



# *Supreme Court of Tennessee*

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**FOR IMMEDIATE RELEASE**

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## **Court Denies Davidson Co. Juvenile Courts' Petition for Exemption from Supreme Court Rule 40A**

**Nashville, Tenn.** - The Tennessee Supreme Court today denied the Davidson County Juvenile Court's petition for exemption from Rule 40A, which governs the appointment of guardians ad litem (GAL) in child custody proceedings. Rule 40A was established on May 1, 2009, to outline the appropriate use of GALs, which are court-appointed attorneys, professionals or child advocates that are appointed to represent the best interests of the children. This provisional rule will be in effect until April 30, 2010, at which time the Court will further evaluate the rule for possible adoption.

"According to Rule 40A, guardians ad litem should be appointed sparingly in child custody cases and only when the child's best interests aren't being represented by the parties," said Chief Justice Janice Holder. "Rule 40A provides a clear direction for when GALs are to be used and further defines their role within the proceeding."

Rule 40A was adopted in response to testimony heard at the Tennessee House of Representatives' Children and Family Affairs Committee in August 2007. Parties from former and current child custody proceedings related similar accounts of perceived difficulties in connection with a divorce or custody proceeding. One of the primary concerns was the proper role of court-appointed guardians ad litem in these cases, as well as the financial impact that GAL fees had on the parties.

The Supreme Court will continue to collect comments about Rule 40A until April 30, 2010, at which time the Court will review the comments and further evaluate the Rule. Please visit [www.tncourts.gov](http://www.tncourts.gov) for more information about submitting comments.

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