

Clear

Plaintiff

v.

Defendant

Superior Court of New Jersey
Chancery Division - Family Part
_____ County

Docket Number: _____

Civil Action
Order Appointing Guardian ad Litem
for Minor(s) Pursuant to R. 5:8B

It is on this ____ day of _____, ____ **ORDERED** that:

1. The Court finds it is in the best interest of the child(ren) to appoint a guardian ad litem ("GAL") pursuant to New Jersey Court Rule 5:8B, subject to the conditions set forth below. The court appoints _____ to serve as the GAL for the following minor child(ren):

Name: _____, Date of Birth: _____
Name: _____, Date of Birth: _____
Name: _____, Date of Birth: _____

GAL Contact Information: (address, telephone number, and email address)

Address: _____
Phone Number: _____ Email: _____

2. Scope of Assignment.

The GAL is appointed to help the court make a best interests of the child(ren) determination. The GAL shall investigate, gather, and submit a report containing information and an analysis of the relevant factors under N.J.S.A. 9:2-4. The report will be used to assist the court with the following issues in dispute: (Check all that apply.)

- a. Parental responsibility
- b. Place of residence
- c. Parenting time including times and locations
- d. Legal custody/decision-making
- e. Relocation
- f. Education
- g. Day care/childcare
- h. Healthcare
- i. Other issues: _____

3. Notice Regarding Children.

The parties are prohibited from attempting to indirectly or directly influence, coach and/or pressure the child(ren) as to what to say to the GAL or the court. Failure to comply with this provision could result in court-imposed sanctions. If the GAL has reason to believe a child has

been influenced, coached and/or pressured by a parent or third party, the factual basis for this belief shall be included in the GAL's report.

4. Official Duties and Responsibilities.

- a. The GAL is authorized to meet, interview and obtain information from the parents/legal guardians of the child(ren), the child(ren), and other associated contacts including teachers, school staff and administrators, education specialists, health care professionals, therapists/counselors, psychological or psychiatric evaluators, addiction treatment agencies and professionals, and other family service providers to the extent that interviews and information are relevant to the scope of the appointment.
- b. The GAL could recommend appointment of an attorney for the child pursuant to Rule 5:8A.
- c. The GAL shall be available to testify, and be subject to, cross-examination, unless excused by the court.
- d. The GAL shall receive a copy of all court orders effecting the timeline, scope or nature of their assignment.
- e. The GAL shall not act as a mediator or arbitrator between the parties, but can act as a resource to a mediator, arbitrator or other neutral third party assisting the parties to resolve their disputes.
- f. The GAL shall perform the following specific duties: (Check all that apply.)
 - i. Observe the child(ren) in the homes where they regularly live or have parenting time (or in a location designated by the GAL) and for a child over the age of 3, conduct a face-to-face interview with the child.
 - ii. Interview each parent, guardian, caretaker and any adult who lives in the homes where the child(ren) regularly live or have parenting time.
 - iii. Interview others at their discretion including teachers, health care providers, family members, neighbors, and others with personal knowledge about the child(ren) regarding the issues related to the GAL's appointment.
 - iv. Review DCP&P or other child protection agency records including the following which will be made available to the GAL:

 - iv. Other duties:

- g. The GAL shall not exceed the scope of this assignment without further court order. If the GAL believes the scope of the assignment should be modified, they shall, on notice to the parties, advise the court and request an amended order setting forth the modified scope of the assignment.

5. Authorizations.

Parents/guardians shall execute authorizations necessary for the release of records/information to the GAL, including records regarding education, health care, law enforcement, court proceedings, and other records and information in the possession of agencies related to the child(ren) and the child(ren)'s parents/guardians, and regarding the issues related to the GAL's assignment.

The GAL, appointed to represent the best interest of the child(ren) named in this court order, is hereby regarded as a HIPPA (Health Insurance Portability and Accountability Act) representative for the child(ren) and shall have the right and power to examine complete medical records including psychiatric records and written charts, pertaining to the child(ren).

6. Length of Appointment.

The GAL appointment ends: (Select one.)

- a. in accord with Rule 5:8B, or
- b. upon further court order or other written extension.

7. Written Report.

a. The GAL shall submit a written report: (Select one.)

- before testifying at the hearing scheduled on _____ at _____.
- to the court within ____ days of the GAL's receipt of this order and the parties' payment of their respective portions of the initial retainer and any other fees ordered by the court, unless the court grants an extension.

b. The report must include the results of the GAL's investigation and recommendations on the issues specified in paragraph 2 above, subject to any conditions ordered by the court.

c. The report shall further:

- i. Include information as to the parties' cooperation.
- ii. Identify any limits in the information the GAL was able to obtain.
- iii. Identify all sources of information utilized (such as documents reviewed and people interviewed).
- iv. Include relevant dates, timeframes and parties related to factual statements relating to the scope of the investigation.
- v. Note any preferences expressed by the child(ren), inclusive of facts relative to whether the GAL believes the preferences are being expressed voluntarily or as coached by a parent/guardian or other person.
- vi. Include any other issues that become relevant to the investigation in the GAL's discretion.

d. The report shall be submitted only to the court, which could release it to counsel and the parties under a protective order to ensure confidentiality pursuant to Rule 1:38 and Rule 5:8(e). Subject to the protective order, the parties and their counsel shall be permitted to review the report. Any protective order shall survive, and not merge into, any final order or judgment in this matter.

e. If the GAL is notified by the court that the case is settled, no written report shall be submitted, and the GAL shall cease all work related to this assignment.

8. Fees.

The parties shall pay an initial retainer of \$ _____ to the GAL whose hourly rate is \$ _____. Plaintiff shall pay ____ % of the cost and defendant shall pay ____ % of the cost without prejudice, subject to reallocation by the court at the final hearing. Both parties shall have the right to file an application with the court regarding the amount each party shall pay to satisfy full payment of the GAL's fees. The GAL shall send monthly billing statements to the parties.

9. General Provisions Applicable to the Appointment.

- a. The parties shall fully cooperate with the GAL's investigation, including participating in interviews, making themselves and the child(ren) available to the GAL at reasonable times and places the GAL could request, and signing authorizations. The GAL's report shall indicate each party's cooperation with the investigative process.
- b. Each party shall provide the GAL copies of relevant court documents including filings, orders and notices. The GAL shall be permitted to be present at any depositions, hearings or other proceedings concerning the child(ren).
- c. The GAL could advocate for special procedures to protect the child(ren) from unnecessary harm resulting from their testimony, with or without the consent of the parties.

Date

s/ _____