



An Roinn Leanaí, Míchumais  
agus Comhionannais  
Department of Children,  
Disability and Equality

# Guardian *ad litem* National Service

**FASD Ireland Conference 14<sup>th</sup> May 2026**

**Joy McGlynn, Head Guardian *ad litem***

# Overall Objectives of Guardian *ad litem* Reform

1.

Provide explicitly for Best Interests of the Child and Views of the Child

2.

Extend the benefits of the Guardian *ad litem* to the greatest number of children and young people

3.

Provide an accountable, organised and transparent service of high quality that is sustainable into the future



# Where we started from



## **Child Care Act 1991:**

Section 26 of the Child Care Act 1991 provides for the appointment of Guardians *ad litem* in respect of child care proceedings where a child is not party to proceedings and where the Court is satisfied that it is necessary in the best interests of the child and in the interests of justice to have a Guardian *ad litem* appointed. The 1991 Act obliges Tusla to pay costs incurred.

## **The Act is silent on:**

- the status of the Guardians *ad litem* in child care proceedings;
- the definition of the role and functions of the Guardian *ad litem* and
- the qualifications/experience required to act as a Guardian *ad litem*.

# The Legislative Journey of Child Care (Amendment) Act 2022



**A long process, many steps and stages, significant iteration and change – reflecting the emerging views of stakeholders and policy makers:**

- Consultation commenced in 2015.
  - Child Care (Amendment) Bill 2019 published in August and commenced committee process before dissolution of Dáil in February 2020.
  - Consultation and engagement with stakeholders continued throughout 2020 and 2021.
  - General Scheme of Child Care (Amendment) Bill 2021 published in November taking account of feedback on original bill and further consultation.
  - The Child Care (Amendment) Act 2022 was enacted in July 2022.
  - Decision of government that the service would be an Executive Office of DCDE
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- More information available on the [DCDE website](#) and [www.gov.ie/gal](http://www.gov.ie/gal)

# Key Provisions of the Child Care Amendment Act (2022)



- **Presumption of Guardian *ad litem* Appointment**
  - The Act creates a presumption in favour of appointing a Guardian *ad litem* in District Court proceedings and mandates appointment in special care cases before the High Court and mental health proceedings in the District Court
- **Child's Voice**
  - Courts must facilitate and give due weight to the views of children capable of forming their own views, considering their age and maturity
- **Best Interest**
  - Best interests is defined in the legislation and this is to be the paramount consideration of the Court.

# Key Provisions of the Child Care Amendment Act (2022)



## Guardian *ad litem* Functions

- Ascertain and consider the child's views
- Advise the court on the child's best interests
- Provide reports and recommendations to the court and can be called as a witness
- Inform the child of court decisions in an age-appropriate manner
- Can make applications to the Court to procure a report on any matter affecting the welfare of the child
- Can access information from Tusla as required
- Will be legally represented in the High Court & mental health proceedings but not always legally represented in the District Court
- Can be given 'party like' rights by the court

**Guardian *ad litem* is independent in the performance of their functions. This independence will be protected by the National Service within its policies & procedures.**

# Establishment of Executive Office



- **2023-2024** Consultant Anthony Douglas CBE works with Department on design of the service
- **January 2025** Director appointed and Executive Office established with other key roles then recruited
- **Sept 2025** Formal engagement begins with Tusla to identify children with a Guardian *ad litem*
- **Oct 2025** Confirmation of budget allocation for new service in 2026, including employment of 65 Guardians *ad litem*
- **Dec 2025** Recruitment opens for authorised Guardians *ad litem*
- **Feb 2026** Memo to Government outlining the planned commencement in June 2026  
In person consultation on key operational policies and procedures
- **Mar 2026** Transitional process for existing Guardians *ad litem* opens
- **April 2026** Engagement with care experienced young people  
Minister advises the Dail of expected commencement date of 23<sup>rd</sup> June 2026
- **May 2026** Contracting with recruited Guardians *ad litem* begins
- **January 2025 - present**
  - Additional staff assigned from within department (total team of 20 staff now in place)
  - Engagement with existing Guardians *ad litem* & their representatives
  - External engagement with stakeholders – Courts, Judiciary, Tusla, NGOs

# New Guardian ad litem National Service



- There will be an employed workforce of Guardians *ad litem*, potentially supplemented by a private panel
- A Guardian *ad litem* will need to be authorised by the Service to practice as a Guardian *ad litem* under the Child Care (Amendment) Act 2022.
- Authorisation requires defined qualifications and experience, Garda Vetting and mandatory training.
- The Judge will direct appointment of a Guardian *ad litem* Special Care, district court care and mental health proceedings. The National Service will make the appointment
- There will be oversight of the Guardians *ad litem* via a Code of Conduct, Standards, supervision, a complaints process and practice audits

# New Guardian ad litem National Service



- Legal advice will be provided to Guardians *ad litem* at their request by internal solicitors and an external panel.
- Legal representation will be provided in scenarios set out by Section 35D of 2022 Act
- There will be focus on how the team around the child works collaboratively to achieve the best possible outcome for the child
- Service will gather information about trends and themes on children in care proceedings around the country
- Service will focus on continuous improvement, and embedding a culture of transparency and accountability for Guardians *ad litem*

# Transitional Provisions



There is a transition period in the legislation of 12 months for existing Guardians *ad litem*

- The purpose of the transition is to reduce disruption to children and to care proceedings
- Garda Vetting and a ‘Fit & Proper’ assessment is undertaken by the National Service
- The transitional Guardian *ad litem* will be ‘deemed appointed’ to existing cases for a maximum period of 12 months.
- The majority of existing Guardians *ad litem* have applied for transition
- Transitional Guardians *ad litem* agree to adhere to the Code of Conduct and Complaints Procedure
- Transitional Guardians *ad litem* retain existing legal representation
- No new appointments can be made to a transitional Guardian *ad litem*
- At the end of the 12 months, if the case hasn’t naturally ended, it will transfer to the National Service



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# Questions and Discussion

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