

IN THE CHANCERY COURT OF CLARKE COUNTY
THE STATE OF MISSISSIPPI

FATHER

PLAINTIFF

VS.

NO. -----

MOTHER

DEFENDANT

ORDER APPOINTING
GUARDIAN AD LITEM

_____ This civil action came before the court on the motion of defendant for appointment of a guardian ad litem. The court now finds that appointment of a qualified guardian ad litem would be in the best interest of the minor children due to the allegations in this case.

Now, therefore, it is

ORDERED AND ADJUDGED as follows:

1. LAWYER, GAL, Esq., is hereby appointed as guardian ad litem to serve as a special master under Rule 53, MRCP, to investigate and report to the court as to the interests of the minor children: _____, born July 17, 2008; and _____, born February 7, 2011.

The Court finds that the said LAWYER, GAL has completed the requisite training and is otherwise qualified, without interest adverse to the minor children herein. The Court has adequately instructed the said LAWYER, GAL on the proper performance of her duties.

2. The guardian ad litem is hereby ordered and directed to investigate, make recommendations to the Court and enter reports as to the best interests of the minor children.

3. The guardian ad litem is hereby authorized and empowered to review and copy any and all records, including, but not limited to, educational, medical, psychological and

psychiatric records, financial and banking records of every kind and nature, any protective service reports and/or contacts, pertaining to the aforesaid minor child, all of which information shall be maintained as confidential by the guardian ad litem, except upon further order of this court. A certified copy of this Order shall be presented by the guardian ad litem to all third parties from whom information is requested, and shall serve as authority to release such information to the guardian ad litem.

4. The guardian ad litem is expressly authorized to communicate directly with each party in this case, and shall not be required to communicate through counsel. The guardian ad litem is directed to send a copy of all correspondence with each party simultaneously to that party's counsel of record.

5. Each party is hereby ordered and directed to provide the guardian ad litem, in writing, within five (5) days of the date of this Order, with the following information:

- a. A brief statement of the party's position on the issues of child custody, placement and support;
- b. A copy of each document in the party's possession upon which the party relies to support the party's position on child custody, placement and support, including, but not limited to, psychological or other professional reports or records;
- c. A list of all witnesses, including, but not limited to, medical and mental health professionals, who have information supporting the party's position on child custody, placement and support, providing for each the name, address and telephone number;

- d. A list of the party's employers for the preceding five (5) years, together with a statement of the work performed, hours and days regularly worked, and gross and net pay.
- e. A list of all counsellors, psychiatrists, psychologists and other mental health professionals with whom the party and/or the minor children have consulted within the past five (5) years;
- f. A list of each street address at which the party has resided within the past five (5) years;
- g. The names, addresses and telephone numbers of three (3) references, other than relatives, with whom the guardian ad litem may discuss the party's parenting ability and relationship with the minor children.

6. The guardian ad litem is specifically directed and authorized to investigate fully, acquire records, inspect medical and educational files, and interview providers of medical care, mental health services, and educators, and to report to the court fully all of her findings. Without any further authorization from or direction by the court, the guardian ad litem is granted the authority to obtain and inspect all documents pertinent to the issues in this case, including, but not limited to, patient records, operative reports, ER reports, history and physical records, intake and discharge notes and summaries, progress notes, diagnostic reports and findings, laboratory reports, physician orders, nurses' notes, x-rays and other media, consultation notes and reports, all contents of every patient chart, test results, test scores, intelligence quotient scores, attendance records, teacher comments and reports, all school transcripts, equivalency test scores, counselor's

notes, medical records, school nurse notes, disciplinary records, MCT test scores, SAT scores, ACT scores, and Mississippi State testing scores.

7. Each party is ordered and directed to execute and deliver promptly and timely to the guardian ad litem as requested all authorization forms for disclosure of HIPAA-protected information and protected educational information (PEI).

8. Each party is hereby ordered and directed to cooperate fully with the guardian ad litem and to provide the guardian ad litem with truthful, accurate information promptly when requested to do so. This is a continuing order for disclosure, and the court may refuse to allow the introduction into evidence of information that was not provided to the guardian ad litem contrary to this Order, unless good cause is shown.

9. The guardian ad litem is hereby specifically vested with all powers set out in MRCP 53(d) and (e).

10. The guardian ad litem is hereby ordered and directed to file a written report with the Chancery Clerk of Lauderdale County, Mississippi, in this civil action including recommendations as to the best interest of the minor children. The complete report shall be filed with the clerk and simultaneously served on all parties on or before November 18, 2013. The complete report shall address at least the following items, subject to any conditions imposed by the court:

- a. Interviews with the minor children, specifying where and when conducted, and under what conditions;
- b. Interviews with parents;
- c. Interviews with siblings;
- d. Interviews with school or day care teachers, officials and personnel;

- e. Interviews with all medical, mental health and dental professionals, and all counselors and social workers;
- f. Interviews with church and community contacts;
- g. Copies of all pertinent documents and reports that are not confidential;
- h. A review of the physical evidence;
- i. Review of financial status, if the child has income or any interest in property;
- j. Narrative of personal observations of the child alone, with parents, and at school or in other contexts outside the home;
- k. If directed by the court, proposed findings of fact and conclusions of law.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to MRCP 53(g)(2), counsel for the parties, or any unrepresented party, are directed to serve any written objections to the guardian ad litem's report on the guardian ad litem and counsel opposite within ten (10) days of service of the guardian ad litem's report.

IT IS FURTHER ORDERED AND ADJUDGED that the guardian ad litem's report, along with any written objections timely filed shall be admitted into evidence and considered by the court on hearing of this matter.

IT IS FURTHER ORDERED AND ADJUDGED that each party is hereby ordered to deposit with the court the sum of \$500 on or before October 1, 2013, as a deposit against the fees incurred for the guardian ad litem's services. Further payment may be ordered by the court as the need arises. The court shall tax or apportion the total guardian ad litem fees and expenses based on proof at the final hearing.

IT IS FURTHER ORDERED AND ADJUDGED that the guardian ad litem is authorized to direct either or both parties to undergo drug and/or alcohol screening at any time as she may so direct, under any conditions and at any facilities she may designate, and both parties are order to comply with her directions.

IT IS FURTHER ORDERED AND ADJUDGED that failure of any party to comply promptly and timely with each and every provision of this order shall be treated by the court as contempt and punished accordingly.

IT IS FURTHER ORDERED AND ADJUDGED that this matter is set for a status conference with the court on the 21st day of November, 2013, at 8:45, a.m., and all counsel and parties are ordered to be and appear before the Chancery Court of Clarke County, Mississippi, in the Clarke County Court House in Quitman, Mississippi, for a conference on said date and at said time, or as soon thereafter as the matter may be taken up.

SO ORDERED AND ADJUDGED this the 24th day of September, 2013.

CHANCELLOR