

November 9, 2016

Attorney #1
Attorney for Petitioner

Attorney #2
Attorney for Respondent

Re: 16CV12324, in the Matter of the Marriage of John Doe v. Jane Doe, Status Conference
Scheduled on December 15, 2016 at 9am, Division 115

Dear Counsel:

Please be advised that I have been appointed as Guardian Ad Litem for the minor children in the above named case. I believe my paralegal has already contacted your office regarding payment and scheduling meetings with your respective client.

Part of my role as GAL is to conduct an independent investigation of the situation. This means that I may speak with teachers, counselors, therapists, police officers, relatives, neighbors, whomever I believe will provide fair and objective information to the situation. Please note that ultimately I will make the decision on who I speak with and what information I believe is credible.

While each case is unique and presents its own challenges, generally I see the job of a GAL as twofold. The first is to ascertain and advocate for what the children want. It is important for me to give the children a clear voice in court. I do believe, in most situations, it is important to keep children out of court, for many reasons. Of course, it can be difficult for children to feel as if they must "choose" one parent over another. But additionally, I think that it is important to send the message to children that the adults make the decisions in their lives: The adults' job is to make rules and the children's job usually is to explore the limits of those rules. I believe that allowing children to testify not only damages them emotionally, but also sends the message that they can manipulate the rules that their parents designed to keep them safe. Rather than put them on the stand, I typically will report their wishes to the court, as close to verbatim as possible. It's the adults' job to bring calm into an otherwise chaotic situation.

The second function of my work as a GAL, is making recommendations regarding what's in the children's best interests. Sometimes my recommendations agree with the children's wishes, and sometimes they do not. I do try to present both positions in as balanced a way as possible. Also realize that this is very subjective. There are most likely going to be differences between what I think is best for the children and what each parent might think is best for their children. Remember that I am not working against any parent, simply working for what I think is best for the children.

I typically try to write up written recommendations and distribute to the attorneys prior to the next hearing date. I do ask that you treat my recommendations under Rule 23, and not disseminate directly to your client. I normally put the recommendations on a separate page, and you may distribute that directly to your clients.

As part of my investigation into the children's wishes and their best interests, I will be speaking to each of your clients, usually outside of your presence. Please notify me in writing or via email of any objections you have to my speaking with your clients outside of your presence. If I do not receive such written objections, I will assume that you consent to my speaking to your clients without counsel present. If at anytime that permission is revoked, please advise me immediately. Please remind your clients that, while

I do try to conduct all investigations with discretion, there is no attorney-client privilege that runs between me and them, and that if at any time either party wishes to consult with counsel while working with me, he or she should advise me immediately of that fact, and I will honor that request. If your client does email me, please make sure they also include you on the email. If they don't, I will forward to you or, when I respond, cc you on the email. My goal is transparency in my meetings with your clients.

Lastly, I am not a case manager. My focus is going to be on legal issues, such as custody, parenting time, etc. I am not in the business of micromanaging a case, making recommendations about clothing, extra curricular activities, religion, etc., unless it becomes a legal issue. I don't generally do home visits, I am not a social worker and do not wish to make myself a fact witness.

It is my policy not to begin work on any case until I have received the retainer in full. I look forward to achieving prompt and peaceful resolution for this family, as I believe that protracted litigation harms children. As always, you may contact me at (913) 492-5959 or at amyvinton@gmail.com. You might want to let your clients know that the easiest way to contact me during the day is via email.

Sincerely,

Amy Vinton
Attorney at Law
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