

STATE OF MAINE

DISTRICT COURT

_____, ss.

Location _____

Docket No. _____

Docket No. _____

Plaintiff

**ORDER FOR APPOINTMENT
OF GUARDIAN AD LITEM**

v.

Defendant

Pursuant to 19-A MRSA § 1507 the Court appoints _____, whose address is _____, as Guardian ad litem for the minor child(ren) with dates of birth: _____

The appointment is in effect (until _____) (for the duration of the case) (until vacated by the court). All caretakers of the minor child(ren) shall allow the Guardian ad litem access to the minor child(ren).

RESPONSIBILITIES OF THE GUARDIAN AD LITEM

The Guardian ad litem (“Guardian”) has all of the powers and duties specified by 19-A MRSA §1507 and the “Standards of Practice for Guardians ad litem in Maine Courts” (GAL Standards) adopted by the Supreme Judicial Court. The Guardian is a quasi-judicial officer acting as an agent of the court, and has broad discretion to act in the best interests of the child(ren).

The Guardian must:

1. Interview the child(ren) face-to-face with or without another person present.
2. Perform the mandatory activities set out in GAL Standards 3.1 and 3.2 paragraphs (1) to (4).
3. Make a preliminary oral or written report of investigations, findings and recommendations to each party and the Court as follows: _____ and a final written report, with copies of the report to each party and the Court, at least 14 days prior to a final hearing, or as follows: _____
4. Perform the following other duties the Court determines necessary: _____
5. File pleadings and participate in all hearings and conferences.
6. Perform all other duties the Court assigns by further order.

The Guardian may also engage in any of the other activities set forth in the GAL Standards and may, among other things:

7. Interview parents, teachers, day-care providers, medical and/or mental health professionals and any other persons who have been involved in caring for or treating the child(ren) or parents, or who may have knowledge of the child(ren) or family.
8. Review mental health, medical, school and other relevant records of the child(ren).
9. Review mental health and medical records of the parents.
10. Have qualified individuals conduct medical and mental health evaluations of the child(ren) and parents.
11. Recommend participation in counseling for the child(ren) and/or parties.
12. Subpoena witnesses and documents, and examine and cross-examine witnesses.
13. Serve as a contact person, or a facilitator of contact, between the parents and the child(ren).
14. Petition the Court concerning authority for additional duties.

OTHER PROVISIONS

- 15. The parties shall fully cooperate with the Guardian’s investigation, including, but not limited to, furnishing all documents requested by the Guardian, participating in interviews, submitting themselves to independent mental and/or medical health evaluations and counseling, if required by the Court; and making themselves and/or the child(ren) available to the Guardian at such reasonable times and places as he or she may request for the purposes of carrying out the duties of the appointment.
- 16. The Guardian shall be provided with copies of all pleadings and other papers filed in this matter in accordance with the Maine Rules of Civil Procedure.
- 17. This Order shall serve as a full authorization by both parties to the release of any and all documents or information pertaining to either party or the minor child(ren). Upon presenting a copy of this Order to any agency, hospital, organization, school, person or office, the Guardian shall have the right to inspect and copy any and all records relating to either party or to the minor child(ren). The Guardian shall maintain any information received from such sources as confidential, and such information shall not be disclosed except in reports to the Court, or as directed by the Court.
- 18. The Guardian is acting as an agent of the Court and has quasi-judicial immunity from liability resulting from actions undertaken pursuant to her/his appointment.
- 19. The parties are restrained and enjoined from exercising undue influence over the child(ren) who are involved in this litigation. Undue influence includes coaching the child(ren) as to their communications or interactions with the Guardian or the Court, or orchestrating the child(ren)’s actions with respect to the Guardian or the Court.

FINDINGS REQUIRED BY RULE II(1)(B) OF THE RULES FOR GUARDIANS AD LITEM

The Guardian appointed by the Court has been rostered by the Chief Judge of the Maine District Court.

-OR-

The Court makes the following findings pursuant to Rule II(B) which establish (1) good cause for the appointment of a nonrostered Guardian and (2) the necessary skills and experience of the Guardian appointed: _____

FEE ARRANGEMENTS

The parties shall be responsible for paying the initial costs of the services of the Guardian ad litem as follows: By Plaintiff: _____ By Defendant: _____

The Guardian ad litem shall ultimately be paid for services as follows: _____

This issue is reserved for decision at time of final hearing.

The Clerk is directed to make the following docket entry pursuant to M.R. Civ. P. 79(a):

“Order filed. _____ appointed as Guardian ad litem, for the child(ren) specified therein. This Order is incorporated into the docket by reference at the specific direction of the Court.”

Date: _____

Judge/Justice/Magistrate