

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY

In Re the Marriage of vs. Petitioner Respondent	No. ORDER APPOINTING GUARDIAN AD LITEM (ORAPGL)
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I. BASIS

1.1 BASIS FOR THE APPOINTMENT.

This appointment is being made pursuant to

- RCW 26.09 Dissolution
- RCW 26.26 Parentage Act
- RCW 26.50 Domestic Violence

1.2 CHILDREN TO WHOM THE ORDER APPLIES.

The father mother court moved for appointment of a guardian ad litem for the following minor child(ren) in this action:

<u>Name</u>	<u>Age</u>

II. FINDINGS

After reviewing the case record to date and the basis for the motion, the court FINDS that the motion should be granted because appointment of a guardian ad litem is in the best interest of the child(ren).

III. ORDER

IT IS ORDERED THAT:

3.1 APPOINTMENT OF GUARDIAN AD LITEM.

_____ is appointed as guardian ad litem for the above-named minor child(ren) of the parties and shall receive copies of all pleadings and notice of all court proceedings regarding the child(ren).

3.2 DUTIES OF THE GUARDIAN AD LITEM.

The guardian ad litem shall investigate and report factual information to the court concerning parenting arrangements for the child(ren), and shall represent the child(ren)'s best interests. The guardian ad litem may make recommendations based upon an independent investigation regarding the best interests of the child(ren). The guardian ad litem shall report a child(ren)'s expressed preferences regarding the parenting plan to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child(ren)'s understanding.

The guardian ad litem shall make a full and complete written report to the court and counsel/parties on or before _____ [Date] and at least 60 days before trial provided that an extension may be granted by the court. This report shall include recommendations and bases for those recommendations.

[] Other:

3.3 OTHER DUTIES.

Other duties of the guardian ad litem include appearing at all court hearings and pretrial conferences within the scope of appointment unless excused by the court and assisting the parties and counsel in reaching a resolution of the matters involving said child(ren).

3.4 GUARDIAN AD LITEM ACCESS TO CHILD(REN), RECORDS AND INFORMATION.

To facilitate reasonable investigation of information pertaining to the best interest of the child(ren), the guardian ad litem shall have access to the child(ren) and to all records and information, including authorization to speak with interested persons, from the following sources: law enforcement agencies; Child Protective Services (or the equivalent out-of-state agency); health care providers; mental health care providers; child care providers; the Department of Social and Health Services (or the equivalent agency in another state); and educational institutions.

These agencies may withhold or blackout portions of requested information as warranted by law or by court order. The guardian ad litem shall maintain the confidentiality of information except as necessary to fulfill his or her duties as guardian ad litem.

Within the scope of appointment, the guardian ad litem shall have access to all Superior Court and Juvenile Court files, including any sealed/confidential portions thereof, other than records sealed pursuant to RCW 13.50.050(7). All information obtained from sealed or confidential files shall remain sealed or confidential, and the guardian ad litem shall inform the court if the guardian ad litem report contains sealed or confidential information.

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

Upon good cause shown, the guardian ad litem or the parties may move that the court make confidential any reports or documents placed in the court file by the guardian ad litem.

3.5 PAYMENT OF FEES AND COSTS.

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 fees and costs of the guardian ad litem shall be paid as follows:

_____ % by father and _____ % by mother _____ % by other : _____

Other: Before the guardian ad litem is required to begin his/her duties, the petitioner must pay fees of _____\$ and the respondent \$_____.

The guardian ad litem will provide the parties with an itemized accounting of time, billing and costs for services each month. Payment is due within fifteen days after billing each month. Should a party disagree with an amount billed, he or she shall immediately contact the Guardian ad Litem to discuss the billing. If the matter is not resolved, the party shall note the matter upon the court's calendar for review and notify the guardian ad litem of the date and time of the hearing. A party shall be liable to the guardian ad litem for court costs, interest and attorney fees if collection action is required because payment was not made on time.

The parties' obligation to pay guardian ad litem fees and costs is reasonably related to their support obligation and may be enforced by contempt proceedings at any time notwithstanding the entry of a final decree or order of dismissal of this action. At a contempt hearing, the responding party has the burden of establishing a justifiable excuse for non-payment. If non-payment is not excused, the party may be subject to jail time, fines, attorney fees, and other compensatory relief.

The total amount awarded shall be at the discretion of the court after the guardian ad litem/investigator/lawyer files an itemized statement of time with the court, along with a specific request for fees and a proposed Order.

3.6 CONSENT OF CHILDREN OVER TWELVE TO INVESTIGATION.

Does not apply.

has/have reached the age of twelve. Written consent for the guardian ad litem to consult with and obtain information from medical, psychiatric, or other experts who have served the child(ren) in the past has has not been given by the child.

3.7 AUTHORIZATION FOR RELEASE OF INFORMATION.

Does not apply.

Each party's signature hereunder constitutes an authorization for release of information by that party to the agencies listed in paragraph 3.4, above.

3.8 TERMINATION OF APPOINTMENT.

The appointment terminates:

Upon entry of the final parenting plan or residential schedule.

Other:

3.9 **OTHER:**

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature

Signature

Print or Type Name

Print or Type Name

ACCEPTED UPON APPROVAL BY
THE COURT

Signatures of the Parties:

Guardian Ad Litem

Mother's Signature

Father's Signature

Child's Signature
(See Paragraph 3.6)

Child's Signature
(See Paragraph 3.6)