

1 appointed to represent the minor's interests. Cal. Code Civ. P. § 372(a).

2 **II. Discussion and Analysis**

3 In determining whether to appoint a particular guardian ad litem, the court must consider
4 whether the minor and the guardian have divergent interests. Cal. Code Civ. P. § 372(b)(1). "When
5 there is a potential conflict between a perceived parental responsibility and an obligation to assist the
6 court in achieving a just and speedy determination of the action, a court has the right to select a
7 guardian ad litem who is not a parent if that guardian would best protect the child's interests." *Williams*
8 *v. Super. Ct.*, 147 Cal. App. 4th 36, 38 (Cal. Ct. App. 4th 2007) (internal quotation marks and citation
9 omitted). "[I]f the parent has an actual or potential conflict of interest with his child, the parent has no
10 right to control or influence the child's litigation." *Id.* at 50.

11 J.H. is the three-year-old child of Priscilla Carefoot (Doc. 3 at 2), and is a minor under
12 California law. *See* Cal. Fam. Code § 6502. As a minor, J.H.'s ability to bring suit is contingent upon
13 the appointment of a guardian ad litem. Upon review of the complaint, it does not appear Ms.
14 Carefoot has any adverse interests to those of the child. Though she is seeking damages in this case for
15 herself and for the child, the damages sought are unique to each plaintiff. Accordingly, appointment
16 of Ms. Carefoot as guardian ad litem for her child is appropriate. *See Burke v. Smith*, 252 F.3d 1260,
17 1264 (11th Cir. 2001) ("Generally, when a minor is represented by a parent who is a party to the
18 lawsuit and who has the same interests as the child there is no inherent conflict of interest."); *see also*
19 *Anthem Life Ins. Co. v. Olguin*, 2007 U.S. Dist. LEXIS 37669, at *7 (E.D. Cal. May 9, 2007)
20 (observing that "[a] parent is generally appointed guardian ad litem").

21 **III. Conclusion and Order**

22 The decision whether to appoint a guardian ad litem is "normally left to the sound discretion of
23 the trial court." *United States v. 30.64 Acres of Land, etc.*, 795 F.2d 796, 804 (9th Cir. 1986). Here, it
24 does not appear Ms. Carefoot has conflicting interests, and as such she may be appointed to represent
25 the interests of her child. Therefore, the Court is acting within its discretion to grant her application to
26 be appointed as the guardian ad litem. Thus, the Court **ORDERS:**

- 27 1. The motion for appointment of Priscilla Carefoot as guardian ad litem for J.H. (Doc. 3)
28 is **GRANTED**; and

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2. Priscilla Carefoot is appointed to act as guardian ad litem for J.H., and is authorized to prosecute this action on the child's behalf.

IT IS SO ORDERED.

Dated: April 5, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE