

## Adult GAL Volunteer Checklist

### Preliminary Evaluation of Case

- Review initial appointment documents from court.
- Identify parties to the case and their relationship to Respondent.
- Make notes of pertinent missing/incorrect information, if any – such as:
  - Defects in the CCP-211
  - Missing or inconsistent information in the petition (Guardianship of Person or Estate or both? What are the Respondent's assets/income? Missing addresses on Exhibit A? Etc.)
- Identify initial questions that come to mind.

### Getting Started

- Call the Petitioner(s) to introduce yourself and gather basic information (call attorney first if Petitioner(s) are represented).
- Briefly describe the role of the GAL.
- Verify that contact information on the appointment order is accurate.
- Verify relation of the parties to the Respondent.
- Ask about good interview times, dates and location. If Respondent is in an NH, you'll need to call Social Services office to set up the interview.
- If Respondent does not live with Petitioner, obtain contact information for the appropriate person you will need to contact to set up an interview with Respondent.
- Gather any information you need so that you can prepare for your meeting with the Respondent (Is the Respondent verbal? Ambulatory? Does the Respondent become agitated when meeting new people? Does the Respondent know that the Petitioner is asking the court to appoint a guardian? Will Respondent object? What is the Respondent's daily schedule/routine?).
- Set date/time/location of meeting with Respondent.
- If you don't already have a copy of the CCP-211, tell Petitioner(s) that you will need to review that document during your meeting or as soon as possible afterward.
- Keep conversation relatively short— you will have a chance to obtain more information during the interview.
- If you cannot reach parties by phone or do not hear back quickly, send letters to the parties asking them to contact you immediately at your preferred phone number.

### Conducting Interview of the Petitioner

- Confirm Petitioner is 18 years old or older and a resident of the United States.
- Ask Petitioner whether he/she has ever been convicted of a felony.
- Confirm Petitioner is not of unsound mind/has never been adjudged a disabled person.

- Confirm that all appropriate family members received notice and are listed on Exhibit A.
- Confirm that Respondent was personally served by the sheriff.
- Gather information about Petitioner's relationship with Respondent and involvement in Respondent's day-to-day care.
- Gauge Petitioner's knowledge of abilities and limitations of Respondent (ADLs).
- Gauge Petitioner's knowledge of Respondent's medical issues and medications (ask to see medications and write down dosage, etc.).
- Gauge Petitioner's knowledge of Respondent's habits and desires.
- Gauge Petitioner's knowledge of Respondent's relationships (family visits, social interaction).
- Verify information about Respondent's assets and income.
- Ask about activities, workshops or other programs in which Respondent may be involved.
- Ask any additional questions you have. Pay attention to answers, particularly, and ask appropriate follow up questions.
- Take notes during interviews with parties, but also listen carefully and watch body language, etc.
- Obtain any relevant documentation in the Petitioner's possession (return originals to Petitioner).
- Obtain contact information for other helpful contacts: teachers, care givers, doctors, family members, etc.
- Make sure Petitioner is aware of the next court date, time, and location.
- Take notes after interviews on factual information and your personal impressions and observations of the Petitioner and other people in the home/facility/placement.
- Make a list of the remaining documents and information you still need from the Petitioner.
- In light of interview with Petitioner, consider whether you will need to speak to doctors, therapists or other professionals and whether those professionals will speak to you without court order.

### **Conducting Interview of Respondent**

- Introduce yourself and take some time to build rapport.
- Meet with Respondent alone.
- Get a baseline – rudimentary evaluation of Respondent's orientation to date/time/place:
  - Ask Respondent to provide his/her age and date of birth
  - Ask Respondent about family relationships (How many children? Their names?)
  - Ask Respondent about previous occupations, if any
  - Ask Respondent about his/her education
  - Ask Respondent about any military service
  - Ask Respondent about current events/public figures (Who is the President? Mayor?)
  - Check Respondent's memory of recent events and of events in personal history (long-term and short-term memory)
  - Ask Respondent to do simple mathematical calculations (put some coins on the table and ask Respondent to give you 25 cents or make change for a dollar).

- You may want to conduct an informal Mini Mental State Exam (MMSE).
- Discuss the purpose of your visit/interview.
- Explain your role as GAL.
- Explain Guardianship (inform Respondent orally and in writing of contents of petition).
- Inform Respondent orally and in writing of Notice of Rights of Respondent (and explain hearing 755 ILCS 5/11a-11).
- Attempt to elicit Respondent's position concerning:
  - Adjudication of disability
  - Proposed guardian
  - Proposed change in residential placement
  - Changes in care that might result from the guardianship
  - Other areas of inquiry deemed appropriate by the court.

### **Conduct Collateral Interviews and Gather Appropriate Documentation**

- Reach out to others who might provide helpful information (doctors, teachers, caregivers etc.).
- If any health care professionals will not provide information you need for your investigation, consider requesting an order from the court (Notwithstanding any provision in the Mental Health Code or other law, GAL shall have the right to inspect and copy any medical or mental health record of the respondent which the GAL deems necessary, provided that the information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with the proceedings 755 ILCS 5/11a-10).
- If Respondent resides in a Rehab/Nursing facility be sure to request: Admission sheet, ER/Paramedic record, History & Physical, Physician's Order Form, RAP or MDS Summary Sheets, Nursing Care Plan/Treatment Plan, Current Medication Sheet, Social Service Assessment Notes.
- Follow up with parties and family members as needed.
- Contact CVLS with any questions you have along the way.

### **Analysis & Legal Procedure**

- Prepare Amended Exhibit A if needed.
- Confirm Respondent was personally served at least 14 days before hearing date.
- Check for defects on the Petition.
- Confirm that Petitioner has the original CCP-211 in his/her possession and that there are no defects (date of exam included, Illinois licensed physician, signed, etc.).
- Familiarize yourself with statute and then consider the relevant factors in your case, *i.e.*, clear and convincing evidence of disability, Respondent's objections/preferences, appropriateness of placement, etc.
- Consider what your recommendation will be, if you know, or what other information you need.
- Contact CVLS to discuss your case. We are happy to review your investigation with you.

## Writing the GAL Report

- Include all relevant information you have gathered, with a separate heading for each party.
- Refer to each party by one name throughout the report, for example, using their name, or title such as Mother, Guardian, etc.
- Report proven information as factual. If you have not seen proof, say “Mother states/alleges X”
- Keep the body of your report factual. Save all opinions and recommendations until the end.
- GAL Report Information Checklist:
  - Author and date of appointment
  - Note any defects in the Petition or Exhibit A
  - Note defects in Summons/Service
  - Summarize medical/psychiatric information
  - Note any medications the alleged disabled person is taking which may affect mental performance
  - Date, time and location of meeting with Respondent
  - Statement that the contents of the petition and rights of respondent were given
  - State the physical appearance of the alleged disabled person
  - Whether (and how) the person was able to communicate with GAL
  - Statement of any objection or agreement to guardianship or choice of guardian by alleged disabled person
  - A brief history on the alleged disabled person
  - Describe the conditions of the present placement and whether they meet the alleged disabled person’s needs
  - List all documents reviewed and everyone that was interviewed
  - Summarize all relevant conversations
  - Summarize the Mini Mental Status Examination (if relevant)
  - Note possible Cross-Petitions
  - Note any Power of Attorney for healthcare or property
  - Note Petitioner’s felony convictions (if any)
  - Note any pending litigation
  - GAL opinion and conclusions

## Submitting a GAL Report

- Deliver courtesy copy to the courtroom/judge at least 2 days in advance of your court date, or email it to CVLS so that we can deliver it for you. Your courtesy copy does not need to be signed.
- If possible, send courtesy copies of your report to the parties.
- Bring multiple copies of your report to your court date-- at least one for each party, one for you, and one original, signed report for the court.

### **Preparing for Court & Courtroom Logistics**

- Prepare any draft orders you plan or hope to have entered (continuance, order appointing guardian, etc.)
- Finalize any last-minute conversations with the parties in the hallway before entering the courtroom (give the Petitioner a brief explanation of what will happen in court).
- Check-in with the clerk when you arrive and hand him/her all of the copies your report, with the signed original on top. Let the clerk know if you are ready for your case to be called or whether you are waiting for someone else to arrive. Clerk will file stamp all of them, keep the original, and return all copies to you. Give a copy to each party and give them time to read it before your case is called.
- When parties arrive and you have all necessary documents, hand them to the clerk and let the clerk know that the parties have arrived and you are ready to have your case called. Necessary documents include: GAL Report, original CCP-211, Order Appointing Guardian, Oath and Bond, Notice of Right to Discharge.
- Sit down and wait for your case to be called.

### **Presenting Your Case**

- When your case is called, approach the bench and introduce yourself as the GAL from CVLS (spell your name for the record and speak slowly for the benefit of the court reporter).
- Wait for the judge to identify the parties and for the clerk to swear them in.
- The judge will generally run the show, but you can give a verbal presentation of the status of your case and what you would like the court to do if you are not ready for a guardian to be appointed for the Respondent.
- Speak clearly and only directly to the judge, referring to him or her as “Your Honor” or “Judge.”
- Do not respond to anything a party says until the judge indicates that it is your turn to do so. Never speak directly to the party, only to the judge.
- If everything court is ready to appoint a guardian, the judge will put everything on the record (date of personal service, information from CCP-211, etc.), judge will ask GAL to give an oral summary of report for the record (give a 3-minute recap of your report).
- Listen closely to what the judge says and take notes so that you can alter your draft orders according to the judge’s instructions if needed.
- If guardian is appointed in court, ask the judge to discharge the GAL and write that into the order appointing guardian.
- If you need another court date, ask the clerk for an available date.
- If you don’t have a prepared order, draft the order using a blank order and carbon copies.
- If there is another attorney in your case, show your order to the attorney for his/her approval before you submit it to the court.

- Hand your draft order to the clerk for the judge's review and signature and sit down to wait.
- When the order is ready, clerk will stamp all copies and give them to you. You should give a copy to each party. The new guardian will receive a copy of the Order Appointing Guardian that has a red "OK to Certify" stamp. Instruct Guardian to take that copy to the 12<sup>th</sup> floor to have it certified in the clerk's office (there is a \$4.00 fee).
- After you leave, mail a copy of the order to parties who were not present in court (if any).

### **Case Closure**

- Your case is usually closed when a guardian appointed and GAL is discharged.
- Make sure all parties understand the outcome and have a copy of your report and all court orders.
- Make sure to let CVLS know the outcome of your case (email CVLS a file-stamped copy of your report and the final court order discharging CVLS as GAL).
- In a couple of weeks, you will receive Letters of Office in the mail, forward those to Guardian.
- Let us know if you are interested in another case, either now or in the future!

**Thanks for all your hard work!**