

**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES**

In re:

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

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

No. _____

Order Appointing County-Paid Guardian ad Litem (GAL)

(ORAPGL) (Clerk's Action Required)

☐ Hearing Set (section 6)

Order Appointing County-Paid Guardian ad Litem

Use this form to appoint a County-Paid GAL, to investigate and file a report per Local Court Rules and Processes and Procedures.

1. A motion to appoint a County-Paid 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
		☐
		☐
		☐
		☐
		☐

2. **Finding:** The court finds it is in the best interest of the children listed in 1 to appoint a County-Paid Guardian ad Litem. The court has authority to make this appointment under Local Court Rules and Processes and Procedures and (*check one*):

☐ Divorce (Dissolution) Law, Ch. 26.09 RCW ☐ Parentage Law, Ch. 26.26A RCW and
☐ OTHER: _____ Ch.26.26B RCW

➤ **The court orders:**

3. (County Paid GAL's Name): _____ County-Paid GAL is appointed for the children listed in 1 above, per Local Court Rules and Processes and Procedures.

4. **Parties Obligations to County-Paid GAL**

All parties must serve the County-Paid 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 a County-Paid GAL free, certified copies of this *Order*, upon request.

5. **County-Paid GAL's Duties/Scope**

The County-Paid GAL's scope shall be limited as per Local Court Rules and Processes and Procedures.

The County Paid GAL's duties include:

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

The County-Paid GAL is ordered to investigate and file a report only on the issues checked below, unless the court approves investigation into other issues:

- | | |
|---|--|
| ☐ Abandonment or neglect by | ☐ Petitioner ☐ Respondent |
| ☐ Criminal history of | ☐ Pet. ☐ Resp. ☐ Other: _____ |
| <hr/> | |
| ☐ Domestic violence of | ☐ Pet. ☐ Resp. ☐ Other: _____ |
| <hr/> | |
| ☐ Mental health issues of | ☐ Pet. ☐ Resp. ☐ Other: _____ |
| <hr/> | |
| ☐ Physical health issues of | ☐ Pet. ☐ Resp. ☐ Other: _____ |
| <hr/> | |
| ☐ Sexual abuse allegations against | ☐ Pet. ☐ Resp. ☐ Other: _____ |
| <hr/> | |
| ☐ Substance abuse of | ☐ Pet. ☐ Resp. ☐ Other: _____ |

☐ Other (specify): _____

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

☐ All issues related to making a parenting plan for these children.

6. County-Paid GAL's Report

The County-Paid 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. The County-Paid GAL's preliminary report concludes the investigation, unless the need to timely inform the court of relevant/emergent information is necessary.

☐ Status Hearing on County-Paid GAL Report: (Date)_____ (Time)_____

Deadline! If the court orders a Supplemental Report and extends the deadline, any supplemental report must be filed and served on all parties by at least 60 days before the 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 County-Paid GAL's file of data gathered during the investigation, including the names and addresses of everyone the County-Paid GAL consulted. ***Exception:*** information in the County-Paid 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 County-Paid GAL is allowed reasonable access to the children, and to all records and people with information that affects the children, including:

- Childcare 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)
- All providers for the parents related to the issues the County-Paid 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.

Additionally, to facilitate reasonable investigation of the information pertaining to the best interests of the child(ren), the County-Paid GAL shall have access to all records and

information, including authorization to speak with interested person, 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, Families (or 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 County-Paid GAL.

The County-Paid GAL shall 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 County-Paid GAL 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 County-Paid GAL 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 County-Paid GAL shall inform the court if the County-Paid GAL 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 a county paid County-Paid GAL, or the parties may move the court to make any reports or documents placed in the court file by the County-Paid GAL confidential upon good cause shown.

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 related to the issues the County-Paid GAL is ordered to investigate about themselves and the children with the County-Paid GAL.

The County-Paid 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 County-Paid GAL consenting to the release of records or a separate release provided by the County-Paid GAL, and/or by the healthcare provider, and/or a release of information.

9. Confidentiality

The County-Paid GAL shall:

- Have access to all Superior Court and Juvenile Court files related to their duties, including sealed and confidential documents. **Exception:** The County-Paid 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 County-Paid 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 County-Paid 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. County-Paid GAL's Fees

☒ Fees: County rate of \$125.00/ hour, maximum of ten (10) hours, unless additional time is authorized by order of the court.

11. Appointment Ends

The County-Paid GAL's appointment ends when the County-Paid GAL is discharged by the court or earlier if:

- ☐ the final *Parenting Plan* or *Residential Schedule* is signed by the court.
- ☐ 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 7 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