

WHY HAS A LAWYER BEEN APPOINTED IN THIS CASE

In order to insure that the Constitutional, legal and property rights of minor children and incapacitated adults are protected, the Alabama Legislature requires [through the *Code of Alabama (1975)*] that Alabama probate courts appoint a lawyer to represent and act in the best interest of said minor child or incapacitated adult. If the appointed lawyer's client is living, the appointed lawyer is referred to as the "guardian ad litem" which is typically referred to as the "GAL". If the appointed lawyer's client is deceased, the appointed lawyer is referred to as the "administrator ad litem", which is typically referred to as the "AAL".

When a GAL or AAL is appointed they must undertake certain activities in order to fulfill the terms of their appointment by the probate court. Generally, this includes interviewing (either in person or by telephone) the other interested person(s) in the proceeding, inspecting a residence or real property, reviewing bank records, and the like. After they have conducted their investigation, the GAL or AAL must report their findings and determinations to the probate court and advise the court if they concur or approve of the proposed legal action. Written reports are furnished.

GALs and AALs are compensated for the work they perform. The GALs and AALs are required to report to the probate court, in writing, the amount of time they have expended in the assigned matter. The amount of compensation is set by the probate court. The compensation for GALs and AALs is taxed by the probate court to the appropriate party as "court costs". A court cost bill is issued by the probate court at the conclusion of a matter and sent to the lawyer of the responsible party (or, if there is no lawyer, to the responsible party).

The probate court encourages GALs and AALs to complete their assignments as expeditiously as possible and to submit their written reports to the probate court in like manner. The Court requires GALs and AALs to attend the hearing in the case, but timely filing of their reports before the hearing helps minimize expense and effort on the part of the interested parties and expedites the needed court ruling being issued.

If you have any questions concerning the GAL or AAL appointed in the matter you are interested in, you are encouraged to pose your questions to your legal counsel.

PREPARED BY

MOBILE COUNTY PROBATE COURT
P.O. Box 7
Mobile, Alabama 36601
(251) 574-6000 or www.probate.mobilecountyal.gov

This statement should not be considered legal advice. If you have questions concerning the information contained in this notice, please consult with your lawyer.