**TERMS OF REFERENCE**

**for the**

**Implementation of the Guardian Ad Litem Programme**

**Background**

The Children's Act 2020 allows for the appointment of a Guardian Ad Litem (GAL) to advocate for the best interests of children during judicial proceedings. This is especially relevant where the child is a victim of, or witness to, serious offenses or is an offender. The GAL program aims to ensure that children's participation in judicial proceedings is effective and that their needs, feelings, and views are communicated to the court.

**Categories of professionals to be enlisted as Guardian Ad Litem**

* Legal professionals [barrister at law]
* Psychologists (registered with the Allied Health Professionals Council)
* Social Workers [degree in social work or related field]

**Scope of Services**

The service provider shall perform duties as per the court order within the set timeframe and in line with the GAL's code of conduct. The services shall include, but not be limited to, the following:

1. Advocate for the child's best interests before the court;
2. Monitor the child's best interests, including any impact caused by the involvement in the justice process, throughout the investigation and judicial proceedings;
3. Make recommendations related to the child's best interests to the Director of Public Prosecutions, the Police and any other person or body in relation to any Court proceedings involving the child.
4. Appeal on behalf of the child against decisions of the Protection Division [through a legal resource person for non-legal GAL] as per section 7 [3] of the Children's Court Act 2020.

**Expected Deliverables**

The Guardian Ad Litem shall:

* Represent and advocate for the child's best interests in court regarding child custody, visitation, and child-related issues;
* File a written report with the court, setting forth findings, recommendations, and the basis thereof;
* Conduct an independent investigation of the facts, including reviewing court files, obtaining relevant records, interviewing relevant individuals, and consulting with professionals with relevant special expertise;
* Confer with counsel for the parties and the court;
* Obtain the assistance of independent experts, on leave of court;
* Ensure that the services and responsibilities listed in the permanency plan are in the child's best interests;
* Ensure that particular attention is paid to maintaining and maximizing appropriate, non-detrimental contacts with family members and friends;
* Have contact with the child prior to court hearings and when apprised of emergencies or significant events affecting the child;
* Explain to the child, in a developmentally appropriate manner, the subject matter of litigation, their rights, the court process, the GAL's role and responsibilities, what to expect before, during and after each hearing or review, and the substance and significance of any orders entered by the court;
* Consult with the child prior to court hearings and when apprised of emergencies or significant events affecting the child;
* Ensure that if the child is to testify, the child is prepared and supported appropriately.

The successful applicants shall ensure that the Guardian Ad Litem program is implemented effectively, efficiently and in line with the Children's Act 2020, ensuring that the best interests of the child are paramount at all times.

**Facilities to be provided for the implementation of the Guardian Ad Litem Programme**

* Mileage Claim Refund
* Capacity Building and Training

**Contract and payment**

* Contract Duration: One year with possibility of renewal
* Payment: Rs 8000 per case