



**Superior Court of the State of Arizona
Pima County Juvenile Court
2225 E. AJO WAY
Tucson, Arizona 85713-6295**

GUARDIAN AD LITEMS IN DELINQUENCY MATTERS

GAL's may be appointed in delinquency cases to investigate a possible dependency, to oversee restoration in competency matters, to assist a victim, or to address specific issues identified by the judge.

I. Investigation of Dependency Issues, prior to GAL appointment

A. An investigation to determine whether a dependency exists may be initiated as follows:

1. Should any person involved in a delinquency case determine that a child is abused, neglected or abandoned a report to CPS is required and the **CPS HOTLINE** shall be contacted immediately at **1-888-767-2445**.
2. If there is a question as to whether the hotline should be contacted, the CPS protocol and checklist shall be consulted. Attachment A. See also, Pima County Juvenile Court policy on non-accidental injury cases. Attachment B.
3. When the Court finds it is in the minor's best interest to order an immediate CPS investigation, the clerk shall be requested by the Court to provide a MEO as soon as possible to the judge's JAA. The JAA shall write in **BOLD** letters across the top of the MEO- **COURT ORDER**- and then the JAA shall fax a copy of the MEO to CPS at **602-530-1832**. This will ensure CPS's prompt notification and attention to the matter.

B. A Joint Staffing may be requested if CPS declines to investigate.

Joint Staffing: If CPS determines they will not investigate, or if a party believes that the CPS investigation is not proceeding timely, or if the family has had on going CPS services with no resolution or sustained improvement in the family, any party may request a joint staffing to obtain a recommendation for appointment of a GAL. Any probation officer may request an emergency joint staffing, if appropriate. Defense counsel's permission is required for a joint staffing pre-adjudication.

C. When a joint staffing has taken place and no consensus is reached the Court may be requested by any party to appoint a GAL.

Request for appointment of GAL: When a joint staffing has occurred and there is a substantial disagreement between CPS and Probation regarding issues of abuse, neglect or abandonment and CPS does not find grounds to investigate or pursue a dependency, the court MAY appoint a GAL to conduct an investigation into the issue of dependency.

II. A GAL May Serve in Several Capacities:

A. Pursuant To Statute When a Minor Has Been Found Incompetent

1. When a juvenile has been found incompetent but restorable, a GAL shall be appointed to oversee the restoration process and to coordinate the continuity of care following restoration as well as keep the court informed by submitting a written report to the court. See: A.R.S. 8-291.09 (B)
2. When the minor has been found incompetent and not restorable within the last year and has incurred new misdemeanor charges a GAL may be appointed to proceed with a dependency investigation. A.R.S. 8-291.05 (B)
3. If the court finds the minor incompetent and there is not a substantial probability the juvenile will be restored to competency within two hundred and forty days, the court may appoint a GAL to proceed with a dependency investigation. 8-291.08 (D)

B. To Represent a Victim

When the juvenile and the victim are siblings or otherwise co-inhabitants and it is determined that the parent/guardian of the minor and victim has a conflict of interest, a GAL may be appointed to represent the victim's interests.

C. To Address Specific Issues Identified by the Court

The judge may appoint a GAL any time the court finds the services of a GAL are required. Defense counsel, the prosecutor or probation may ask the court to appoint a GAL.

Anytime the Court appoints a GAL, the judge *shall* state in the MEO the reason for the appointment to provide the GAL with sufficient notice and to allow a meaningful investigation to begin. The judge may require a written report at all hearings by MEO. A Sample MEO is attached. Attachment C.

III. Appointment of a GAL:

The judge's JAA will notify the GAL of the appointment by 5:00 p.m. the day of the appointment or the following business day if the GAL is appointed on the weekend or after 5:00 p.m.* **The JAA will leave the name of the minor, the case number, the name of the probation officer, whether the minor is in custody and the issue(s) to be addressed by the GAL.** The MEO will follow and be placed in the GAL's mailbox.

Other than trial reviews and detentions a judge may contact calendaring for the next available GAL. Calendaring will contact the GAL to inform them of the appointment.

*Visiting judges on the weekend or those that fill in during the week shall call the JAA of the assigned judge and leave the bolded information and the name of the GAL appointed. (An updated phone list will be provided to visiting judges.)

IV. Responsibilities of the GAL:

- A. GAL shall meet with an in-custody minor **within 48 hours** of appointment. Out of custody minors must be seen **within 96 hours** of appointment. If a GAL cannot meet with the minor within these time lines, it is their responsibility to contact the assigned judge immediately.
- B. The GAL shall conduct an investigation as directed by the Court. Depending on the directive(s) from the court, the following initial avenues of investigation are suggested: interviews with the minor, the minor's family or relatives of the minor, and a visit to the minor's home and/or school. The minor's delinquency attorney (for non-confidential information) may also be contacted as well as the probation officer.
- C. The GAL *shall* appear at all court hearings to provide the court with an update on the minor's status. If the GAL is unable to appear he/she must provide a written report on the status of the case to the court. The written report of the GAL shall be filed in the Court's file and may be ordered sealed by the judge. Sample reports are attached. Attachment D.

V. Resources Available to GAL:

1. Delinquency File
2. The social file and chronological updates may be made available to the GAL for review as ordered by the Court. The Court order **shall** state which portions of the probation file shall be made available to the GAL.
3. The GAL may request and/or attend Interagency Staffings for the minor to provide information resulting from the GAL's investigation.
4. PCAP for enrollment in health care for example; AHCCCS, KidsCare application, or reduced plans through Pima County.
5. Refer to Rule 40 Arizona Rules of Juvenile Court Procedure
6. State v. Dairman 208 Ariz. 484, 95 P.3d 548 (2004)
7. Stewart v. Superior Court 163 Ariz. 227, 787 P.2d 126 (1989)