

Guardians Ad Litem (GALs) in Housing Court

Information Sheet for OWNERS

I started a Housing Court case against a tenant who is physically/mentally impaired. The tenant is not cooperating. I want to solve the problem, so I can finish the case. What should I do?



Tell the judge! You must tell the judge if the tenant that you are suing in Housing Court has a physical or mental impairment. The judge will then decide whether to appoint a Guardian Ad Litem (GAL) for the tenant. If the case has not been assigned to a judge, tell the Clerk's Office.

What is a Guardian Ad Litem (GAL)?

A GAL is someone the judge chooses to help a litigant who cannot protect his or her rights because they have a mental or physical impairment.

If a judge appoints a GAL for the tenant, does that mean that the tenant is incompetent?

No. When a judge appoints a GAL, it is because the judge thinks that the litigant has an impairment that stops them from defending or protecting their rights. It is not a decision regarding legal capacity.

Is a GAL an attorney?

In New York City Housing Court, a GAL does not have to be an attorney. However, most of the housing GALs are attorneys, while the rest have social work-related experience.

What does a GAL do?

In Housing Court, GALs work to help the litigant they are appointed to advocate for and find solutions to end their court case. A few examples of GAL responsibilities include:

- going to court
- meeting with the litigant
- helping the litigant get services or assistance to solve the case, and

- trying to work out an agreement that protects the person's rights

In the end, the judge will expect the GAL to recommend a solution that is in the best interest of the litigant, after reviewing all the information presented.

Can a GAL open the door to an apartment so that the super can take care of necessary repairs?

No. GALs do not have the legal power to open the door and provide access to an apartment. However, a GAL can help convince the litigant to do so.

Can a GAL agree for the tenant to move so that I can have the apartment back?

No, the GAL cannot agree for a tenant to move. A judge must hold a trial and decide whether to order a person to move. However, a GAL can help a litigant search for other housing options.

Can a GAL make the tenant pay me the arrears owed or clean the apartment?

No. GALs have limited legal powers. They cannot manage a person's money or make a person clean their apartment. However, they can help a person apply for benefits or assistance to pay for arrears owed. They can also help the litigant decide what they are willing to give away and encourage the litigant to accept cleaning services.



What if I believe the GAL is not helping the tenant resolve the case?

If you believe the GAL is not acting responsibly, tell the judge! Only the judge has the power to tell the GAL what to do or to remove the GAL, if there is a problem.



Hon. Edwina G. Mendelson
Deputy Chief Administrative Judge for Justice Initiatives

