

Rule 4-906.02. Private GALs

Intent:

To establish the policies and procedures for the selection, appointment, and payment of private GALs ("PGALs").

Applicability:

This rule applies to the Office and PGALs.

Statement of the Rule:

(1) **List.** The Director must maintain a list of PGALs qualified for appointment.

(2) **Application.** To be included on the list of eligible PGALs, an applicant must submit a written application to the Office and:

(2)(A) be a member in good standing in the Utah State Bar;

(2)(B) provide a Bureau of Criminal Identification criminal history report;

(2)(C) provide a Utah Division of Child and Family Services child abuse database report and similar information from any state in which the applicant has resided as an adult;

(2)(D) provide a certificate of completion for initial or additional necessary training requirements established by the Director;

(2)(E) meet any minimum qualifications as determined by the Director; and

(2)(F) agree to be evaluated at the Director's discretion for competent, professional, proficient, ethical, appropriate conduct, performance, and minimum qualifications, including tracking the frequency and type of interactions with minor clients.

(3) **Appointment.** Upon the appointment of a PGAL, the court will:

(3)(A) use the following language in its order: "The Court appoints a private attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to represent the best interests of the minor child(ren) in this matter.";

(3)(B) designate in the order whether the PGAL will:

(3)(B)(i) be paid the set fee, as established by paragraph (6), and an initial retainer;

(3)(B)(ii) not be paid and serve pro bono; or

(3)(B)(iii) be paid at a rate less than the set fee in paragraph (6); and

(3)(C) send the order to the Director c/o the PGAL Program.

(4) **Assignment.** Upon receipt of the court's order appointing a PGAL, the Director will contact and assign the case to an eligible attorney, if available.

(5) **Notice of appearance and representation.** On accepting the court's appointment, the assigned attorney must file a notice of appearance with the court within five business days of acceptance and will thereafter represent the best interests of the minor(s) until released by the court.

(6) **Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned by the court against the parties will be \$150.00 per hour or a higher rate determined reasonable by the court. The retainer amount is \$1,000 or a different amount determined reasonable by the court. The retainer amount will be apportioned by the court among the parties and paid by the parties.

(7) **Education.** Each year, PGALs must complete three hours of continuing legal education ("CLE") relevant to the role and duties of a PGAL. To meet this requirement, the Office will provide training opportunities that are accredited by the Utah State Bar Board of Mandatory Continuing Legal Education. In order to provide access to all PGALs, the Office will provide multiple trainings at locations throughout the State or online.

(8) **Removal.**

(8)(A) A PGAL who fails to complete the required number of CLE hours will be notified that unless all requirements are completed and reported within 30 days, the Director may remove the PGAL from the list of eligible PGALs.

(8)(B) The Director may remove a PGAL from the list of eligible PGALs for failure to perform or conduct themselves in a competent, professional, proficient, ethical, or appropriate manner, or for failure to meet minimum qualifications, including the annual CLE requirement. Within a reasonable time after the removal, and in the event the PGAL has not yet been released by the court in a pending case, the Director will provide written notice to the court of the Director's action, and the court may, in its discretion, determine whether the PGAL should be released from the case.

(9) A PGAL is not an Office or Administrative Office employee.

Effective: June 22, 2026