an appropriate and understandable manner.
- (5) Meeting with the person under guardianship: Guardian ad litem may meet with and talk to you if necessary. However, such meeting will be conducted in regard to your best interest and restricted to the extent of necessity and absolute minimum, which aims to avoid causing tension and inconvenience to your family life relations and duplicating statement.
- (6) Contacting specific family members of the person under guardianship and participating reconciliation or settlement procedure: The court may, considering that both parties and the other interested party may be willing and wish to deal with conflicts in a harmonious way based on the proceeding progress of the case, grant the guardian ad litem to contact your family member, so the guardian ad litem may not only analyze the interest and possible influence amid the proceeding progress of the case, but also participate the reconciliation or settlement procedure.
- (7) Providing report and advice in written or oral form: To make the

proceeding smoother and to fully perform function of guardian ad litem, judges may order guardian ad litem to propose reports and advices in accordance with your understanding, willingness, whether or not you are suitable or willing to appear before the bench and make statement, proper place, environment, manner, and time for case proceeding, proposals that are beneficial to your claims of the case, and other matters that shall be understood by the court.

4. How to deal with the diverse opinions or actions between guardian ad litem and the person under guardianship – any action of proceeding conducted by guardian ad litem is inconsistent with or contrary to yours:
- (1) The court shall take the actions of guardian ad litem as the basis of the judgment or recognizing the effect of proceedings if the person under guardianship has no capacity to conduct proceedings (such as no capacity to communicate, person under the age of seven who cannot discern the interests, or person who is under the declaration of guardianship).
  - (2) If the person under guardianship has the capacity to conduct proceedings (such as he/she disagrees with reconciliation when the guardian ad litem wishes to reach reconciliation), the decision, which is considered appropriate, made by the court shall prevail.
5. May the court still appoint a guardian ad litem for me if I already appointed attorneys-at-law?

On account of varied functions and duties between guardian ad litem and agent ad litem, even if the party has already appointed an attorney-at-law to serve as the agent ad litem, the court may still appoint guardian ad litem for the person under guardianship on motion or sua sponte when the court considers the appointment of guardian ad litem complying with the Family Cases Act.

## 6. Fees and compensation of guardian ad litem

Where the family court concluded to award a guardian ad litem reasonable compensation with its discretion, such award being constituted part of the costs of proceedings in a family case, the court may decide which party will pay for the award and the amount of the burden at the end of trial procedure. The court may require part of the award being paid by any party or the interested party in advance.