

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

IN RE THE MARRIAGE OF:

and

Petitioner,

Respondent.

Case No. FD-_____
JUDGE _____
Docket: _____

ORDER APPOINTING GUARDIAN AD LITEM

NOW on this _____th day of _____ 2010, this matter comes on before me, the undersigned Judge of the District Court, upon _____'s motion for the appointment of a guardian ad litem to represent the minor children in this matter. The Court finds that good cause has been shown for the appointment of a Guardian ad Litem, to serve and protect the best interests of the parties' minor children.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that _____, Attorney, (918) _____, is hereby appointed to serve as Guardian Ad Litem for the minor child(ren),

_____. Although not bound by the preferences of the minor children, the Guardian Ad Litem shall determine the preferences of the minor children and shall inform the Court of the minor child's expressed preferences, regardless of whatever such preferences are consistent with the Guardian Ad Litem's preferences.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that as Guardian Ad Litem, _____, Attorney, shall undertake

and commence such pleadings, motions and discovery as shall be reasonable and necessary, as warranted by the judgment and discretion of the Guardian Ad Litem, under the circumstances presented.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Guardian Ad Litem is appointed as an officer of the Court with the authority to protect and foster the best interests of the minor child(ren). The Guardian Ad Litem shall meet with the minor child(ren) as soon as possible after notice of the appointment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Guardian Ad Litem shall meet with the parents and any other caregivers, including but limited to extended family, child care providers and DHS workers. If any party to the action is represented by private counsel, permission shall be obtained from the attorney for the party to interview the party alone. If such permission is not obtained, the interview shall take place with the attorney for the party present.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all parties shall cooperate with the Guardian Ad Litem by making the minor Child available to the Guardian Ad Litem and shall not interfere or otherwise abridge the Guardian Ad Litem's ability to fulfill his duty to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall be entitled to petition the Court for appointment of a medical or mental health professional or any other professional deemed necessary to value the minor child or otherwise assist the Guardian Ad Litem in making a recommendation as to the best interests of the minor child(ren).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the

Guardian Ad Litem shall be a party to this case, and as such shall be provided with copies of all pleadings and other filings herein in accordance with the Rules of Civil Procedure. The Guardian Ad Litem shall be notified of any and all actions affecting the minor child taken by either the parties or their counsel. The Guardian Ad Litem shall file motions, pleadings and reports as necessary or requested by the Court. The Guardian Ad Litem shall be a party to any agreement or stipulation (whether interlocutory or final) and to any settlement affecting the interests or welfare of the minor child, and shall participate in any settlement negotiations consistent with the best interests of the minor child(ren).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon presentation of a certified copy of this order to any agency, hospital, organization, school, person or office, pediatrician, psychologist, psychiatrist, police department or the Oklahoma Department of Human Services (DHS), the Guardian Ad Litem shall have the right to inspect and copy any records relating to the minor child or their parents. The Guardian Ad Litem shall maintain any information received from any such source as confidential and it shall not be disclosed except in reports to the Court, to the parties and their counselor as otherwise directed by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Guardian Ad Litem shall maintain the confidentiality of any information related to the case. No information shall be discussed or disseminated except to the Court, the parties and their counsel, and only under specific conditions as ordered by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall advocate for the best interests of the minor child through

interviews, data collection, participation in the case, conferences with the Court, written reports to the Court, attendance at hearings, and advocating and making recommendations in the minor child's best interests.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall provide written reports to the Court regarding the best interests of the minor child(ren), including conclusions and recommendations and the facts upon which they are based.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem owes his primary duty to the Court and not to the minor child alone.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall have a continuing duty to investigate throughout the duration of the matter. The Guardian Ad Litem shall keep apprised of and keep the Court informed of other proceedings affecting the minor child, the parties and other household members. Further, the Guardian Ad Litem shall keep the Court advised of any unusual or alarming facts which seriously call into question the advisability of any agreement as to the settlement of the case. However, the Guardian Ad Litem is not permitted to communicate with the court on an ex parte basis absent an emergency and shall provide copies of all pleadings and correspondence to all parties and/ or counsel.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Guardian Ad Litem shall be entitled to access all records maintained by the Department of Human Services (DHS) on said minor child pursuant to 10 O.S. § 700S-1.4J(4), subject to a protective order prohibiting disclosure of said DHS information to any third party without a prior order of this Court. The Guardian Ad Litem is also authorized to access all other records listed in

100.5. § 700S-1.2(A).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall prepare a report for review by the Court and shall let this matter for hearing following the filing of his report.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all parties or individuals receiving a copy of this Order contact the Guardian Ad Litem by telephone, provide pertinent information to the Guardian Ad Litem including but not limited to keeping the Guardian Ad Litem supplied with current address and telephone contact information and cooperate with the Guardian Ad Litem during this investigation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Guardian Ad Litem shall serve in this case until the entry of a final order resolving the issues giving rise to this appointment or until further order of this Court. The Guardian Ad Litem may make application to be paid at his regular hourly rate of \$_____.00 per hour to be assessed equitably (50/50) between the parties by further order of this Court. The Court may also order upon application that the Guardian Ad Litem be paid from the Court Fund.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Office of the Court Clerk shall provide a true and correct copy of each and every document filed in this case prior to the date of this Order to the Guardian Ad Litem without charge.

Signed the day and date above first written.

Judge of the District Court

Approved as to form:
