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VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,)

Complainant,)

v.)

WESLEY C. SMITH,)

Defendant.)

Chancery No. 53360

MOTION TO APPOINT NEW GUARDIAN AD LITEM

COMES NOW the Defendant, Wesley C. Smith, pro se, and moves this Court pursuant to Va. Code Ann. § 20-103, for entry of an Order granting him *pendente lite* relief as requested below.

In support of his MOTION the Defendant states as follows:

1. On or about Feb 5 2004 the Defendant filed a motion requesting a Guardian Ad Litem. One of the main reasons for the request was due to the differing communication skills of the parties and the Defendants belief that a third party without the time limits or procedures of a court hearing could get a more accurate understanding of the true history of the parties and thus recommend a better settlement for their son.
2. On March 19, 2004 a Pendente Lite Order was entered appointing Ronald Fahy as Guardian Ad Litem.
3. Va. Code § 8.01-9 states that "every guardian ad litem shall faithfully represent the estate of the person under a disability for whom he is appointed, and it shall be the duty of the court to see that the interest of such defendant is so represented and protected." The court may enforce this duty by removing the GAL and appointing another one. In regard to the obligations of the GAL, the Court of Appeals of Virginia has observed:

