

Best Standards of Service for Litigation Guardians

- 1 Safeguard and present the voice of the child during the court process.
- 2 Increase the court's understanding of the child's lived experiences.
- 3 Show how to ensure the child's safety and well-being.
- 4 Have a positive impact to achieve the best outcome for the child.

Best Standards of Practice for Litigation Guardians

- Understanding
- Communication
- Confidentiality
- Impartiality
- Commitment
- Professional

How a Litigation Guardian adds value on behalf of the child


- 1 Ensures that stronger caring attachments for the child are a priority.
- 2 Recommends actions that will minimize exposure to risk and harm for the child.
- 3 Understands and secures the level of stability deemed appropriate for the child's needs.
- 4 Identifies how the child's emotional and psychological well-being can be safeguarded.
- 5 Identifies key resources for the child and their long-term carer.
- 6 Takes active steps to reduce any potential delays in the child's court case.
- 7 Supports the child in a way they will remember positively



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LITIGATION GUARDIANS The Voice of the Child



GOVERNMENT OF BERMUDA

Ministry of Youth, Social Development and Seniors

OFFICE OF THE LITIGATION GUARDIAN

Background

The Office of the Litigation Guardian falls under the remit of the Ministry of Youth, Social Development and Seniors. As per the Children Act 1998, the Minister is required to establish a panel of persons to serve as Litigation Guardians when called upon.

Section 35(1) of the Children Act 1998, states:

“For the purpose of any specified proceeding, the court shall appoint a litigation guardian for the child concerned unless satisfied that it is not necessary to do so to safeguard his interests.”

Section 35(2) of the Children Act, 1998, states:

“The litigation guardian shall be under a duty to safeguard the interests of the child.”

The role of the Litigation Guardian is a statutory safe-guarding role.

What is a Litigation Guardian?

- In simple terms, a Litigation Guardian is a person appointed by the court to represent and protect the interests of a child during legal proceedings. The Litigation Guardian ensures that the child's rights are upheld and that their best interests are considered throughout the court case.
- The Litigation Guardian, often referred to as the LG, is the Voice of the Child.
- The LG's primary focus is to increase the court's understanding of the voice of the child and the child's best interests. The LG will set out in a child impact analysis, the best interests of the child relating to the application before the courts.
- The LG's involvement begins and ends with the court case, When the LG has represented the voice of the child in the courts their work is completed, and the LG will be discharged.

What does a Litigation Guardian do?

- The first and most important step in the role of the LG is to understand the child's needs, wishes and feelings sufficiently to give the court an independent opinion about what is in the child's best interests.



- The LG will ensure the child is informed of matters relevant to the court proceeding keeping in mind the child's age and maturity.
- The LG will also provide instruction and meet with the LG Counsel if one is appointed to the court case.
- Having all the necessary meetings and information will allow the LG to provide written reports to the court on the child's circumstances and recommend a course of action that would be in the best interest of the child.
- The recommendations will:
 - ✓ Safeguard the interest of the child in court proceedings.
 - ✓ Promote and facilitate a child's right to a voice and to have their views considered in proceedings.
 - ✓ Show regard to the best interest of the child as the most important consideration.
 - ✓ Provide the court with an assessment of the child's situation as the court may request for consideration and determination of court proceedings.

