

NORTH CAROLINA PROCEEDINGS THAT INVOLVE GUARDIANS AD LITEM (GALs)

This chart summarizes the types of proceedings in which a GAL shall or may be appointed, as well as the agency or person responsible for payment.

CASE TYPE	TYPE OF PROCEEDING	STATUTORY PAYMENT RESPONSIBILITY	GOVERNING STATUTES
Adoptions	Contested adoptions.	The GAL serves pro bono or the fees are taxed to the parties as part of the costs. There are no State funds to pay for these GALs.	1A-1, Rule 17(b)(2); 48-2-201.
Adoptions	Where the parents, as defined by G.S. 48-3-601, are incompetent.	The GAL serves pro bono or the fees are taxed to the parties as part of the costs. There are no State funds to pay for these GALs.	1A-1, Rule 17(b)(2); 48-3-602.
Adult Protective Services	Cases in which a disabled adult is alleged to be abused, neglected, or exploited, and lacks capacity to consent to protective services or waive the right to counsel.	Indigent Defense Services (IDS) if the client is indigent. The parties if the client is not indigent.	108A-105(b); 1A-1, Rule 17(b)(2).
Criminal	Cases in which a court is disposing of the property of an unknown or unapprehended defendant, or a defendant who is willfully absent from the jurisdiction, and a GAL is appointed to represent the defendant's interests.	IDS.	15-11.1(b).
Criminal	Cases involving a minor who is a victim of a crime or a potential witness to a crime, and an attorney is appointed to serve as the minor's GAL.	The GAL is appointed from a list of pro bono attorneys approved by the Chief District Court Judge, and serves pro bono. There are no State funds to pay for these GALs.	Rule 7.1 of the General Rules of Practice for the Superior and District Courts.
Juvenile	Abuse, neglect, or dependency proceedings, and DSS-initiated termination of parental rights proceedings, where a GAL is appointed to represent the child.	Administrative Office of the Courts (AOC) GAL program under the circumstances set forth in G.S. 7B-601(a) or (b). In all other cases, the respondent.	7B-601; 7B-603(a), (a1); 7B-1200; 7B-1201; 7B-1202.
Juvenile	Abuse, neglect, or dependency proceedings where a GAL is appointed to represent the parent-respondent.	IDS under the circumstances set forth in G.S. 7B-602(b) or (c). In all other cases, the respondent.	7B-602; 7B-603(b), (b1); 1A-1, Rule 17(b)(2).
Guardianship	Incompetency proceedings in which an attorney-GAL is appointed to represent the respondent.	1) The respondent if adjudicated incompetent and not indigent; 2) the respondent if not adjudicated incompetent, there were reasonable grounds to bring the proceeding, and the respondent is not indigent; 3) the petitioner if not adjudicated incompetent and there were no reasonable grounds to bring the proceeding; or 4) IDS in all other cases.	7A-451; 35A-1107(a); 35A-1116(c).
Guardianship	Restoration of competency proceedings in which an attorney or GAL is appointed to represent the ward.	1) The ward if the ward is not indigent; 2) the movant if relief is not granted and there were no reasonable grounds to bring the proceeding; and 3) IDS in all other cases.	35A-1116(c), (d); 35A-1130(c).

CASE TYPE	TYPE OF PROCEEDING	STATUTORY PAYMENT RESPONSIBILITY	GOVERNING STATUTES
Guardianship	Proceedings under Chapter 35A involving the modification of a guardianship order, removal of a guardian, resignation of a guardian, or appointment of a successor guardian.	1) The respondent if the respondent is not indigent; 2) the movant if relief is not granted and there were no reasonable grounds to bring the proceeding; and 3) IDS in all other cases.	35A-1116(c), (d); 35A-1207; 35A-1290; 35A-1292; 35A-1293.
Guardianship	Sterilization proceedings following an adjudication of incompetence when an attorney-GAL is appointed to represent the ward.	1) The ward if the ward is not indigent; 2) the guardian if relief is not granted and there were no reasonable grounds to bring the proceeding; and 3) IDS in all other cases.	35A-1107; 35A-1116(c), (d); 35A-1245(c).
Guardianship	Chapter 35A cases other than incompetency and sterilization where a GAL is appointed.	The GAL serves pro bono or the fees are taxed to the parties as part of the costs. There are no State funds to pay for these GALs.	1A-1, Rule 17(b)(2); 35A-1116(c).
Guardianship-Minors	Estate (guardianship) or special proceedings where a GAL is appointed to assist the court in determining who should serve as general guardian, guardian of the estate, or guardian of the person for a minor.	The minor's estate if there are estate funds. Otherwise the GAL serves pro bono or the fees are taxed to the parties as part of the costs. There are no State funds to pay for these GALs.	1A-1, Rule 17(b)(2).
Minors	Cases in which a minor is petitioning to marry and a GAL-attorney is appointed to represent the minor's best interests.	IDS.	7A-451(f); 51-2.1(b), (d).
Minors	Cases in which a minor is seeking judicial consent for an abortion and a GAL-attorney is appointed for the minor.	IDS.	90-21.8.
Termination Parental Rights	Termination of parental rights proceedings where a GAL is appointed to represent the parent-respondent.	IDS under the circumstances set forth in G.S. 7B-1101.1(b) or (c). In all other cases, the respondent.	7B-1101.1; 1A-1, Rule 17(b)(2).
Termination Parental Rights	Private termination of parental rights proceedings where the petition is filed by an individual and not DSS, and the court appoints a GAL for the child.	AOC.	7B-601; 7B-603(a), (a1); 7B-1103; 7B-1108(b).
Other	Civil, civil custody, estate, equitable distribution, Chapter 50B cases, certain SP proceedings, and other proceedings where a GAL is appointed under G.S. 1A-1, Rule 17.	The GAL serves pro bono or the fees are taxed to the parties as part of the costs. There are no State funds to pay for these GALs.	1A-1, Rule 17(b)(2).