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## LETTERS TO THE EDITOR

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### *Maryland's Children Need This Legislation*

Contrary to the views expressed in the Feb. 26 Close to Home piece "Malpractice That Must Be Punished," the family law bills pending in the Maryland legislature are needed to protect children caught in the crossfire of court custody battles.

Senate Bill 664 and House Bill 700 clarify that Maryland courts have the authority to appoint lawyers to represent the best interests of children. They also give these court-appointed attorneys — called guardians ad litem, or GALs — qualified immunity from malpractice liability so that they will not be subject to retaliation from disgruntled parents.

GALs generally serve in high-

conflict cases. Their responsibility is to conduct an investigation, give voice to the child's views and make recommendations to the judge regarding the child's best interests. To perform this function, GALs must be free of intimidation from malpractice lawsuits, absent gross violations of professional conduct. Their independence is especially crucial in custody battles involving allegations of physical or sexual abuse of children because determining the truth of such allegations is so difficult and so vital.

The pending bills strike a balance between protecting these attorneys' independence and providing sanctions for inappropriate behavior.

They allow the attorneys to be sued for "willful or reckless" conduct, and GALs remain subject to ethics proceedings and to motions for removal for unprofessional behavior.

A coalition — including the Maryland judiciary, numerous bar association groups and other professional organizations — support the pending legislation. The children of Maryland deserve no less.

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