



## Office Of The Controller

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# Special Report

A Review of Guardian Ad Litem in Lehigh County

July 17, 2025

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**Note:**

What follows is a forward-looking assessment—methodical in structure, grounded in financial oversight, and prepared under the Controller’s duty to safeguard public funds, evaluate the performance of county operations, and promote transparency in the workings of local government.

In fulfilling this charge, the Controller’s Office tracks how departments spend public funds, examines whether county services fulfill their intended purpose, evaluates whether institutional structures serve the people those systems aim to support, and ensures that residents can see and understand the actions their government takes on their behalf.

This analysis focuses on the Guardian ad Litem program in Lehigh County—examining how the lack of clear standards, documentation, and independent oversight affects legal obligations, service consistency, and public trust in child welfare proceedings.

This inquiry considers the structural pressures and persistent imbalances that shape life in Lehigh County. Some of these challenges endure year after year, affecting residents in ways often overlooked. If left unattended, other conditions may grow more severe and give rise to broader hardship. The analysis offers a foundation for county leaders, residents, and state officials to engage in thoughtful deliberation, examine the structures now in place, and consider where change may serve the public good.

Although the Controller’s Office prepared this analysis with care and structure, it does not follow Generally Accepted Government Auditing Standards (GAGAS) or serve as a formal audit.

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## EXECUTIVE SUMMARY

The Guardian ad Litem (GAL) program in Lehigh County was established to protect the best interests of children in court proceedings—particularly in dependency cases involving abuse, neglect, or unsafe living environments. The role is intended to be both legally significant and ethically vital: ensuring that children are not lost in the adversarial legal process and that decisions made on their behalf are informed, independent, and child-centered.

While the mission of the GAL program is clear, the implementation falls short. Despite consistent investment, the County lacks standardization, transparency, and accountability mechanisms necessary to ensure the program functions as intended. Families and professionals have raised concerns about inadequate engagement, limited child contact, and overreliance on third-party reports. These issues are not merely anecdotal—they reflect systemic inefficiencies and a potential failure to meet statutory obligations under 42 Pa. C.S. § 6311.

This review found that:

- GAL appointments and compensation practices in Lehigh County are decentralized and inconsistently documented.
- There is no external oversight body to evaluate GAL performance, nor is there a transparent process for families to raise concerns.
- Invoices frequently lack detail. Adding detail would make apparent whether or not GALs engage with children as contractually required.
- Stakeholders report a perception that GALs are closely aligned with Children and Youth Services (CYS) or the court, raising ethical concerns—even if those concerns are driven more by perception than verifiable bias.

To restore public trust and ensure the GAL program serves children effectively, Lehigh County should consider adopting a structured reform model based on practices from states such as Florida, Maine, and Colorado. These states have implemented oversight boards, multidisciplinary support systems, formal performance evaluations, and regular public reporting—all aimed at improving outcomes and transparency.

A child's voice in the courtroom should never be a formality. Lehigh County's GAL program, as currently structured, lacks the consistency, independence, and transparency needed to fulfill its critical role. By adopting these reforms, the County can better protect vulnerable children, ensure responsible use of public funds, and rebuild public trust in the justice system.

## GUARDIAN AD LITEM: PURPOSE AND LEGAL FOUNDATIONS

In Pennsylvania, a Guardian ad Litem (GAL) is appointed by the court to represent the *legal* and *best interests* of a child in certain judicial proceedings. This role is most clearly defined in dependency cases, but it may also arise in high-conflict custody matters in family court.[10] The GAL is not a representative of the parents, the state, or the court—but of the child alone.

Guardians ad Litem in Pennsylvania serve in various legal contexts, including dependency, custody, juvenile delinquency, and even probate matters involving minors or incapacitated individuals [3] and [4]. This report focuses specifically on GALs in dependency and high-conflict custody proceedings, where their role is most consistently tied to the direct protection of children's welfare.

### ***Expected Activities in Practice***

GALs are not meant to be symbolic appointees. Their role is active, investigative, and central to judicial decision-making in child welfare and custody proceedings. In principle, a GAL's duties extend far beyond reviewing case files or attending court hearings. Based on statutory obligations and nationally accepted best practices [15], GALs are expected to engage in the following activities:

- Investigate facts and allegations relevant to parenting capacity, household safety, and the physical and emotional well-being of the child.
- Conduct in-person interviews with key individuals in the child's life—including parents, foster caregivers, the child themselves, extended family, teachers, therapists, and others with relevant information.
- Perform home visits to directly observe living conditions and family dynamics. In some cases, GALs may travel out of state to assess environments when family members live in other jurisdictions.
- Assess key areas of the child's life such as decision-making, time-sharing, education, healthcare, cultural identity, religious upbringing, and any unique needs presented by the case.
- Submit written reports with detailed recommendations to the court, supported by findings from their investigation. These reports can significantly influence custody outcomes, placement decisions, and access to services.

This process is designed to provide the court with an informed, neutral perspective rooted in facts—not assumptions or secondhand summaries. When carried out effectively, GAL investigations reduce reliance on adversarial posturing, clarify complex family dynamics, and prioritize the child's best interests over procedural efficiency.

Inconsistent application of these duties—whether due to lack of time, training, or oversight—raises serious concerns about fairness and accuracy in court outcomes. As such, these

expectations are not only a legal obligation but a practical framework for child-focused advocacy. [15]

### ***Dependency Proceedings***

Dependency proceedings are civil cases initiated when child protective services receives a report of alleged abuse, neglect, abandonment, or unsafe living conditions. If the court finds that a child is “dependent”—meaning they cannot remain safely with their current caregiver—it may order various interventions, including:

- Placement in foster care or with a relative
- Supervised services for the family
- Temporary or permanent removal of the child from the home
- Termination of parental rights in the most severe cases

The objective in these cases is not to punish the parent but to protect the child’s welfare, with a preference for family reunification when it can be done safely.

Under 42 Pa. C.S. § 6311 [7] a court is required to appoint a GAL for every child subject to a dependency proceeding under certain statutory criteria. The GAL must be a licensed attorney and is expected to play an active, investigative, and advocacy-driven role throughout the case. [15]

In dependency cases that result in foster care placement, the GAL’s recommendations can significantly shape the trajectory of a child’s life—from the type of placement selected to the likelihood of reunification. Without direct engagement and independent investigation, GALs may inadvertently reinforce agency decisions that lead to prolonged or unnecessary stays in care. National research on child advocacy models has raised concerns about placement instability and weakened family bonds when advocacy lacks verification or oversight. [15]

### ***Duties of the Guardian ad Litem***

By law, a GAL’s responsibilities go far beyond attending hearings or reviewing agency reports. The statute defines specific duties intended to ensure that the child’s interests are independently evaluated and effectively represented. These include:

- Meeting directly with the child in a manner appropriate to their age and maturity
- Conducting an independent investigation into the facts of the case
- Interviewing parents, foster parents, caretakers, and other witnesses
- Participating in all hearings and reviews, including cross-examination and presentation of evidence
- Making informed recommendations to the court on matters such as placement, services, and safety
- Informing the court of the child’s wishes, even when they differ from the GAL’s own recommendation

The GAL's role is not symbolic or secondary. It is a core safeguard in the dependency system, designed to ensure that a child's interests are considered through direct engagement and professional judgment.

### ***GALs in Family Court***

In addition to dependency cases, judges in family court may appoint a GAL in high-conflict custody matters where there are serious concerns about a child's well-being. Although the GAL's legal authority in these situations is rooted in judicial discretion rather than statutory mandate, the function remains the same: to provide an independent assessment and recommendation focused on the child's best interests.

Common scenarios include:

- Allegations of abuse or neglect
- Concerns about mental health or substance use
- Domestic violence in the home
- Children with special needs
- Intense parental conflict over custody or visitation

The GAL in these cases may interview the child, parents, teachers, healthcare providers, and others. They may submit a written report or testify in court. While the judge is not obligated to follow the GAL's recommendation, it often carries significant weight—particularly when the GAL has conducted a thorough and well-documented review. [15]

### ***Pro Se Representation in Family Court***

Many parents involved in high-conflict custody cases in Lehigh County appear in family court *pro se*—that is, they represent themselves without an attorney. These parents often face significant barriers to understanding legal procedures, responding to filings, or contesting the recommendations of court-appointed professionals such as Guardians ad Litem (GALs).

The procedural imbalance is particularly evident when a GAL is appointed in a case involving one or more *pro se* parents. GALs are attorneys who judges consider to be neutral parties with informed perspectives. Their recommendations may carry considerable weight in court decisions. Yet an unrepresented parent may not fully understand the GAL's legal authority, investigative duties, or how to challenge their conclusions [8] particularly when the GAL's report is not shared in advance or lacks child contact and independent investigation documentation.

This dynamic can unintentionally turn the GAL into the most influential voice in the courtroom—not necessarily because of the strength of their findings, but because they are the only party with formal legal training. Without a clear and accessible process for reviewing GAL actions or responding to their claims, parents may feel silenced and sidelined, even in matters involving their children.

In these situations, the risk is not just unfair outcomes—it is the erosion of public trust in a system that appears to favor institutional actors over parental voices. Lehigh County has the duty to ensure that GALs operate transparently and are accountable, particularly when their recommendations are made when parties choose self representation.

### ***GAL vs. Legal Counsel: Understanding the Distinction***

It is important to distinguish a GAL from an attorney who represents a child's expressed wishes. A GAL is tasked with representing both the *legal* and *best interests* of the child, based on independent professional judgment. Legal counsel, by contrast, is obligated to advocate solely for the child's stated preferences—even if those preferences may not align with their best interests.

In certain cases, especially when a child is mature enough to express a viewpoint that conflicts with the GAL's recommendation, the court may appoint both a GAL and separate legal counsel. This dual representation ensures that the child's voice is heard alongside a broader evaluation of their welfare. Counsel represents the legal interests, while the GAL represents the best interests of the child. [9]

### ***Appointment, Funding, and Oversight of the GAL Program in Lehigh County***

The Guardian ad Litem (GAL) program in Lehigh County is staffed through a mix of part-time and full-time attorneys, as well as independent lawyers who accept appointments on a case-by-case basis. GALs are compensated at a rate of \$100 per hour—a modest rate compared to private legal fees. [11] This relatively low compensation may discourage experienced attorneys from participating in the program, increasing reliance on less experienced counsel or attorneys with limited availability.

Although Pennsylvania law mandates GAL appointments in dependency proceedings, the implementation of that mandate—including who is appointed, how they are paid, and what is expected of them—is not standardized across counties. In Lehigh County, these decisions are largely at the discretion of individual judges. This decentralized model has led to inconsistencies in how GALs are selected, compensated, and evaluated, resulting in gaps in performance oversight and public accountability.

Pennsylvania Rule of Civil Procedure 1915.11-2 [2] requires that GALs be either licensed attorneys or licensed mental health professionals. However, Lehigh County does not maintain a publicly accessible roster of currently appointed GALs, nor does it publish information about their qualifications, professional clearances, or training history. There is also no publicly available evidence that courts systematically review or retain documentation of these qualifications prior to appointment.

While judges are responsible for ensuring GALs meet the legal requirements, the absence of visible standards or accessible records prevents parents and other stakeholders from understanding who is being assigned to these sensitive roles—and why. In cases that directly



impact parental rights and child custody, this lack of transparency can undermine public trust in the neutrality and rigor of the process.

Improving transparency—such as maintaining a master list of GALs, documenting relevant credentials, and providing access to training history—could help restore confidence in the program. Ensuring that parents understand who is advocating for their child, and on what basis, is an essential element of procedural fairness in any child welfare system.

### ***Staffing Model***

Lehigh County does not maintain a centralized Guardian ad Litem office or a dedicated team of child advocates. Instead, GAL appointments are drawn from a broader pool of attorneys who may also serve in other roles within the same legal system. An attorney appointed as a GAL in one case may, in other matters, represent a parent, relative, or outside party—sometimes even appearing before the same judge or opposing the same agency staff.

While this staffing model offers administrative flexibility, it creates a courtroom environment where a small number of attorneys frequently interact across cases in varying roles. Over time, this dynamic can foster professional familiarity and informal working relationships between counsel, judges, and child welfare agencies. Although not unethical in itself, this interdependence can raise legitimate concerns about whether GALs remain fully independent in their role—particularly when their recommendations align consistently with agency positions or go unchallenged in court.

The issue is not simply one of role-switching or workload. It is about whether the GAL, as the child's appointed advocate, is structurally positioned to offer an objective and fearless assessment—especially when that assessment might contradict the assumptions or practices of peers they regularly collaborate with. In a system that depends on independent judgment, the absence of institutional separation and role clarity poses a risk to both the appearance and reality of unbiased representation.

### ***Budget and Funding***

The county's GAL-related costs appear in the budget under the Office of Children and Youth Services, categorized as "Guardian ad Litem Costs." [1] Funding is treated as a line-item professional service contract rather than a separate, independently managed program. The total GAL allocation has remained largely flat over several years, despite fluctuations in caseload volume or case complexity. There is no system to adjust budgets dynamically based on the number of open dependency cases, number of GAL appointments, or time spent per case.

Total compensation for contracted representation provided in Juvenile Dependency cases is in the amount of \$34,370.04. This expense is shared between departments in Lehigh County and is paid as follows: \$22,924.80 from the County of Lehigh, Office of Court Administration, \$11,445.24 from County of Lehigh, Office of Children and Youth. The provider submits a monthly bill to the Court Administrator who will forward it to the Fiscal Office of Lehigh County for

payment of 1/12 payment of the total fee. [11] This modest compensation may not be enough to incentivize individual GALs to allocate ample time to each individual case. The county currently contracts 11 attorneys, resulting in a total annual spend of \$378,070.44. This total expenditure warrants more detailed invoices to determine exactly what each GAL does for each case.

### ***Compensation and Incentive Structure***

Because Pennsylvania does not impose a statewide fee schedule for GAL services, each county must establish its own rates. In Lehigh, those rates are determined by a contract between the GAL and the county. Invoices submitted by GALs often do not specify whether the attorney met with the child, conducted independent interviews, or carried out other investigative tasks required under 42 Pa. C.S. § 6311.

This lack of detail makes it difficult to assess, for the purpose of this report, whether GALs are fulfilling their statutory duties—and whether compensation is aligned with performance. Interviews with attorneys suggest that GAL compensation is often well below market rates for private legal work. This discrepancy may discourage attorneys from taking on GAL cases or incentivize minimal engagement per file. [12]

### ***Lack of Standardization and Oversight***

In Lehigh County, there is no formal, county-level policy governing how Guardians ad Litem (GALs) are selected, how their performance is evaluated, or how outcomes are measured. To date, the Judicial Branch has declined to work with the Controller's Office to provide insight into how the GAL system is managed.

This judicial discretion, while legally permissible, has resulted in a system that operates without clear expectations, standardized procedures, or consistent accountability. GALs are left to define their own practices within each case, leading to variation in how they engage with children, investigate facts, and formulate recommendations.

Unlike jurisdictions with structured oversight models—such as Florida, where GALs operate under a statewide program with mandatory training and supervision [5], or California, where court-appointed special advocates are evaluated under formal program standards outlined in Rule 5.655 of the California Rules of Court [6]—Lehigh County lacks sufficient institutional framework to ensure GALs meet consistent standards of quality, independence, or accountability.

Due to the lack of cooperation from the Judicial Branch, the Controller's Office has been unable to confirm whether any of the following exist:

- A performance review process tied to case outcomes (e.g., reunification rates, appeal reversals)
- A case management system tracking GAL caseloads or child contact frequency
- Internal timekeeping that documents how GALs allocate time across investigative tasks

Review of available invoices reveals inconsistent practices. [13] Some GALs provide detailed logs of their work; others submit single-line entries listing a case number and total hours billed, with no indication of what actions were taken. This inconsistency creates a serious blind spot in a program that exists to protect vulnerable children.

If no internal documentation system exists, one should. Timekeeping should break down hours spent across core activities: direct contact with the child, communication with family or caregivers, interviews with schools or neighbors, record review, and preparation of court recommendations. If the child is too young to communicate meaningfully, that fact should be documented—but it does not excuse a lack of broader investigation into the child’s environment.

This absence of standardization, oversight, and documentation makes it nearly impossible to evaluate whether GAL services are being delivered effectively or in accordance with legal mandates. To be more effective in measuring and evaluating the role of the GAL we need data on:

- The number of cases per GAL
- The average time spent per case
- The nature and quality of child engagement
- Whether GAL recommendations align with long-term outcomes

This is not merely a documentation problem. It is a service delivery failure.

A system this critical cannot depend on goodwill or vague expectations. It must be measurable. It must be reviewable. And above all, it must be built to serve children first—not to protect procedure, practice, or peer comfort within the courtroom.

If the county cannot answer the question, “*Are GALs fulfilling their legal and ethical duties?*”, then the answer is already clear: not reliably. And if the system cannot guarantee consistency, then fairness is impossible.

## Operational Deficiencies and Firsthand Accounts

The design of the Guardian ad Litem program assumes independent investigation, consistent child engagement, and objective recommendations. But interviews with families, attorneys, and former GALs tell a different story—one where those expectations are rarely met. [12]

Parents report never being contacted. Children are never interviewed. One parent described the disconnect clearly:

“The GAL never came to our home. They never met our child. And yet they told the court what was best for us.”

Former GALs confirm that structural conditions—especially caseload volume and low compensation—make meaningful engagement difficult, if not impossible.

“We were flying blind,” said one former GAL. “You do what you can, but it’s mostly reading what CYS sends you and filling in the rest.”

These experiences are not exceptions. They illustrate a system that, case by case, has normalized surface-level assessments as acceptable substitutes for true advocacy.

Instead of direct observation, GALs often rely on third-party documentation—agency reports, hospital evaluations, or notes from prior hearings—to form their recommendations. Rarely are these facts cross-checked or independently confirmed. The result is a process that appears procedurally complete but substantively hollow.

The long-term risk is clear: decisions that shape a child’s future are made without knowing the child. That is not just a technical flaw—it is a failure of mission.

## **Ethical Concerns and the Perception of Bias**

Even when a Guardian ad Litem (GAL) fulfills their legal duties, public trust depends on the appearance of fairness as much as the fact of it. In Lehigh County, a persistent perception of bias is undermining that trust.

Many families believe that GALs act as an extension of Children and Youth Services (CYS) or the court, rather than as independent advocates for the child. Parents often describe GALs as relying heavily on CYS reports without conducting their own investigations or speaking with the child. These experiences—whether factually accurate in every instance or not—shape how families perceive the legitimacy of the entire process.

“It didn’t feel like anyone was really there for my kid,” one parent said. “It felt like they had already made up their mind.”

This perception gap matters. When families do not believe the GAL is neutral, they lose faith in the system’s fairness. That lack of confidence can fuel emotional strain, prolong litigation, and make reunification more difficult—even when outcomes are justified.

## **Observations and Recommendations**

### ***Observation 1: Oversight of GALs Is Internal and Lacks Independent Accountability***

While the judiciary may internally monitor the Guardian ad Litem (GAL) program, there is no external oversight mechanism in Lehigh County to evaluate GAL performance or ensure consistency with statutory obligations under 42 Pa. C.S. § 6311. Oversight, if it exists, is non-public and administered entirely within the judicial branch, limiting transparency and independent validation. For families and stakeholders, this structure can give the impression of self-policing and erode confidence in the neutrality of GAL recommendations.

Recommendation:

Establish an independent oversight structure, ideally in collaboration with the Pennsylvania Supreme Court or the Administrative Office of Pennsylvania Courts. This could include:

- A regional or statewide GAL review board not embedded in the judicial system
- External performance audits and case sampling
- Public reporting on GAL outcomes and adherence to statutory mandates

***Observation 2: Informal Conflict Resolution Leaves Stakeholder Concerns Unaddressed***

Currently, there is no formalized structure for addressing disputes between GALs, families, or professionals involved in child welfare cases. While concerns may be raised in court, this reactive and case-bound process does not provide consistent avenues for early intervention, mediation, or systemic learning.

Recommendation:

Develop a structured conflict resolution process led by an independent or multidisciplinary body. This could include:

- A documented escalation protocol
- Peer review or advisory panels to handle recurring performance concerns
- Stakeholder feedback mechanisms to identify patterns of concern over time

***Observation 3: Operational Standards and Support Structures Are Unclear and Unverified***

Although GALs in Lehigh County are actively serving cases, there is no documented system of operational standards, caseload caps, or workload support available for public review. It is unclear how many children a single GAL may be representing at once or whether GALs are receiving support to manage secondary trauma or case complexity. This lack of external documentation limits the County's ability to measure whether GAL services are delivered efficiently and equitably.

Recommendation:

Adopt formal operational guidelines for GAL workload, training, and team support. Suggested actions include:

- Caseload benchmarks tied to case complexity
- Access to multidisciplinary support teams
- Ongoing training in investigative practices, cultural responsiveness, and trauma-informed care
- Optional mental health supports to mitigate burnout

***Observation 4: Transparency into GAL Activities and Outcomes Is Limited***

Lehigh County does not maintain a publicly accessible list of Guardian ad Litem (GAL) appointees, nor does it publish information about their qualifications, training, or performance. GAL invoices often lack itemization, and there is no requirement to submit standardized activity reports documenting whether the GAL met with the child, interviewed relevant parties, or

conducted home visits. As a result, there is no verifiable record that statutory duties under 42 Pa. C.S. § 6311 are being fulfilled.

Beyond these documentation gaps, the court environment itself operates with minimal public visibility. Proceedings are closed, records are sealed, and decision-making occurs with little external scrutiny. In this context, families and advocates have expressed concern that GALs—often drawn from a small group of attorneys who serve in multiple roles across the court system—may be perceived as closely aligned with judges or Children and Youth Services (CYS). This perception, even if unintentional, can erode trust in the independence of the GAL's recommendations.

Without a clear public record of who GALs are, what they are trained to do, or how their performance is reviewed, the system lacks the transparency needed to ensure accountability or to reassure families that their child's interests are being represented impartially.

Recommendation:

Establish mandatory documentation and public disclosure standards to improve oversight and rebuild public trust. These should include:

- A master list of GALs currently serving in the county, including professional qualifications and recent training history
- A standardized case activity report to be submitted in each case, including:
  - Dates and durations of contact with the child
  - Names and roles of parties interviewed
  - Tasks performed (e.g., home visits, school consultations, document review)
  - Time spent on each major activity
- Internal review of these reports by a designated oversight entity
- Public summaries of aggregate GAL performance data, consistent with confidentiality rules

Improved transparency into GAL engagement is essential for assessing whether children are receiving the advocacy they are entitled to under Pennsylvania law. Without reliable records and reporting, the public can not be sure that GALs are fulfilling their legal and ethical responsibilities.

***Observation 5: The “Best Interest of the Child” Standard Is Not Operationally Defined***

While the concept of acting in the “best interest of the child” is foundational to the Guardian ad Litem role, it is not clearly or consistently defined in Pennsylvania statute or local practice. GALs are given broad discretion to determine what outcomes are in a child's best interest, but there is no standardized set of factors or decision-making framework to guide this judgment.

This creates significant variability in outcomes, particularly when GALs are influenced by institutional norms or personal values. Two GALs could assess the same facts and arrive at different recommendations based on differing interpretations of safety, stability, discipline, or

educational needs. Families have raised concerns that this lack of clarity opens the door to bias or inconsistency.

Without a clear operational definition, there is no basis for evaluating whether GAL recommendations are sound, replicable, or aligned with evidence-based child welfare standards.

**Recommendation:**

If this is not already established, consider working with the Pennsylvania Supreme Court, the Administrative Office of Pennsylvania Courts, or a multidisciplinary task force to establish a uniform “best interest” framework to guide GAL decision-making. This framework should:

- Be available to the public
- Reference empirically supported child development and welfare standards
- Be publicly available and incorporated into GAL training
- Be used in case reviews, audits, and court evaluations of GAL reports
- Include guidance for reconciling conflicts between the child’s expressed wishes and what the GAL believes is best

***Observation 6: Families Are Not Informed of the Guardian ad Litem’s Role or Accountability Mechanisms***

According to several people interviewed, Lehigh County, families involved in dependency or high-conflict custody cases are not routinely provided with a written explanation of the Guardian ad Litem’s (GAL) responsibilities, legal obligations, or the process for raising concerns about GAL conduct. This lack of information can leave families uncertain about the GAL’s function, create confusion between GALs and other legal actors, and contribute to perceptions of bias or opacity. The Philadelphia Special Committee on Child Separations recommended that families interacting with DHS receive a Miranda-style notification of their rights. [14] A parallel need exists in the judicial context to ensure that families understand the scope and limits of GAL authority.

**Recommendation:**

If interviewees believe they were not presented with information that was actually given to them, then the original document should be signed and a copy left with the family to avoid confusion. If no such documentation exists, we should create and distribute a standardized, plain-language GAL notice to all parties at the time of the GAL’s appointment. This notice should include:

- A clear definition of the GAL’s role in representing the child’s best interests
- The GAL’s legal duties under 42 Pa. C.S. § 6311
- An outline of the expectations for GAL engagement (e.g., child contact, independent investigation)

- Instructions for how families may raise concerns, request recusal, or seek clarification through formal channels

This notice should be delivered in court and provided in writing to all parties, with translation available as needed. Doing so promotes procedural fairness, reduces miscommunication, and aligns Lehigh County with best practices recommended in other Pennsylvania jurisdictions.

***Observation 7: Pro Se Parents Face Structural Disadvantages in Custody Proceedings Involving GALs***

In high-conflict custody cases, some Lehigh County parents may choose to appear *pro se*—without legal representation. These parents may not understand the Guardian ad Litem's (GAL's) authority, duties, or how to challenge a GAL's recommendation in court. When a legally trained GAL is the only party with formal expertise, their opinion can become disproportionately influential—especially if the parent lacks prior access to the GAL's report or supporting documentation.

This dynamic raises due process concerns and can deepen mistrust in the court's neutrality, particularly when the GAL has not documented direct engagement with the child or investigation of the family's circumstances.

Recommendation:

Lehigh County should adopt limited procedural safeguards to ensure that *pro se* parents have a fair opportunity to respond to GAL recommendations. These should include:

- A requirement that GAL reports be shared with all parties in advance of hearings
- A brief written explanation of how *pro se* litigants may respond to, or raise concerns about, GAL conduct

These steps would strengthen procedural fairness in custody proceedings without duplicating broader recommendations already made in this report.



## BIBLIOGRAPHY

1. *2025 ADOPTED BUDGET DETAILS W TOC*. 2025, (<https://www.lehighcounty.org/Portals/0/PDF/Fiscal/2025%20ADOPTED%20BUDGET%20DETAILS%20W%20TOC.pdf?ver=QxGtHB6L7rznjdTmGHRpIA%3d%3d>).
2. *205107-Rules1915.11-2and1915.21areamended*. (<https://www.pacourts.us/Storage/media/pdfs/20230131/205107-rules1915.11-2and1915.21areamended.pdf>).
3. *231 Pa. Code Rule 5.5. Appointment of a Guardian Ad Litem or a Trustee Ad Litem*. (<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/231/chapter8005/s5.5.html>).
4. *237 Pa. Code Rule 1154. Duties of Guardian Ad Litem*. (<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/237/chapter11/s1154.html&d=reduce>).
5. *Guardian-Ad-Litem-Standards.Pdf-Dec-2024*. (<https://guardianadlitem.org/wp-content/uploads/2025/02/Guardian-ad-Litem-Standards.pdf-Dec-2024.pdf>).
6. *Rule 5.655. Program Requirements for Court Appointed Special Advocate Programs | Judicial Branch of California*. ([https://courts.ca.gov/cms/rules/index/five/rule5\\_655](https://courts.ca.gov/cms/rules/index/five/rule5_655)).
7. Center L. D. P. *Title 42 Chapter 63 Section 11 - The Official Website of the Pennsylvania General Assembly*. (<https://www.palegis.us/statutes/consolidated/view-statute>).
8. Children's Law Center. *Standards of Practice for Guardians ad Litem in Custody and Related Consolidated Cases*. 2020, (Page 11) URL: [https://childrenslawcenter.org/wp-content/uploads/2021/07/Tab-4\\_2.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/Tab-4_2.pdf).
9. Commonwealth of Pennsylvania. *Title 237 Pa. Code, Chapter 11 — Rule 1151: Assignment of Guardian Ad Litem and Counsel*. 2025, (Accessed June 17, 2025; reflects amendments effective through 55 Pa.B. 2578 (March 29, 2025) URL: <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/237/chapter11/s1151.html&d=reduce>).
10. Commonwealth of Pennsylvania. *Title 237 Pa. Code, Chapter 12 — Rule 1200: Commencing Proceedings*. 2025, (Accessed June 17, 2025; current through Register Vol. 55, No. 13 (March 29, 2025) URL: <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/237/chapter12/s1200.html&d=reduce>).
11. County of Lehigh, PA. *Resolution No. 2024-09*. 2024,.
12. Lehigh County Controller's Office. *Notes from Phone Interviews*. 2024, (Interviews conducted during Fall 2024 in Lehigh County).
13. Lehigh County Government. *Internal Invoices*. 2024, (Confidential internal financial records, Lehigh County).

14. Philadelphia City Council. *Report of the Special Committee on Child Separations in Philadelphia*. 2022, (Accessed: 2025-06-17) URL: [https://phlcouncil.com/wp-content/uploads/2022/05/SpecialCommitteeonChildSeparationsinPhiladelphia\\_REPORT\\_3.pdf](https://phlcouncil.com/wp-content/uploads/2022/05/SpecialCommitteeonChildSeparationsinPhiladelphia_REPORT_3.pdf).
15. U.S. Department of Health and Human Services. *National Evaluation of the Impact of Guardian Ad Litem in Child Abuse or Neglect Judicial Proceedings*. 1988, (Government report) URL: <https://www.ojp.gov/pdffiles1/Digitization/114331NCJRS.pdf>.