

STATE OF MAINE

PROBATE COURT

County: _____

Docket No. _____

DISTRICT COURT

Location: _____

Docket No. _____

In re:

ORDER APPOINTING GUARDIAN AD LITEM (GAL)
FOR MINOR(S)

18-C M.R.S. § 1-111(1)

Limited-Purpose Standard Expanded

Names of Minor Children

1. Pursuant to 18-C M.R.S. § 1-111(1), and subject to the conditions set forth below, the court appoints a guardian ad litem (GAL) for the following minor child(ren), whose name(s) and date(s) of birth is/are:

2. The GAL's name is: _____

The GAL's contact information is: _____

The GAL appointed by the court and listed above is currently on the roster of qualified Maine GALs; **or**

The GAL appointed by the court and listed above is a qualified attorney licensed to practice in Maine who is not currently listed on the GAL roster. The following findings establish good cause for appointing an unrostered GAL:

the GAL has the necessary skills and experience in family or guardian matters (see M.R.G.A.L. 2(a)(1)), or

other qualifications: _____

3. No party objects to the GAL appointment or the fee arrangements specified below; **or**

Petitioner Respondent Other (_____) objects to the appointment of a GAL but, after careful consideration, the court concludes the following factors in 4 M.R.S. § 1555(1)(B) support the appointment:

_____ **and/or:**

Petitioner Respondent Other (_____) objects to the fee arrangement below but, after careful consideration, the court concludes the following factors in M.R.G.A.L. 4(b)(4)(C) support the fee arrangement: _____

TYPE OF GAL APPOINTMENT, GAL's INVESTIGATIVE DUTIES, AND
GAL's RESPONSIBILITY FOR WRITTEN REPORT

4. TYPE OF APPOINTMENT (choose A, B, or C)

A. **Limited-Purpose Appointment.**

i. Duties. The GAL must perform the following specific duties:

The GAL shall appear at the interim hearing final hearing in this matter to testify and be available for cross-examination.

ii. Other provisions of the limited appointment: _____

The GAL shall not perform and is not expected to perform any duties beyond those specified in this order (including responding to telephone calls, emails, and other communications from the parties) unless or until a new order is entered.

B. Standard Appointment.

i. Duties. The GAL shall appear at the final hearing in this matter to testify and to be available for cross-examination. Before the hearing, the GAL must perform the following specific duties:

Observe the child(ren) in the home or home where the child(ren) regularly live, and for a child over age 3, conduct a face-to-face interview with the child; and

Interview the petitioner, each parent, and any adult who lives in the home(s) where the child(ren) regularly live.

ii. Other provisions of the standard appointment: _____

The GAL shall not perform and is not expected to perform any duties beyond those specified in this order (including responding to telephone calls, emails, and other communications from the parties) unless or until a new order is entered.

C. Expanded Appointment.

i. Duties. Until this appointment ends, the GAL shall appear at all hearings in this matter to testify and to be available for cross-examination. Before the hearing, the GAL must perform the following specific duties:

Observe the child(ren) in the home or homes where the child(ren) regularly live, and for a child over age 3, conduct a face-to-face interview with the child; and

Interview the petitioner, each parent, and any adult who lives in the home(s) where the child(ren) regularly live.

Interview the following teachers and other people who know about the child(ren) or family:

Review _____'s mental health medical and/or educational records.

Review _____'s mental health medical and/or educational records.

Review _____'s mental health medical and/or educational records

Engage a qualified medical mental health educational provider to evaluate: _____
by _____ (date) with the cost to be no more than \$ _____

By _____ (date), arrange counseling for the following child(ren): _____

Subpoena witnesses and documents and examine and cross-examine witnesses;

Serve as a contact person between the parent(s) / petitioner(s), and the child(ren) as follows: _____

Appear at mediation (in person) and/or status conference (telephonically) and/or other court-related event(s) listed here: _____

Other duties: _____

ii. Other provisions of the expanded appointment: _____

The GAL shall not perform and is not expected to perform any duties beyond those specified in this order (including responding to telephone calls, emails, and other communications from the parties) unless or until a new order is entered.

5. LENGTH OF APPOINTMENT

This GAL appointment ends at the end of the interim hearing final hearing upon entry of a final judgment upon further order of the court, or on _____ (date).

6. WRITTEN REPORT

(Choose one):

- The GAL is not required to submit a written report before testifying at the hearing (*limited appointments only*);
- The GAL shall provide a summary written or oral report with preliminary findings and preliminary recommendations to the parties on or before _____;
- The GAL shall submit a written report to the court and to the parties 14 days before the hearing or _____ (date), unless the GAL has been notified that the case has settled, in which case no written report is required. If the GAL is notified by a party or the court that the case has settled before the GAL has completed the written report, the GAL may not bill the parties for any further work on the written report.

The written report must include the results of the GAL’s investigation and the GAL’s recommendations on the following issues:

7. FEE ARRANGEMENT

For all cases, the GAL shall use the standardized billing, itemization requirements, and time reporting processes established by the Family Division. If the fee is not paid in accordance with this order, the GAL shall notify the court and the parties, and the court may vacate the appointment or take such other action it deems appropriate under the circumstances.

A. Fees to be paid by the court.

Because the GAL’s fees are to be paid by the court, those fees will be paid pursuant to either:

1. The guidelines contained in AO-JB-05-5 (for matters in District Court); or
2. \$ _____/hour for time not to exceed _____ hours without further authorization of the court (for matters in Probate Court).

The GAL shall submit invoices to the court of disposition using the current court-approved voucher form.

B. Fees to be paid by parties.

i. The total fee the GAL may receive is as follows (*choose one*):

- Flat fee:** The GAL will complete all the duties required in this appointment order until mediation is completed, for a flat fee of \$ _____. If the GAL is required to attend a hearing and provide a final written report, the additional flat fee will be \$ _____.
- Hourly rate with cap:** The GAL may charge a total fee of no more than \$ _____, by spending no more than _____ total hours on this matter at the hourly rate of \$ _____/hour until mediation is completed. If the GAL is required to attend a hearing and provide a final written report, the GAL may charge an additional fee of no more than \$ _____.

ii. The GAL’s fee shall be paid as follows:

- On or before _____ (date), Petitioner shall pay \$ _____, Respondent shall pay \$ _____, Other (_____) shall pay \$ _____. The responsibility for payment may be changed at the final hearing.

In addition, the GAL shall submit an itemized bill to the parties on a monthly bi-weekly basis.

- Petitioner shall pay _____ % of each bill, Respondent shall pay _____ % of each bill, Other (_____) shall pay _____ % of each bill.

The responsibility for payment may be changed at the final hearing. Each party shall pay the GAL within

- 14 35 days after receiving each bill; or

Petitioner shall pay \$ _____ per week month toward the GAL fees and expenses, Respondent shall pay \$ _____ per week month toward the GAL fees and expenses, Other (_____) shall pay \$ _____ per week month toward the GAL fees and expenses. The responsibility for payment may be changed at the final hearing.

The final fee payments shall be made within 14 days after the filing of the written report or, if no written report is required because the case has settled, within 14 days after the court has adopted the settlement.

C. **No additional hours or fees will be authorized or approved for any type of appointment without prior court approval through and amended or new order of appointment.**

8. GENERAL PROVISIONS APPLICABLE TO ALL GAL APPOINTMENTS

- A. The GAL shall not perform and is not expected to perform any duties beyond those specified in this order (including responding to telephone calls, emails, and other communications from the parties) unless or until an amended or new order is entered.
- B. The GAL has quasi-judicial immunity from liability resulting from actions undertaken pursuant to her/his appointment.
- C. The GAL shall make the wishes of the child(ren) known to the court if the child(ren) has/have expressed them, regardless of the recommendation of the GAL.
- D. Given the confidential nature of the material that may be reviewed by the GAL, all of the GAL's reports shall be confidential and sealed after the report is submitted to the court and to the parties. Neither the information contained in the reports nor the reports themselves shall be disclosed or published by the parties or the GAL or further released by the court, except to the representatives of the GAL Review Board actively investigating a complaint against a GAL, or as otherwise ordered by the court.
- E. The parties in this matter shall fully cooperate with the GAL's investigation, including, but not limited to, participating in interviews, making themselves and the child(ren) available to the GAL at such reasonable times and places as he or she may request for the purposes of carrying out the duties specified in this appointment order, and signing releases permitting the GAL to access all medical, mental health, or educational records that the GAL has been ordered (above) to review.
- F. The GAL may advocate for special procedures to protect the child(ren) witness(es) from unnecessary psychological harm resulting from the child(ren)'s testimony, with or without the consent of the parties.

9. GENERAL PROVISIONS APPLICABLE TO ALL CASES

- A. The parties SHALL not try to influence or pressure the child(ren) who are involved in this litigation. No party shall tell the child(ren) how to talk with or what to say to the GAL or the court.
- B. If any party has serious concerns about a guardian ad litem, you may file a complaint pursuant to M.R.G.A.L. 9(d) with the Guardian ad Litem Review Board. The complaint form and directions on how to file a complaint with the Guardian ad Litem Review Board can be found at <http://www.mebaroverseers.org/complaint/GAL-Complaint.html>.

The Clerk is directed to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Date: _____

Judge, Probate Court / District Court