

The Role of the Guardian Ad Litem in Personal Injury Cases Involving Minors

Advice From Your South Florida Accident Attorney

When a personal injury case involves injuries to a minor due to the negligence of another, the resulting legal proceedings are somewhat different than a case involving an adult. Depending on the circumstances, the court may have to follow specific procedures in order to adequately safeguard the rights of the minor.

In all cases involving injuries to a minor, your South Florida accident attorney must represent the parent or legal guardian of the minor, rather than the minor him or herself. Court rules do not permit a minor to pursue a personal injury lawsuit without representation by a parent or guardian. Additionally, in some cases, the court requires that the minor be represented by a guardian ad litem (GAL), or an independent person appointed by the court to represent the interests of the minor. A GAL is not a family member or parent; rather, a GAL is a disinterested party who has no personal stake in the outcome of the personal injury lawsuit.

Typically, the court must appoint a GAL when the settlement is quite large, such as settlements in excess of \$50,000. A court also has the discretion to appoint a GAL for a minor in cases where settlement is valued at between \$15,000 and \$50,000. The role of the GAL is to consider the facts regarding the situation and make a written recommendation to the court as to whether the proposed settlement is in the minor's best interests. In any case involving a settlement of more than \$15,000 for a minor, court approval is required, so the GAL's recommendations will affect whether the court will approve of the proposed settlement. Cases involving settlement amounts of less than \$15,000 are not required to have a GAL appointed or a minor nor to have court approval of the settlement.

As your South Florida accident attorney can tell you, a personal injury case involving injuries to a minor can become quite complex due to heightened court requirements necessary to protect the minor's interests. Do not attempt to handle this type of complicated court action on your own; rather, get the advice of an experienced South Florida accident attorney to assist you in your case. The attorneys of Reifkind & Thompson, P.L., have years of experience in representing families with minors injured in accidents, as well as people in all types of personal injury actions. Contact our office at 1-800-HURT-NOW for answers to all of your personal injury questions.