

STATE OF MAINE

DISTRICT COURT _____
Location _____
Docket No. _____

Plaintiff _____

v.

Defendant _____

ORDER APPOINTING GUARDIAN AD LITEM (GAL)
Limited-Purpose Standard Expanded
(Initial Appointments ONLY)

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) 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 the necessary skills and experience in family or guardian matters (See M.R.G.A.L. 2(a)(1) or,
[] other qualifications: _____

The GAL's name is: _____

The GAL's contact information is: _____

- 3. [] No party objects to the GAL appointment or the fee arrangements specified below; or
[] Plaintiff [] Defendant [] Other () 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 [] 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 RESPONSIBILITY FOR WRITTEN REPORT

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.

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

A. [] Limited-Purpose Appointment.

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

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

ii. **Other provisions of the limited appointment.** _____

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 homes where the child(ren) regularly live, 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 live.

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

ii. **Other provisions of the standard appointment.** _____

C. Expanded Appointment.

i. **Duties.** Until this appointment ends, the GAL shall appear at all court events in this matter unless excused by the court. 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 each child over the age of 3, conduct a face-to-face interview with the child; and

Interview 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 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;

Review plaintiff's mental health records medical records _____;

Review defendant's mental health records medical records _____;

Hire a qualified medical or mental health educational provider to evaluate _____ by _____ (date) with the cost not to be more than: \$ _____;

By _____ (date), arrange for 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) interim hearing final hearing and/or the other court-related event(s) listed here: _____

Other duties: _____

ii. *Other provisions of the expanded appointment.* _____

5. LENGTH OF APPOINTMENT

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

6. WRITTEN REPORT:

- 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 on (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

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

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

- Flat Fee.** The GAL will complete all duties required in this order through the completion of mediation for a fee of \$ _____. If a written report is required thereafter the fee for the report preparation will be \$ _____. If the GAL is required to participate in hearing the fee for hearing will be \$ _____.
- Hourly rate:** The GAL will complete all duties required in this order by spending no more than _____ hours at an hourly rate of \$ _____. **OR,**
- Pro Bono or minimal fee.** The GAL will complete all duties required in this order without charging a fee or for the minimal fee of \$ _____.

C. The GAL's fee, if not a pro bono case, shall be paid as follows:

On or before _____ (date), plaintiff shall pay \$ _____, defendant shall pay \$ _____, other (_____) shall pay \$ _____. The responsibility for payment may be reallocated at the final hearing.

Plaintiff shall pay _____% of each bill, defendant shall pay _____% of each bill, other (_____) shall pay _____% of each bill subject to re-allocation at the final hearing. Each party shall pay the GAL within 14 days week month after receiving each bill; **or**

Plaintiff shall pay \$ _____ per week / month toward the GAL fees and expenses, defendant shall pay \$ _____ per week / month toward the GAL fees and expenses, and other (_____) shall pay \$ _____ per week / month. 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.

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 and take such other action it deems appropriate under the circumstances.

D. No additional hours or fees will be authorized or approved for any type of appointment without prior court approval through an 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. 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.

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 education records that the GAL has been ordered (above) to review.

F. The guardian ad litem 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 other 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 by coaching, threatening, or bribing the children. No party shall tell the child(ren) how to talk with or what to say to the GAL or the court.

B. If additional duties or expenses that could not have been predicted do occur, the GAL or a party may file a motion with the court asking for an amended guardian ad litem order.

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