

**SUPERIOR COURT OF WASHINGTON
BENTON AND FRANKLIN COUNTIES**

In re:

Petitioner/s (*person/s who started this case*):

and

Respondent/s (*other party/parties*):

No. _____

Order Appointing
Guardian ad Litem (GAL) 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 for the children listed below was made by the (check one): Petitioner Respondent Court:

Child's name	Birth Date	Age 12 or Older
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>

2. **Finding:** 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. 26.50 RCW. ch. 26.26B RCW.

➤ **The Court Orders:**

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

GAL pursuant to RCW 26.12.175(2)(a) or (b) [see section 10 below]

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

Specify: _____

Abandonment or neglect by Petitioner Respondent

Specify: _____

Criminal history of Pet. Resp. Other: _____

Specify: _____

Domestic violence of Pet. Resp. Other: _____

Specify: _____

Mental health issues of Pet. Resp. Other: _____

Specify: _____

Physical health issues of Pet. Resp. Other: _____

Specify: _____

Sexual abuse allegations against Pet. Resp. Other: _____

Specify: _____

Substance abuse of Pet. Resp. Other: _____

Specify: _____

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 **not** include recommendations based on the investigation.

Deadline! Unless the court extends the deadline, the report must be filed and served on all parties at least 60 days before trial, unless the court for good cause grants a written extension.

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/FCI 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.

Additionally, to facilitate reasonable investigation of information pertaining to the best interests of the child(ren), the Guardian ad Litem shall have access to all records and information, including authorization to speak with interested persons, from the following sources: law enforcement agencies; Child Protective Services (or equivalent out of State agency); health care providers; mental health care providers; child care providers; the Department of Children, Youth, and Families (or the equivalent agency in another State); and educational institutions.

If it is determined that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents, the agency may withhold the information subject to other orders of the court. DCYF personnel are authorized to speak personally, with the Guardian ad Litem, and/or lawyer; have access to all police reports and/or records including booking photos, regarding these parties. Written copies of these items shall be released to the Guardian ad Litem, and/or lawyer upon request and without charge by the following law enforcement agencies: **Kid's Haven, Benton County Sheriff, Benton County Jail, Franklin County Sheriff, Franklin County Jail, Pasco Police, Kennewick Police, Richland Police, West Richland Police, Washington State Patrol or any additional law enforcement agency, including Department of Corrections, and/or their counterparts in other jurisdictions.**

However, these agencies may also black out names and identification of such individuals who are protected by laws or agency policy as confidential sources.

Within the scope of appointment, the Guardian ad Litem shall have access to all Superior Court, including Juvenile Court, District Court and Municipal Court files; including any sealed/confidential portions thereof. 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 Individual Case Histories (ICH) and/or Judicial Access Browser System (JABS) information of all parties/household members (upon receipt of appropriate Release of Information form(s)) and/or certified copies of this order to the Guardian ad Litem upon request. The Guardian ad Litem, or the parties may move the court to make any reports or documents placed in the court file by the Guardian ad Litem confidential upon good cause shown.

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.

The GAL may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent.

Note: Children age twelve or older will need to sign the Order Appointing Guardian ad Litem consenting to the release of records or a separate release provided by the Guardian ad Litem and/or by the healthcare provider, and/or a release of information.

9. Confidentiality

The Guardian ad Litem 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

Appointment of Guardian ad Litem (as marked in section 3 above)

Fees to be paid _____ % by Petitioner _____ % by Respondent _____ % by Other _____.

Fees not to exceed \$ _____ except upon order of the court, or 50 hours whichever comes first.

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.

Billing Process:

- The GALs (who are not volunteers) shall file an itemized statement of time and expenses with the court and provide a copy to the person/s or entity responsible for payment each month pursuant to RCW 26.12.175 (1)(d).
- 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 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 or lawyer signs here + WSBA #

▶ _____
Respondent signs here or lawyer signs here + WSBA #

Print Name

Date

Print Name

Date

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