

Chart 7: Appointment Laws in Adoption, Guardianship, Unmarried Parent, and Divorce Cases*

STATE	Adoption	Guardianship	Unmarried Parent	Divorce
Alabama	Req'd if contested	Discretionary	Required	GAL - Discretionary - Att'y
Alaska	Discretionary	Discretionary	No statutory reference	Att'y or GAL - Discretionary - Att'y/Other Person/Gov't Att'y
Arizona	Discretionary	Req'd to revoke guardianship (which must be shown by clear and convincing evidence)	No statutory reference	GAL/Att'y/Court Advisor - Discretionary - Att'y/Qualified Individual
Arkansas	Discretionary	Discretionary where custody is an issue	No statutory reference	Att'y <i>Ad Litem</i> - Discretionary - Att'y
California	No statutory reference	Discretionary	Req'd if minor is a party	Hybrid - Discretionary - Att'y/Gov't Att'y
Colorado	Discretionary	Discretionary	Discretionary	Att'y - Discretionary; Special Advocate - Discretionary
Connecticut	Discretionary	Discretionary; Req'd if abuse or neglect	No statutory reference	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Delaware	Required if Div. of Fam. Services is involved	Discretionary	Req'd if minor is a party	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
District of Columbia	Discretionary	Discretionary	No statutory reference	GAL - Discretionary - Att'y
Florida	Req'd if abandoned infant	Discretionary	No statutory reference	Att'y or GAL - Discretionary (GAL req'd if abuse) - Att'y/Certified Citizen
Georgia	Discretionary	Required	Discretionary	GAL - Required - Any Trained Person
Hawaii	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other Prof.
Idaho	Discretionary	Required	No statutory reference	GAL - Discretionary - Att'y
Illinois	Required	Discretionary; Req'd if abuse or neglect	Discretionary	Att'y/Hybrid/or GAL - Discretionary - Att'y/Gov't Att'y
Indiana	No statutory reference	Req'd unless waived	No statutory reference	GAL - Discretionary - Att'y/CASA trained
Iowa	Discretionary	Discretionary	Discretionary	Att'y/or GAL - Discretionary - Att'y
Kansas	No statutory reference	Discretionary	Req'd if interests of child and petitioner differ	GAL - Discretionary - Att'y
Kentucky	Req'd if adoption follows termination or if both parents are deceased	Discretionary	No statutory reference	GAL - Discretionary - Att'y
Louisiana	Req'd if father contests or in terminations	Discretionary	No statutory reference	Att'y - Req'd if abuse - Att'y
Maine	Discretionary	Discretionary	No statutory reference	GAL - Discretionary - Att'y/Other Prof.
Maryland	Req'd if minor over 10	Discretionary	No statutory reference	Att'y/or GAL - Discretionary - Att'y
Massachusetts	Required if contested	Discretionary	Discretionary	GAL - Discretionary - Att'y/Disinterested Person
Michigan	No statutory reference	Discretionary	Discretionary	Hybrid - Discretionary - Att'y
Minnesota	Discretionary	Discretionary	Discretionary	GAL - Req'd if abuse - Att'y/Professional
Mississippi	Req'd if contested	No statutory reference	No statutory reference	GAL - Req'd if abuse - Att'y/Professional
Missouri	Required	Discretionary	Req'd if abuse/neglect, minor is defendant, or interests of child and next friend differ	GAL - Req'd if abuse - Att'y/or CASA
Montana	Discretionary	Discretionary	Required	GAL - Discretionary - Att'y/Other Prof.
Nebraska	Discretionary	Discretionary	No statutory reference	Att'y or GAL - Discretionary - Att'y
Nevada	No statute	Discretionary	Required	GAL - Discretionary - Att'y/Other Prof.
New Hampshire	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other Prof.
New Jersey	Req'd if approved agency recommends against	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y/Other Prof.
New Mexico	Req'd if contested	Req'd if contested by parent or revocation	Req'd if minor is a party	GAL - Discretionary - Att'y
New York	Required in revocation of adoption consent	Req'd for destitute or dependent minors	No statutory reference	Att'y or GAL - Discretionary - Att'y/Gov't Att'y
North Carolina	Discretionary if contested	Discretionary	Required if father files	GAL - Discretionary - Does not specify
North Dakota	Required in relinquishment	Discretionary	Req'd if child's interests are not adequately represented	GAL - Discretionary - Att'y
Ohio	Discretionary	Req'd if guardian has adverse interest	Req'd if interests of mother and child's differ	GAL - Discretionary - Att'y/Other Prof.
Oklahoma	Req'd if contested	Discretionary	Req'd if child's interests are not adequately represented	GAL - Discretionary - Att'y
Oregon	No statute	No statutory reference	No statute	Att'y - Req'd if a minor requests - Att'y
Pennsylvania	Req'd for involuntary termination requested by either parent	No statutory reference	No statute	Att'y or Hybrid - Discretionary - Att'y
Rhode Island	Discretionary	No statutory reference	No reference in statute	GAL - Discretionary - Does not specify
South Carolina	Required	Discretionary	Req'd if action may make minor illegitimate	GAL - Discretionary - Att'y/Layperson
South Dakota	No statute	Discretionary	No statute	Att'y (BI) - Discretionary - Att'y
Tennessee	Req'd if mentally disabled	Req'd unless waived	No reference in statute	GAL - Discretionary - Does not specify
Texas	Discretionary	Atty req'd, GAL discretionary	Req'd if minor is a party or interests are not adequately represented	Att'y <i>ad litem</i> /GAL/or Amicus Att'y - Req'd if in best interest - Att'y/Adult
Utah	Discretionary	Discretionary	Req'd if minor is a party	Att'y (BI) - Discretionary - Att'y/Gov't Att'y
Vermont	Req'd if contested	Discretionary	Discretionary	Att'y - Req'd if a minor is witness - Att'y, GAL - Discretionary - Att'y
Virginia	No statutory reference	No statutory reference	Req'd if minor is a party	Att'y or GAL - Req'd if abuse - Att'y
Washington	Discretionary	Discretionary	Req'd if the minor is a party or interests are not adequately represented	GAL - Discretionary - Att'y/Other
West Virginia	No statutory reference	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y/Does not specify
Wisconsin	Req'd if contested	Req'd if contested	Req'd if contested	GAL - Req'd if contested - Att'y
Wyoming	Discretionary	Discretionary	Req'd if the minor is a party or interests are not adequately represented	Hybrid - Req'd if abuse involved - Att'y

* This chart indicates where there are specific statutory sections that provide for the appointment of an attorney or guardian *ad litem* for a child. The chart was prepared by the ABA Child Custody and Adoption Pro Bono Project.