

Superior Court of Washington, County of Skagit

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.		4.	
2.		5.	
3.		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 ch. 26.26B RCW.
 minor guardianship law, ch. 11.130 RCW. domestic violence law, ch. 26.50 RCW.

➤ **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.

GAL's phone number, email and address:

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
- 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
- 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: _____

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: _____

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

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.

If trial is more than 90 days after the date of the GAL's report, the court on motion from a party may order the GAL to conduct further investigation as in his/her discretion if necessary or as specified by court order and file a supplemental report if in his or her sole discretion material new information would aid the court. Such order shall provide that the parties pay a reasonable advance fee deposit to the GAL, approved by the court.

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 Social and Health Services (or equivalent agencies if outside Washington)

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.

8. Release of information

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

By my signature on this document, I also give permission to the Guardian ad Litem to mutually obtain and/or release information about me and/or my child(ren) to and from professionals involved in this case. I understand that the Guardian ad Litem shall have access to all information regarding the children and myself. Such information may contain, but is not limited to the following: medical, psychiatric or psychological records or documentation, including any and all records of the past. This release authority expressly applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), Federal Confidentiality Regulations, 42 USC1320d, 290dd-3 and 45 CFR 160-164. Consent is to include disclosure of the following:

PETITIONER AND RESPONDENT PLEASE INITIAL BELOW:

	Petitioner	Respondent
Alcohol and/or Drug Abuse Records:	_____	_____
Psychiatric Records:	_____	_____
Sexually Transmitted Disease:	_____	_____
HIV/AIDS Information:	_____	_____

All parties who have not signed this order or are appearing remotely shall sign all necessary releases necessary for the GAL to obtain information as needed.

9. Confidentiality

The Guardian ad Litem (GAL) will:

- Have access to all Superior Court and Juvenile Court files related to his/her 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 his or her duties as GAL require otherwise);
- Tell the court if his/her report includes any sealed or confidential information; and
- File his or her 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

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

The advance fee deposit is \$ _____ and shall be paid in full before the Guardian ad Litem is required to begin his/her duties.

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

- _____% paid by Petitioner _____
_____ % paid by Respondent _____
_____ % paid by (*specify*): _____

If the guardian ad litem requires an additional advance fee deposit, the parties shall pay the deposit in the same percentage as above, within 10 days, provided that the GAL shall not exceed 35 hours of investigation and reporting time without prior court approval.

After the GAL report is filed, if any private pay party shall seek the GAL's testimony at trial, both parties shall pay such reasonable advance fee deposit as requested by the GAL, in the same percentage as above, no less than 10 days prior to the date of the GAL's appearance in court. The maximum amount the GAL may charge for services related to the above testimony shall not exceed 10 hours without prior court approval.

- Paid by the County at public expense at rate of \$50 per hour up to \$750 without further court order. However, if the parties' financial circumstances change, the court may order the parties to pay the fees according to their ability to pay.

In cases where the guardian ad litem is appointed at public expense, the guardian ad litem shall not be responsible for the payment of copies of police, medical or other records necessary to investigate. The County shall pay up to \$100 for such expenses unless additional funds are approved by the Court. The GAL may petition the court for payment of reasonable and necessary costs incurred and advanced by GAL in the course of the appointment.

- Other:

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.

