

STATE OF MAINE

DISTRICT COURT _____
Location _____
Docket No. _____

Plaintiff

ORDER APPOINTING GUARDIAN AD LITEM (GAL)

v.

Limited-Purpose Standard Expanded

Defendant

APPOINTMENT

1. Pursuant to 19-A M.R.S. §1507(1) and subject to the conditions set forth below, the Court appoints a guardian ad litem (GAL) for the following child(ren) in this matter whose name(s) and date(s) of birth are: _____

- 2. The GAL appointed by the court and listed below is currently on the roster of qualified Maine GALs; **or**
- The GAL appointed by the court and listed below 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 agreed to serve in a *pro bono* capacity; or
 - (other) _____

The GAL's name is: _____

The GAL's contact information is: _____

- 3. Neither party objects to the GAL appointment or the fee arrangements specified below; **or**
- Plaintiff/Defendant objects to 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**
- Plaintiff/Defendant 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 AND GAL'S INVESTIGATIVE DUTIES

(Choose one: limited-purpose, standard or expanded)

4. **Limited-Purpose Appointment.**

A. **Duties.** The GAL must perform the following specific duties: _____

_____.

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

The GAL may 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. **Duration.** This GAL appointment terminates at the end of the interim / final hearing.

4. **Standard Appointment.**

A. **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 homes where the child(ren) regularly reside, and for each child over age 3, conduct a face-to-face interview with the child; and

Interview each parent and any adult who resides in the home(s) where the child(ren) regularly reside.

The GAL may not perform and is not expected to perform any duties beyond those specified in this order (including responding to extra communications by the parties) unless or until a new appointment order is entered.

B. **Duration.** This appointment expires: on _____ (date) **or**
 when ordered by the court (usually after the final hearing).

4. **Expanded Appointment.**

A. **Duties.** Until this appointment expires, 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 reside, and for each child over the age of 3, conduct a face-to-face interview with the child; and

Interview each parent and any adult who resides in the home(s) where the child(ren) regularly reside;

Interview the following teachers and other people who have knowledge of the child or family: _____
_____;

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

Engage a qualified medical or mental health educational provider to evaluate _____
by _____ (date) with the cost not to exceed: \$ _____;

By _____ (date), procure counseling for these child(ren): _____;

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

Serve as a contact person between the parents and the child(ren) as follows _____
_____;

Appear at Mediation (in person) and/or the Status Conference (telephonically) and/or the other court-related event(s) listed here: _____.

Other: _____
_____.

The GAL may not perform and is not expected to perform any duties beyond those specified in this order (including responding to excessive communications by the parties) unless or until a new appointment order is entered.

B. **Duration.** This appointment expires: on _____ (date) **or**
 when ordered by the court (usually after the final hearing).

WRITTEN REPORT

5. (Choose one):

The GAL is not required to submit a written report before testifying at the hearing (*limited appointments only*), **or**

The GAL shall submit a written report to the court and to the parties 14 days before the hearing, 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 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, if required, shall include the results of the GAL's investigation and the GAL's recommendations on the following issues: _____

_____.

FEE ARRANGEMENT

6. The GAL shall use the standardized billing, itemization requirements and time reporting processes established by the Family Division.

A. The total fee amount is as follows (*choose one*):

- The GAL will complete all the duties required in this appointment order for a flat fee of \$ _____.
- 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 \$ _____ / hr. (Additional hours and fees require prior court approval.)

B. The GAL's fee shall be paid as follows:

- On or before _____ (date), Plaintiff shall pay \$ _____ and Defendant shall pay \$ _____. These amounts are subject to re-allocation at the final hearing.
- In addition, the GAL shall submit an itemized bill to the parties on a monthly / bi-weekly basis.
 - Plaintiff shall pay _____% of each bill and Defendant shall pay _____% of each bill, subject to re-allocation at the final hearing. Each party shall pay the GAL within 14 days after receiving the each bill; **or**
 - Plaintiff shall pay \$ _____ per week / month toward the GAL fees and expenses and Defendant shall pay \$ _____ per week / month toward the GAL fees and expenses, subject to reallocation 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. 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.

GENERAL PROVISIONS APPLICABLE TO ALL GAL APPOINTMENTS

- 7. The GAL has quasi-judicial immunity from liability resulting from actions undertaken pursuant to her/his appointment.
- 8. 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.
- 9. 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. The reports shall not be disclosed by the parties or the GAL or further released by the Court, except as otherwise ordered by the Court.
- 10. 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 education records that the GAL has been ordered (above) to review.
- 11. The guardian ad litem may advocate for special procedures to protect the child witness from unnecessary psychological harm resulting from the child's testimony, with or without the consent of other parties.
- 12. 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 GAL or the Court, or orchestrating the child(ren)'s actions with respect to the GAL or the court.

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/ Magistrate, Maine District Court