

Nebraska Guardians Ad Litem Resources

Guardians Ad Litem Online Basic Training by Through the Eyes of the Child:

http://www.throughtheeyes.org/gal/online_training.php

The Online Basic Training includes among other things the following presentations:

Overview of the GAL Role:

<http://www.throughtheeyes.org/gal/guardian-ad-litem-overview.php>

Advocating for Children:

<http://www.throughtheeyes.org/gal/advocating-for-children.php>

Tips on Interviewing Children:

<http://www.throughtheeyes.org/gal/interviewing-children.php>

Nebraska Supreme Court Guidelines for Guardians Ad Litem for Juveniles in Juvenile Court Proceedings: http://www.supremecourt.ne.gov/rules/misc/GAL_Guidelines.pdf

Evaluation of the Guardian Ad Litem System in Nebraska Conducted by the National Association of Counsel for Children:

http://www.throughtheeyes.org/files/Yellow_Box_NACC_%28Report_plus_Appendices%29.pdf

Betz v. Betz, 254 Neb. 341, 575 N.W.2d 406 (1998) (holding among other things that a guardian ad litem may not file pleadings, introduce evidence, argue to the court, or act in the role of an attorney for a minor child in dissolution proceedings; and that one person may not be both guardian ad litem and counsel for the child).

Nebraska Child Protection Act, NEB. REV. STAT. § 28-710 et seq. (mandatory child abuse reporting requirements).

Nebraska Rules of Professional Conduct:

<http://www.supremecourt.ne.gov/rules/pdf/Ch3Art5.pdf>

Rule 1.6 Confidentiality of Information

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a crime or to prevent reasonably certain death or substantial bodily harm;

(2) to secure legal advice about the lawyer's compliance with these Rules;

(3) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or

(4) to comply with other law or a court order.

(c) The relationship between a member of the Nebraska State Bar Association Committee on the Nebraska Lawyers Assistance Program or an employee of the Nebraska Lawyers Assistance Program and a lawyer who seeks or receives assistance through that committee or that program shall be the same as that of lawyer and client for the purposes of the application of Rule 1.6.

Rule 1.14 Client with Diminished Capacity

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Rule 3.1 Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.