

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

_____,)
Plaintiff/Petitioner,)
vs.) Case No.: _____
_____,)
Defendant/Respondent.)

ORDER APPOINTING OKLAHOMA GUARDIAN AD LITEM INSTITUTE
AS GUARDIAN AD LITEM FOR CHILD(REN)

NOW on this _____ day of _____, 20____, this matter comes before the undersigned Judge of the District Court of _____ County. The evidence indicates that the minor child(ren) would benefit from the appointment of a Guardian Ad Litem's as it would protect the child(ren) from the court process, provide representation to objectively advocate on behalf of the child(ren), and act as an officer of the court to investigate all matters concerning the best interests of the child(ren). **The Court further finds that the combined gross yearly income of the parties is less than \$75,000.00.**

THEREFORE, pursuant to 43 O.S. §107.3, the Court hereby appoints Oklahoma Guardian Ad Litem Institute as the **Guardian Ad Litem** (hereinafter referred to as "GAL") for the minor child(ren) in this case as follows:

1. This appointment applies to the minor child(ren) with the following ***initials and dates of birth:***

2. GAL contact information:

Oklahoma Guardian Ad Litem Institute
1701 Signal Ridge Drive, Suite 110
Edmond, Oklahoma 73013
Telephone (405) 888-5449
Facsimile (405) 888-5433
www.okgalinstitute.org

3. The GAL by this appointment is tasked with the following duties and responsibilities:

- a. Review relevant documents, reports and other information regarding the child(ren);
- b. Meet with and/or observe the child(ren) in appropriate settings;
- c. Consider the child(ren)'s wishes, as appropriate;
- d. Interview parents, care givers and any other person with knowledge relevant to the case including, but not limited to, teachers, counselors and child care providers;
- e. Investigate the home conditions of both parents and/or third party homes when relevant;
- f. Investigate the allegations, fears and concerns of each party concerning the care and best interests of the child(ren);
- g. Investigate the school and/or day care arrangements of the child(ren);
- h. Advocate for the best interests of the child(ren) throughout any judicial proceedings by participating in the case, attending relevant hearings in the matter; and advocating for appropriate services for the child(ren), when necessary;
- i. Present written reports to the parties and court prior to trial or at any other time as specified by the Court on the best interests of the child(ren); and
- j. Do all necessary acts to objectively advocate for and protect the inherent rights of the child(ren) to receive the custody, visitation and support of their parents in accordance with the best interests of their mental, physical and moral welfare and the economic ability of their parents.

4. Wishes of the child(ren):

- a. The GAL is to consider the child(ren)'s wishes, but also is required to make an independent judgment of what is in the best interest of the child(ren).
- b. The GAL shall notify the Court in asserting any position on behalf of the child(ren) if it is contrary to any expressed wishes of the

child(ren).

- c. In the event the GAL cannot in good conscience advocate any expressed wishes of the child(ren), then the GAL shall disclose to the Court whether any position asserted on behalf of the child(ren) is contrary to any expressed preference of the child(ren), the reasons for same, and whether said GAL representation may reasonable continue.
5. Powers of the GAL:
- a. The GAL shall undertake and commence such pleading, motion and discovery as shall be reasonable and necessary, as warranted by the judgment and discretion of said GAL, under the circumstances presented, and in accordance with the powers set forth in this Order.
 - b. The GAL is appointed as an officer of this Court with the authority to protect and foster the best interests of the child(ren).
 - c. The GAL shall be entitled to interview the child(ren) and consult with the child(ren).
 - d. The GAL shall be entitled to interview all necessary parties, e.g. day care providers, school personnel, counselors, medical providers and otherwise obtain information from whatever sources she deems necessary.
 - e. The GAL shall be entitled to petition the Court for appointment of a mental health professional or any other professionals deemed necessary to evaluate the child(ren) or to otherwise assist the GAL in representation of the best interests of the child(ren)..
 - f. The GAL shall be a party to this case and shall be provided with copies of all pleadings and other papers herein in accordance with the Rules of Civil Procedure.
 - g. The GAL shall be a party to any stipulation or agreement (whether temporary or permanent) and to any settlement affecting the interests or welfare of the child(ren).
 - h. The GAL shall have the right to inspect and copy any records related to the child(ren) and may review and copy medical, psychological and police report to dealing with the parents, participating relatives, or the child(ren), pursuant to 10A O.S. §§1-6-102 & 103, upon presentation of a certified copy of this Order to any agency, hospital, organization, school, person or office, pediatrician, psychologists, psychiatrists, court clerk, or police department. All records received from any such source are confidential and shall not be disclosed except in court proceedings or as directed by the Court.
 - i. Notwithstanding anything to the contrary, the GAL is hereby vested by the Court with all powers, privileges, and responsibilities necessary or desirable for the full and effective performance of her duties and obligations to the child(ren). If the GAL is in doubt at any

time as to the scope or limitation of this authority, the GAL may apply to the Court on an emergency basis, if necessary, for clarification or ramification of that authority.

6. Relationship between the GAL and the child(ren):

- a. The GAL shall enjoy an attorney-client relationship with the child(ren), and all communications between the GAL and the child(ren) shall be privileged and shall not be disclosed by the GAL except as appropriate for effective representation of the child(ren).¹
- b. Neither the parties nor their counsel shall seek to invade this privilege either directly or indirectly, nor make any attempt to seek the disclosure of confidential communications from this child or the GAL.

7. Reporting:

The GAL shall prepare and provide both oral and written reports to the parties and this Court concerning the best interests of the child(ren) as part of any pre-trial conference, or upon such other terms and conditions which are either agreed to by the parties or otherwise ordered by this Court.

8. Duties of parties:

- a. The parties herein shall provide the GAL with copies of all pleadings and other papers herein.
- b. The parties shall submit the proper intake form located on the website of the GAL within ten (10) days of the entry of this order.
- c. The parties shall meet with the GAL in the course of the investigation upon the request of the GAL.
- d. The parties shall notify the GAL before any action affecting the child(ren) is taken by either party or their attorneys.
- e. The parties shall NOT discuss or talk to the minor child(ren) regarding their feelings, impressions, desires or any other matter regarding the court case. The attorneys for all parties are hereby admonished that discussing any issue regarding the case with the minor child(ren) is a violation of this Court's orders and may result in contempt of court.
- f. The parties shall not submit the minor child(ren) to any psychological evaluation or counseling without first consulting with the GAL and obtaining express consent in advance.
- g. The parties and their attorneys shall cooperate with the GAL and shall not impede the ability of the GAL to represent the child(ren).
- h. The parties shall make the child(ren) available to the GAL at the

¹ Subject to *Kelly v. Kelly*, 2007 OK 100, 175 P.3d 400.

request of the GAL and/or the request of the minor child(ren).

- i. The parties and their attorneys shall cooperate in authorizing the GAL to contact third parties, including the timely processing of all authorizations, releases and consent forms necessary for the GAL to accomplish interviewing all third parties.

9. Termination of appointment:

The GAL shall serve in this case until the entry of a final order resolving the matters causing rise to this appointment or until further order of this Court.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 20_____.

JUDGE OF THE DISTRICT COURT

\$ _____
Plaintiff/Petitioner's **Gross Yearly Income**

\$ _____
Defendant/Respondent's **Gross Yearly Income**

Approved: (Please provide ATTORNEY information unless the party is pro se)

Plaintiff/Petitioner Attorney Signature

Defendant/Respondent Attorney Signature

Printed Name: _____

Printed Name: _____

OBA#: _____

OBA# _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

Fax: _____

Fax: _____

Email: _____

Email: _____

Attorney for Plaintiff/Petitioner

Attorney for Defendant/Respondent