

**SUPERIOR COURT OF COLUMBIA COUNTY, GEORGIA**

**Civil Action File No.** \_\_\_\_\_

\_\_\_\_\_) )  
**Plaintiff,** )  
**v.** )  
\_\_\_\_\_) )  
**Defendant.** )

**ORDER APPOINTING GUARDIAN AD LITEM**

The above-styled matter having come before the court for a hearing or conference with counsel, and the court ( ) on its own motion, ( ) upon request of counsel for plaintiff, ( ) upon request of counsel for defendant, ( ) upon request of counsel for both parties, ( ) upon request of pro se plaintiff, ( ) upon request of pro se defendant, ( ) upon request of both pro se parties, having determined that a *Guardian ad Litem* should be appointed pursuant to Uniform Superior Court Rule 24.9 to represent the best interests of the minor child(ren), IT IS THEREFORE ORDERED that \_\_\_\_\_ is hereby appointed to serve as the *Guardian ad Litem* (hereinafter, "*Guardian*") for the minor child(ren)

\_\_\_\_\_, and shall represent the best interests of the minor child(ren) before this court.

***PURPOSE & AUTHORITY OF THE GUARDIAN, GENERALLY.*** The *Guardian* shall be an officer of the court and shall assist the court in reaching a decision with respect to issues before the court involving the child(ren). The method and manner of the *Guardian's* participation in court proceedings must be tailored to each case. The *Guardian* shall primarily act as a gatherer of facts and opinions regarding the welfare of the child(ren) and as an expert investigator who will, as an arm of the court, make recommendations to the parties and to the

court concerning the fitness of parents or other custodians and also the relative appropriateness of various arrangements for the care and custody of the child(ren).

If the *Guardian* is an attorney, and if there is no other meaningful way for the interest of the child(ren) to be protected, the situation may call for the *Guardian*, with court approval, to participate by filing pleadings and by asking questions of court witnesses on behalf of the child(ren). (Court approval may be informal rather than by written order. Court approval will be implied if there is no objection from court or counsel.) In order to perform the assigned function, the *Guardian* shall have full right and authority to completely investigate all aspects of the case, to interview all parties, and to interview any other persons with an interest in the custody, visitation, maintenance, education and/or welfare of the child upon request by the *Guardian* upon reasonable notice. In the event that a party or other person shall refuse to cooperate or be interviewed, the *Guardian* shall so report to the court.

***AUTHORITY OF THE GUARDIAN TO COPY & INSPECT RECORDS.*** Upon presentation of this order to any financial institution, or any agency, hospital, organization, public or private school, person or office, including Clerk of this court, Department of Human Resources, child care agencies, public and private health and medical professionals, and law enforcement agencies, the *Guardian* is hereby authorized to inspect and copy any records relating to the above-named child(ren) without the consent of anyone else. The *Guardian* is entitled to request the same information (except psychiatric, psychological, or other mental health records) of any party hereto or any present or proposed physical custodian of the child(ren). This Order authorizes any individual or organization to release such records directly to the *Guardian*.

***MENTAL HEALTH RECORDS OF THE PARTIES TO THIS ACTION.*** With a proper release from a party or present or proposed physical custodian of the child(ren), the *Guardian* shall have the authority to obtain copies of psychiatric, psychological, or other mental health records of such persons.

***SCHOOL RECORDS OF THE CHILD(REN).*** Subject to the *Guardian's* obligation to preserve confidentiality, the *Guardian* shall have the authority to request and obtain copies of any records maintained by any school or educational system in which the child(ren) may be or may have been enrolled, to specifically include (but not be limited to) records maintained by school counselors and teachers. This Order authorizes any individual or organization to release

such records concerning said child(ren) to the *Guardian*. The *Guardian* may release copies of those records only to the Parties, their attorneys, or the court, and they must be kept confidential.

***CONFIDENTIALITY OF RECORDS.*** The *Guardian* shall not release or reveal any information otherwise privileged by law, such as psychological, psychiatric, or Department of Family and Children Services records, to any person or other entity except by further order of court in accordance with Georgia law. The *Guardian's* report shall make reference only to the existence of such records but not their contents.

***INSPECTION OF RESIDENCES.*** The *Guardian* shall have the right to examine any residence wherein any person related to this case proposes to house the minor child(ren) without prior notice being given.

***MEDICAL AND MENTAL HEALTH EVALUATIONS.*** The *Guardian* may request the court to order examination of the child(ren), parties, and family by a medical or mental health professional if appropriate, pursuant to OCGA § 19-9-3(a)(7). The request shall be in writing and copies shall be served upon the parties or their counsel. If the court orders the examination, either party may object within 10 days from the date of that order.

***DRUG TESTING.*** The *Guardian* shall have the authority to direct any party to this action, including the minor child(ren), to submit to such drug testing as the *Guardian* may deem appropriate. The party or parties to be tested shall present to such testing facility as the *Guardian* may direct within the time limits specified by the *Guardian*. Costs for such testing shall be borne by the party to be tested and shall be subject to apportionment by the court. Copies of the test results shall be provided to the party tested and to the *Guardian* at such address the *Guardian* may designate.

***GUARDIAN'S RIGHTS WITH RESPECT TO THIS PROCEEDING.*** The *Guardian* shall be entitled to notice of, and shall be entitled to participate in, all hearings, trials, investigations, depositions or other proceedings concerning said child(ren). Counsel for the parties are responsible for ensuring the *Guardian* receives notice of these proceedings at the earliest possible time. If the *Guardian* is not an attorney and if it is deemed to be necessary and in the best interest of the minor child(ren), the *Guardian* may, with court approval, hire an attorney to represent the minors' peculiar interest, keeping in mind the need to also be resourceful in handling the case as *Guardian ad Litem*.

***PARTIES' DUTY TO PROVIDE INFORMATION TO GUARDIAN.*** Within five (5) days from the date of this Order, each attorney or party (if *pro se*) must supply the *Guardian* with copies of everything filed with the court before this order was signed. Hereafter, each attorney or party must supply the *Guardian* with copies of documents filed with the court within 24 hours of the filing. The *Guardian* shall be notified immediately if either party seeks to obtain a restraining order or if either party intends to notify DFACS, a medical provider, or a law enforcement agency concerning anything related to the other party or the child(ren). If practicable, the *Guardian* should be notified **prior** to such action.

***AUTHORITY OF THE GUARDIAN TO MEDIATE CERTAIN DISPUTES.*** The *Guardian* is specifically authorized to work with the parents/custodians and their attorneys in an effort to resolve any problems or conflicts concerning the child(ren). If the *Guardian* cannot reach a resolution with the parents/custodians and their attorneys, then the *Guardian* or counsel may contact the court for a conference or hearing. Except as expressly provided herein, the *Guardian* cannot require the parties to do anything and the *Guardian* will not attempt to mediate matters not dealing with children's issues.

***GUARDIAN'S REPORTS.*** The *Guardian* shall prepare a written report prior to the final hearing in this action and may prepare interim reports including the findings and opinions of the *Guardian* regarding the issues in this action. Copies of any *Guardian's* reports shall be provided to the court, to counsel for the parties, and to any party appearing *pro se*. The *Guardian* may include in such report specific recommendations, but such recommendations are NOT conclusive upon the court. The parties and their counsel are encouraged to review such reports with the *Guardian* in an effort to assist them in resolving any disputes that they may have. Either party may depose the *Guardian*, however any such deposition must be scheduled in front of the trial judge who can then rule on any objections and determine the relevancy of questions to the issues in this case. All reports by the *Guardian* and attorneys, when filed with the court, will be sealed so that the information will remain confidential.

***SANCTIONS FOR VIOLATION OF THIS ORDER.*** In addition to any other remedies, this Order may be enforced by a contempt proceeding against either or both parties to this action, which contempt proceeding may be brought by either party or by the *Guardian*.

***DURATION OF APPOINTMENT; VOLUNTARY DISMISSAL PROHIBITED.*** The appointment of the *Guardian* shall last until such time as all issues raised in this action relating to the welfare of the child(ren) are settled, dismissed or otherwise adjudicated, or until further order of this court to the contrary. The parties are prohibited from voluntarily dismissing this action without court approval.

***PAYMENT FOR SERVICES OF THE GUARDIAN.*** The *Guardian* is authorized to charge for his/her services \$65 per hour if the *Guardian* is a non-lawyer (up to \$150.00 per hour if the *Guardian* is an attorney unless the parties agree otherwise). The *Guardian* shall be paid as follows: As an initial retainer, the sum of \$1,000, one-half of which (\$500) shall be paid by each party to the *Guardian* within **10 days** of the date of this Order. Other: \_\_\_\_\_

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There shall be a cap of \$1,000.00 total, unless an increase in the cap is approved by agreement of the parties or by the assigned judge, after notice to the parties and opportunity to be heard. Fees of the *Guardian* which exceed the initial retainer shall be paid one-half by each party, unless the *Guardian* apportions otherwise, promptly upon receipt of *Guardian's* invoice for such services.

If the *Guardian* is required to expend substantially or unnecessarily more time investigating or interviewing on behalf of a party than is required for the other party, then the party requiring the additional time will usually be responsible for the fees associated therewith. If there is any dispute over a division of fees, the same shall be timely submitted to the presiding judge for resolution.

The *Guardian* will bill the parties monthly and the parties and *Guardian* may make such payment arrangements as may be mutually agreeable in writing. If either party feels that the *Guardian's* bill is unreasonable or unjustified, that party may address the issue by motion and hearing or by conference call. The *Guardian's* services directly benefit the minor child(ren) and the *Guardian's* fees are deemed by the court to be in the nature of support and maintenance for the minor child(ren).

\_\_\_\_ ***AUTHORITY OF GUARDIAN REGARDING CUSTODY AND VISITATION (this paragraph applies only if initialed by judge).*** Upon the consent of:

- ( ) counsel for both parties, ( ) counsel for plaintiff, ( ) counsel for the defendant,  
( ) pro se plaintiff, ( ) pro se defendant, ( ) both pro se parties:

The *Guardian* will be given the following authority:

- ( ) The *Guardian* may assist the parties in developing a parenting plan.  
( ) The *Guardian* may assist the parties in making minor changes to the visitation schedule due to issues of scheduling conflicts that arise during the pendency of this action.  
( ) Any decision by the *Guardian* pursuant to the authority of this paragraph may be appealed to the undersigned judge for immediate resolution by conference call or hearing.

***ADDITIONAL PROVISIONS.***

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This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Superior Court Judge  
Augusta Judicial Circuit

Persons served with this order by the court:

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