

**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 or Residential Schedule.

Do not use this form to appoint a GAL for a minor parent or a child over 2 who is a mandatory party to a parentage 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 and B RCW.
 abuse and neglect law, Ch. 26.44 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.

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 below, unless the court approves investigation into other issues. (check all that apply).

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.

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.

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 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.

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

County Pay:

The Guardian ad Litem's (GAL's) hourly fee is \$ 60.00. 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.

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:

- a. 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 immediately in Ex Parte Court. 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 is a proceeding under RCW Title 26 and shall be treated as confidential 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 as 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.

13. Other orders (if any):

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*):

- is an agreement of the parties
 is presented by me
 may be signed by the court without notice to me

This document (*check any that apply*):

- is an agreement of the parties
 is presented by me
 may be signed by the court without notice to me

Petitioner signs here

Respondent signs here

Print Name

Date

Print Name

Date

Petitioner's lawyer signs here + WSBA #

Respondent's 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