



1 Under California law, an individual under the age of eighteen is a minor, and a minor may  
2 bring suit as long as a guardian conducts the proceedings. Cal. Fam. Code §§ 6502, 6601. A guardian  
3 ad litem may be appointed to represent the minor’s interests. Cal. Code Civ. P. § 372(a). In  
4 determining whether to appoint a particular guardian ad litem, the court must consider whether the  
5 minor and the guardian have divergent interests. Cal. Code Civ. P. § 372(b)(1). “When there is a  
6 potential conflict between a perceived parental responsibility and an obligation to assist the court in  
7 achieving a just and speedy determination of the action, a court has the right to select a guardian ad  
8 litem who is not a parent if that guardian would best protect the child’s interests.” *Williams v. Super.*  
9 *Ct.*, 147 Cal. App. 4th 36, 38 (Cal. Ct. App. 4th 2007) (internal quotation marks and citation omitted).  
10 “[I]f the parent has an actual or potential conflict of interest with his child, the parent has no right to  
11 control or influence the child's litigation.” *Id.* at 50.

12 **II. Discussion and Analysis**

13 K.V. is the son of Chong Vang, and is a minor under California law. *See* Cal. Fam. Code §  
14 6502. As a minor, his ability to bring suit is contingent upon appointment by the court of a guardian  
15 ad litem. Upon review of the complaint, it does not appear the parent has adverse interests, because  
16 K.V. is the only plaintiff in this action, and the only claims are asserted on his behalf. Accordingly,  
17 appointment of Chong Vang as guardian ad litem is appropriate. *See Burke v. Smith*, 252 F.3d 1260,  
18 1264 (11th Cir. 2001) (“Generally, when a minor is represented by a parent who is a party to the  
19 lawsuit and who has the same interests as the child there is no inherent conflict of interest.”); *see also*  
20 *Anthem Life Ins. Co. v. Olguin*, 2007 U.S. Dist. LEXIS 37669, at \*7 (E.D. Cal. May 9, 2007)  
21 (observing “[a] parent is generally appointed guardian ad litem”).

22 **III. Conclusion and Order**

23 The decision whether to appoint a guardian ad litem is “normally left to the sound discretion of  
24 the trial court.” *United States v. 30.64 Acres of Land, etc.*, 795 F.2d 796, 804 (9th Cir. 1986). Here, it  
25 does not appear Chong Vang has conflicting interests with K.V., and as such may be appointed to  
26 represent the interests of the minor plaintiff. Therefore, the Court is acting within its discretion to  
27 grant the application.

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Based upon the foregoing, the Court **ORDERS:**

1. The motion for appointment of Chong Vang guardian ad litem for K.V. (Doc. 4) is **GRANTED**; and
2. Chong Vang is appointed to act as guardian ad litem for Plaintiff K.V., and is authorized to prosecute this action on his behalf.

IT IS SO ORDERED.

Dated: February 8, 2018

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE