

## MAINE JUDICIAL BRANCH

\_\_\_\_\_ Plaintiff DISTRICT COURT  
 V. \_\_\_\_\_ Location (Town): \_\_\_\_\_  
 \_\_\_\_\_ Defendant Docket No.: \_\_\_\_\_  
 \_\_\_\_\_ Other party

OR

IN RE: \_\_\_\_\_

## ORDER APPOINTING GUARDIAN AD LITEM UNDER TITLE 18-C OR 19-A

Limited-Purpose  Standard  Expanded

**(Initial Appointments ONLY)**

4 M.R.S. § 1555(1)(B), 18-C M.R.S. § 1-111(1), 19-A M.R.S. § 1507(1)

1. 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 (mm/dd/yyyy) are:

\_\_\_\_\_

\_\_\_\_\_

2. The Court appoints the following GAL:

The GAL's name is: \_\_\_\_\_

The GAL's mailing address is: \_\_\_\_\_

The GAL's telephone number is: \_\_\_\_\_

The GAL's email address 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 a non-rostered 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. The parties' contact information is as follows:

Name	Mailing Address	Telephone Number	Email Address

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

**OR**

Plaintiff/Petitioner  Defendant/Respondent  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:

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**AND/OR**

Plaintiff/Petitioner  Defendant/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:

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**TYPE OF GAL APPOINTMENT, GAL'S INVESTIGATIVE DUTIES, AND  
GAL'S 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.

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

A.  **Limited-Purpose Appointment.**

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

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## MAINE JUDICIAL BRANCH

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

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

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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 ***unless excused for good cause.*** Before the final 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 and/or the  status conference (remotely)  interim hearing  final hearing and/or  the other court-related event(s) listed here:

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

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C.  **Expanded Appointment.**

i. **Duties.** The GAL shall appear at the final hearing in this matter to testify and to be available for cross-examination ***unless excused for good cause.*** Before the final 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:

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- 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;

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## MAINE JUDICIAL BRANCH

Review plaintiff/petitioner's  mental health records  medical records  \_\_\_\_\_  
 Review defendant/respondent's  mental health records  medical records  \_\_\_\_\_  
 Hire a qualified  medical or  mental health  educational provider to evaluate \_\_\_\_\_  
by (mm/dd/yyyy) \_\_\_\_\_ with the cost not to be more than: \$ \_\_\_\_\_  
 By (mm/dd/yyyy) \_\_\_\_\_ arrange for counseling for these 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 and/or the  status conference (remotely)  interim hearing and/or  the other court-related event(s) listed here:

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Other duties:

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

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**6. 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 (mm/dd/yyyy) \_\_\_\_\_.

**7. WRITTEN REPORT (choose one option)**

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 (mm/dd/yyyy): \_\_\_\_\_;  
 The GAL shall submit a written report to the court and to the parties  14 days before the hearing or  on  
(mm/dd/yyyy) \_\_\_\_\_, 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:

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**8. FEE ARRANGEMENT**

A. The GAL shall use the standardized billing, itemization requirements and time reporting processes established by the Maine Rules for Guardians ad Litem, and when applicable, *Revised Fee Schedule for Guardians Ad Litem and Court Appointed Workers' Compensation Attorneys in All Courts*, Me. Admin. Order JB-05-5, as amended.

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

**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 \$ \_\_\_\_\_.

**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 \$ \_\_\_\_\_.

**Payment by the Court.** The GAL's fees shall be paid by the court, pursuant to the guidelines contained in AO-JB-05-5. The GAL shall devote no more than **20 hours** to this action absent prior approval by the court.

**This appointment is made at the court's expense because:**

- This matter was transferred from the Probate Court to the District Court, and a GAL was appointed to this matter prior to the transfer;
- This is an adoption matter that involves a petition for termination of parental rights pursuant to 18-C M.R.S. § 9-204(4); or
- This matter involves a petition to terminate parental rights pursuant to 19-A M.R.S. § 1658(2)(C).

C. The GAL's fee, if not a pro bono case, shall be paid as follows (*choose one option*):

On or before (mm/dd/yyyy) \_\_\_\_\_, plaintiff/petitioner shall pay \$ \_\_\_\_\_, defendant/respondent shall pay \$ \_\_\_\_\_, other (\_\_\_\_\_) shall pay \$ \_\_\_\_\_. The responsibility for payment may be reallocated at the final hearing.

Plaintiff/Petitioner shall pay \_\_\_\_\_ % of each bill, defendant/respondent 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/Petitioner shall pay \$ \_\_\_\_\_ per  week  month toward the GAL fees and expenses, defendant/respondent 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.

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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.**

## 9. 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 the 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. *See Public Information and Confidentiality, Me. Admin. Order JB-05-20, as amended.*

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 the GAL 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 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.

G. 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.

H. 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 M.R. Civ. P. 79(a).

Date (mm/dd/yyyy):

\_\_\_\_\_



Judge  Magistrate, Maine District Court

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