**Superior Court of Washington, County of Spokane**

|  |  |
| --- | --- |
| In re:  Petitioner/s (*person/s who started this case*):    And Respondent/s (*other party/parties*): | No.  Order Appointing  Guardian ad Litem for a Child  (ORAPGL) |

**Order Appointing Guardian ad Litem for a Child**

***Use this form*** *to appoint a GAL to investigate and report on a child’s best interests for a Parenting Plan, Residential Schedule, or parentage decision.*

***Do not use this form*** *to appoint a GAL for a minor parent, or a child who is added as a party in this case, use form FL All Family 147 instead.*

1. A motion to appoint a Guardian ad Litem (GAL) for the children listed below was made by the (*check one*)*:* [ ] Petitioner [ ] Respondent [ ] Court:

|  |  |  |  |
| --- | --- | --- | --- |
| Child’s name | Age | Child’s name | Age |
| 1. |  | 2. |  |
| 3. |  | 4. |  |
| 5. |  | 6. |  |

2. The court finds it is in the best interest of the children listed in 1 to appoint a Guardian ad Litem. The court has authority to make this appointment under (*check one*)*:*

[ ] divorce (dissolution) law, ch. 26.09 RCW. [ ] parentage law, ch. 26.26A RCW and

[ ] domestic violence law, ch. 7.105 RCW. ch. 26.26B RCW.

[ } abuse and neglect law 26.44

* The Court Orders:

3. (*GAL’s name*)*:*  is appointed Guardian ad Litem (GAL) for the children listed in 1 above. The GAL must always act in the children’s best interests.

4. GAL’s Rights

All parties must serve the Guardian ad Litem (GAL) with:

* Notice of any court hearing or proposed agreement involving these children, and
* Copies of all documents they file in this case.

The court clerk must give the GAL free, certified copies of this *Order*, upon request.

5. GAL’s Duties

The Guardian ad Litem’s (GAL’s) duties include:

* Going to all court hearings and pretrial conferences for this case that are related to the children, unless the court says otherwise, and
* Investigating and reporting factual information to the court on issues set out below.

The GAL is ordered to investigate and file a report only on the issues checked below, unless the court approves investigation into other issues (*check all that apply*)*:*

[ ] All issues related to making a parenting plan for these children including any of the issues below whether they are specifically checked or not:

[ ] Only the issues that are checked below:

[ ] Parenting abilities [ ] Petitioner [ ] Respondent

[ ] Abandonment or neglect by [ ] Petitioner [ ] Respondent

[ ] Criminal history of [ ] Pet. [ ] Resp. [ ] Other:

[ ] Domestic violence of [ ] Pet. [ ] Resp. [ ] Other:

[ ] Mental health issues of [ ] Pet. [ ] Resp. [ ] Other:

[ ] Physical health issues of [ ] Pet. [ ] Resp. [ ] Other:

[ ] Sexual abuse allegations against [ ] Pet. [ ] Resp. [ ] Other:

[ ] Substance abuse of [ ] Pet. [ ] Resp. [ ] Other:

[ ] Any other issues discovered that could affect the **safety** of the children.

[ ] All issues related to deciding who the legal parents are for these children.

[ ] Whether genetic testing should be done to decide who the legal parents are.

[ ] Whether the children’s names should be changed.

[ ] For cases about *changing* a parenting/custody order: whether the children have been integrated into the home of the parent who has less time under the current order.

[ ] Other:

6. GAL’s Report

The Guardian ad Litem’s (GAL’s) report must include:

* Facts about the issues listed in **5** above.
* The children’s preferences for the parenting plan (if they stated any),
* Any facts about whether the children stated their preferences voluntarily, and
* Any facts about the children’s level of understanding.

The report may include recommendations based on the investigation.

***Deadline!*** Unless the court extends the deadline, the report must be filed and served on all parties by (*date*) , which is at least 60 days before the trial.

The parties (or their lawyers, if any) have the right to inspect and copy the GAL’s file of data gathered during the investigation, including the names and addresses of everyone the GAL consulted. ***Exception:*** information in the GAL’s file that is confidential by law or sealed by a court shall **not** be shared with the parties or their lawyers.

7. Access to the Children and Information

The Guardian ad Litem (GAL) is allowed reasonable access to the children, and to all records and people with information that affects the children, including:

* Child care providers
* Physical and mental health care providers
* Schools and other educational institutions
* Law enforcement agencies, Child Protective Services, and the Department of Children, Youth, and Families (or equivalent agencies if outside Washington)
* All providers for the parents related to issues the GAL is ordered to investigate including mental health and substance abuse records where applicable.

*Note: agencies may withhold or black out legally protected parts of requested information.*

The court clerk shall provide certified copies of this order to the guardian ad litem upon request and without charge.

The court clerk shall provide a CD of the entire court file to the guardian ad litem upon request and without charge.

OTHER: The guardian ad litem shall have access to alcohol and drug treatment records whether written or oral and including, but not limited to TASC and other information regarding the child and the parties. The records shall be released directly to the guardian ad litem upon presentation of a copy of this order, either in person or by mail, at no cost.

The guardian ad litem shall have access to all records indicated herein at no cost for the child and each parent. Access to those records indicated herein shall include records of the child over the age of 12 if that/those child/children have signed this order.

The parties and their attorneys agree that the guardian ad litem may redisclose in her report any and all mental and physical health treatment records, criminal histories, police records and alcohol/drug treatment history of the parties.

8. Release of Information

The signatures of parties or children 12 or older below mean they give permission to the agencies and professionals listed in **7** above to share information related to the issues the GAL is ordered to investigate about themselves and the children with the GAL.

9. Confidentiality

The Guardian ad Litem (GAL) will:

* Have access to all Superior Court and Juvenile Court files related to their duties, including sealed and confidential documents. ***Exception:*** The GAL will not have access to information sealed under RCW 13.50.050(7);
* Keep confidential any sealed and confidential information (unless their duties as GAL require otherwise);
* Tell the court if their report includes any sealed or confidential information; and
* File their report in two parts: one public and one sealed as required by GR 22.

Any party or the GAL may ask the court to make confidential any reports or documents placed in the file, if there is a good reason to do so.

10. GAL’s Fees

**County Pay:**

The Guardian ad Litem’s (GAL’s) hourly fee is $ 75.00. The GAL may not charge more than a total of $ \_\_\_\_\_\_\_\_\_ without court review and approval.

The GAL’s fees will be paid as follows *(check one):*

paid by Petitioner

paid by Respondent

paid by County*:*

However, if the parties’ financial circumstances change, the court may order the parties to pay the fees according to their ability to pay.

In County pay cases the guardian ad litem shall submit their bill to Spokane County for payment within 30 days of the conclusion of the case or the discharge of the guardian ad litem.

Other:

**Private Pay:**

In private pay cases, the fees and costs of the guardian ad litem shall be paid as follows:

The guardian ad litem fee is $\_\_\_\_\_\_\_\_\_per hour up to $\_\_\_\_\_\_\_\_, the maximum the guardian ad litem may charge without additional court review and approval.

[ ] The initial advance of $\_\_\_\_\_\_\_\_\_ shall be paid as follows:

\_\_\_\_\_% by petitioner

\_\_\_\_\_% by respondent

\_\_\_\_\_% by other:

The guardian ad litem is not obligated to begin the investigation until the initial advance

has been paid. The advance is not a fixed fee. Parties are responsible for their proportionate share of fees on a monthly basis, once the advance is exhausted.

[ ] The balance of fees/costs owing to the guardian ad litem, once the advance is exhausted, shall be paid as follows:

\_\_\_\_\_% by petitioner

\_\_\_\_\_% by respondent

\_\_\_\_\_% by other:

The guardian ad litem may be discharged, pursuant to court order, for non-payment of the initial advance, or non-payment of the monthly bill for guardian ad litem fees and/or costs. Interest shall accrue on any unpaid balance at the rate of 12% per annum.

**Billing Process:**

The GAL must file an itemized statement of time and expenses with the court and provide a copy to the person/s or entity responsible for payment.

The GAL may file any request for payment with the court, along with an itemized statement and a proposed order.

In County pay cases the guardian ad litem shall submit their bill to Spokane County for payment within 30 days of the conclusion of the case or the discharge of the guardian ad litem.

11. Appointment Ends

The GAL’s appointment ends when the GAL is discharged by the court or earlier if:

[ ] the final *Parenting Plan* or *Residential Schedule* is signed by the court.

[ ] parentage is decided.

[ ] other (*specify*)*:*

12. Other Orders:

1. After the guardian ad litem’s investigation has been completed, the guardian ad litem shall meet with the parties and their counsel. The guardian ad litem shall reveal all sources relied upon and shall present, in general terms, recommendations according to the scope of appointment. The parties, after consulting with their respective attorneys, may attempt to resolve matters at issue. This conference is not a settlement conference or a mediation. If resolution is reached the parties are to place the agreement on the record on the Family Law motion docket with five(5) court days notice. If resolution is not reached at the conference, the guardian ad litem shall draft a written report pursuant to the Domestic Case Scheduling Order.

b. Discovery involving the child(ren):

**c. All parties are to comply with Local Rule 94.05(g). Report confidential.**

The report of the Guardian Ad Litem in a proceeding under RCW Title 26 shall be treated as a confidential document by the Clerk of the Court, the parties and their counsel unless otherwise ordered by the court. However, attorneys of record may use and disclose such information from the report that is reasonably necessary for their investigation of the case and for trial preparation. Attorneys are prohibited from reproducing or distributing any portion of the written report to any person other than the attorney’s client without further order of the court. Parties representing themselves shall be subject to the same use and disclosure limitations as attorneys. The cover sheet of the report shall be marked “Clerks Action Required” and indicate that it is confidential pursuant to LSPR 94.05(g). This rule shall not apply to Guardian Ad Litem reports provided under RCW Title 11, minor settlements or other similar matters.

**Ordered.**

Date **Judge or Commissioner**

**Petitioner and Respondent or their lawyers fill out below:***A party’s signature authorizes release of information as described in* ***8*** *above.*

This document (*check any that apply*): This document (*check any that apply*):

[ ] is an agreement of the parties [ ] is an agreement of the parties

[ ] is presented by me [ ] is presented by me

[ ] may be signed by the court without [ ] may be signed by the court without

notice to me notice to me

*Petitioner signs here Respondent signs here*

*Print Name Date Print Name Date*

*Lawyer signs here + WSBA # Lawyer signs here + WSBA #*

**Children age 12 or older sign below to authorize release of information as described in 8**:

*Child signs here Print name Date*

*Other child signs here Print name Date*

**Guardian ad Litem signs below to accept appointment:**

*GAL signs here Print name Date*