From: Utah Office of Guardian ad Litem, Best Practice Guidelines, 2009.

Section A. Representing the Child

13. Within the context and for the purpose of doing what is in the best interest of each child client in regard to their overall well-being, primary relationships, custody, permanency, and living arrangements (and a multiplicity of other possible factors specific to each case), the following non-exclusive factors should be considered as a general checklist when determining the best interests of the child:

a. The safety and well-being of the child.

b. The age and developmental level of the child.

c. The developmental, psychological, emotional, educational, and physical needs of the child, currently and for the foreseeable future.

d. The nature and quality of the child's relationship or attachment with the parents, caregivers, or potential custodians; as well as the degree to which parents, caregivers or potential custodians support, when appropriate, the child's interaction or meaningful contact with the child's extended family or other significant persons.

e. The culture and ethnicity of the child.

f. The special or unique needs of the child (e.g., medical, dental, physical, educational, psychological, emotional, etc.).

g. The benefit of keeping siblings together.

h. The child's own perception, desires, and preferences.

i. The possible and most viable short and long-term residential placements available for the child.

j. The parent's, caregiver's, or prospective custodian's conduct, character, behavior patterns, moral standards, status, and capacity and willingness to parent the child.

k. Whether abusive behaviors are evident in the child's familial relationships and injurious to the child presently and/or likely to continue to be in

the future (e.g., physical abuse; sexual abuse; psychological abuse; physical, emotional or medical neglect, etc.).

l. The current and ongoing protections and/or treatments necessary for the child and/or for the parents or potential caregivers or custodians in relation to the child.

m. Other best interest factors in regard to custody matters are found in U.C.A. Sec. 30-3-10 and 10.2, as well as, U.R.J.A. Rule 4-903(5).

C. Independent Investigation to Determine Best Interests

1. Conduct or supervise an independent ongoing investigation in regard to the child in order to obtain a first-hand, clear understanding of the situation and needs of the minor. See Section A.13 above.

2. Seek to obtain, whether informally or by use of discovery or motion practice, all relevant evidence and useful collateral information, such as: child interviews, DCFS records, parent interviews or statements, experts and professionals, witnesses, service providers, evaluations, assessments, medical records, school records, police reports and criminal records, counseling and substance abuse records, CASA-collected information, court records, etc.

3. Personally meet with the minor, personally interview the minor if the minor is old enough or able to communicate, determine the minor's goals and concerns regarding placement, and personally assess or supervise an assessment of the appropriateness and safety of the child's environment of each out-of-home placement or custody arrangement.

4. When reasonably necessary, confirm or verify the accuracy of collateral information. Seek to obtain original source documents and/or information from original source contacts.

5. Be open to new and relevant information which may assist in the determination of best interests of the child. Seek out relevant information from collateral sources.

6. Be open and objective when gathering relevant and pertinent information until such time as it is necessary to make a determination of best interests at each stage of an open case. Employ a willingness to change your mind about best interests if new information suggests a need to do so for the benefit of the child client.

7. The GAL should have “no other agenda than to determine what actually is in the best interests of the child” and “shall investigate the case, especially as it affects the interests of the child, and present to the court an independent determination of what court action would be in the best interests of the child.” *Schoolcraft,* at 1220.