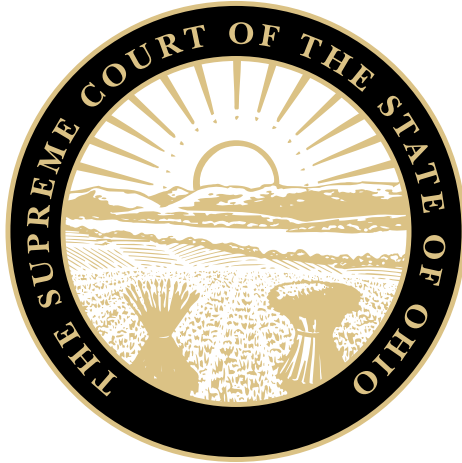




Guardian ad Litem Programs

Judicial Guide





Guardian ad Litem Programs

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July 2023

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Table of Contents

Introduction	1
An Overview of the Court’s Responsibilities	2
Recruiting & Onboarding New GALs	3
Education	8
Accountability & Evaluation	10
Recordkeeping	12
An Overview of the GAL’s Responsibilities	15
A. GAL Report	17
B. Recordkeeping	18
C. Confidentiality	18
D. Virtual Interviews	19
An Overview of CASA Programs	20
Special Considerations	21
A. Allocation of Parental Rights & Responsibilities Cases	21
B. Abuse, Neglect, & Dependency Cases	24
C. Delinquency & Unruly Cases	25
Sample Documents	28
• Local Rule	
• Guardian ad Litem Application	
• Annual Compliance Statement	
• Order of Appointment	
• The Role of a GAL Information Sheet	
• Motion for Relief from Duties	
• GAL Survey for the Bench	
• GAL Survey for the Party	
• GAL Survey for the Attorney	
• Annual Performance Appraisal	
• Comment/Complaint Form	
• Court Response to a GAL Complaint	
• GAL Responsibilities Checklist	

Introduction

A guardian ad litem (GAL) is an individual appointed to assist a court in its determination of the best interest of a child. A GAL is a neutral third party who completes the duties outlined in Rule 48 through 48.07 of the Rules of Superintendence for the Courts of Ohio to make recommendations to the court as to the future placement of or parenting arrangements of the child. A GAL may be appointed in allocation of parental rights and responsibilities cases; abuse, neglect, and dependency cases; and juvenile delinquency and unruly cases to represent the best interest of the child.

The Supreme Court of Ohio, through the Advisory Committee on Children & Families, adopted standards for GALs in 2009. These standards, set forth in Sup.R. 48, seek to provide uniformity and oversight of the performance of guardians, outlining requirements for appointments and education, and the responsibilities of both GALs and local courts. Sup.R. 48 prescribes minimum standards but allows courts the discretion to impose additional requirements or education.

In 2015, the Advisory Committee on Children & Families began a review of the then-current Sup.R. 48. It conducted a survey of youth, GALs, attorneys, and court personnel. Several common themes emerged regarding educational requirements, dual appointments, compensation, and equitable distribution of cases. In response to the survey findings and a review of other state standards, Sup.R. 48 through 48.07 was significantly amended in 2021.

Additionally, in 2019, Governor Mike DeWine convened the Children Services Transformation Advisory Council to recommend foster care reforms in Ohio. The Advisory Council issued specific recommendations to improve the accountability and performance of GALs after hearing numerous stories from parents, foster caregivers, and foster care alumnae about how GALs did not adequately perform their responsibilities.¹

As a result of these recommendations and the amendments made to Sup.R. 48 in January 2021, the Advisory Committee on Children & Families determined that a toolkit would assist courts to implement the new rule requirements and identify best practices for recruiting, retaining, and increasing the accountability for GALs. These best practices are aimed at improving GAL performance, leading to better outcomes for Ohio's children and families.

1 [Final Recommendations of the Children's Services Transformation Advisory Council](#), November 2020.

An Overview of the Court's Responsibilities

The responsibilities of a court in terms of establishing its GAL program are set forth in Sup.R. 48.07. Courts structure their GAL programs in a variety of ways. Some courts maintain a list of local attorneys or other individuals who serve on their court-appointed list. Others utilize Court Appointed Special Advocate (CASA) programs. There are courts that appoint both a GAL and a CASA volunteer in the same case. Regardless of the structure, courts must abide by the requirements set forth in Sup.R. 48 through 48.07.

Each court appointing GALs must:

- Maintain a public list of approved GALs;
- Establish criteria for the appointment and removal of GALs;
- Establish a procedure for the equitable distribution of appointments to eligible GALs;
- Develop an application and file retention process for new GALs;
- Maintain files for all approved GALs including documentation regarding the satisfaction of GAL initial and continuing education requirements;
- Develop a process for receiving and investigating complaints against GALs;
- Review GAL reports to ensure that the GAL has performed the responsibilities under the rule and statute;
- Review annually the list of approved GALs to determine that education requirements have been met and duties have been sufficiently performed; and
- Require all approved GALs to annually certify they are unaware of any circumstances that would disqualify them from serving as a GAL and to report completion of their continuing education hours.

Most courts adopt a local rule that outlines the process for many of the requirements set forth above. *See Sample Documents for a Local Rule.*

Recruiting & Onboarding New GALs

Recruiting new GALs can be challenging. Newly licensed attorneys are one potential source for individuals seeking to be GALs. New attorneys often apply to be on the court-appointed list as a means of generating revenue and gaining experience. The Supreme Court's pre-service education is free and provides continuing legal education credit; therefore, the investment for new attorneys is minimal. Reaching out to a local bar association to speak at bar meetings or other events is a useful way of reaching attorneys who may be new to the practice of law or to the community.

Similarly, forging a partnership with nearby law schools can also serve to recruit new GALs. Many law schools have family law associations or offer classes in family law. These provide the court with opportunities to talk about its GAL program and engage potential new attorneys. Some law schools may have legal interns or legal clinics with students interested in serving as GALs. For purposes of Sup.R. 48 through 48.07, law students would be considered non-attorney GALs.

GALs need not be attorneys. Courts may look to counselors, social workers, retired teachers, or other individuals with experience working with families and children who may be willing to serve as GALs. Courts can speak about their GAL program at community events or to local organizations as ways to recruit new GALs. This may be especially beneficial for smaller jurisdictions where available attorneys are limited.

Application Process

When identifying eligible GALs, courts must develop an application process to review the qualifications of interested individuals.² Typically, courts develop an application form to collect relevant background information instead of requesting the applicant submit a resume. Upon completion of the initial pre-service education, applicants must submit a resume or other informational sheet outlining their education, experience, and ability to perform the duties of a GAL. *See Sample Documents for a Guardian ad Litem Application.*



Practice Tip

Courts are encouraged to develop an information packet for individuals interested in serving as a GAL which includes a copy of the court's local GAL rule, frequently asked questions, a checklist of documents that need to be submitted to the court, and helpful resources.

² Sup.R. 48.07



Courts may also impose additional requirements above those set forth in Sup.R. 48 through 48.07 through their local rule. For example, courts may require additional education above the 12 hours of pre-service education or mandate the applicant to have served as counsel or co-counsel on a certain number of cases.

Courts are required to review the applicant’s criminal and civil background and investigate information relevant to the applicant’s fitness to serve as a GAL.³ If the applicant is an attorney, courts should require proof of good standing with the Supreme Court and current malpractice insurance.



Practice Tip

Courts should conduct criminal background checks through the Ohio Bureau of Criminal Investigation and Federal Bureau of Investigation.

Court-Appointed List [Sup.R. 48.07(A)]

The names of all eligible GALs must be maintained on the court’s public list of approved GALs. The court must develop a process for equitably distributing the appointments to individuals on the court-appointment list in an objective, fair, neutral, and nondiscriminatory manner. Courts should not subrogate the court appointment by allowing attorneys to make recommendations on which GAL should be appointed and should instead, appoint individuals next on their GAL list unless special circumstances exist.

3 *Id.*

When making a GAL appointment, the court is permitted to consider the complexity of the issues in the case, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available GALs, and deviate from appointing the next eligible GAL on the list. Courts establish criteria for a deviation from appointing the next eligible GAL on the list and making a finding in the court order.



Practice Tip

Courts should consider any specialized education, experience, or background that may uniquely qualify the GAL.

The court-appointed list should be reviewed annually to ensure only eligible GALs are listed. GALs who are no longer eligible (e.g., have not met their continuing education hours) or who are poorly performing, should be removed. *See Sample Documents for Annual GAL Compliance Statement.*



Practice Tip

Courts should have tracking methods in place to ensure cases are equitably distributed among GALs on the list. Court should strive to have GALs receive an equal number of appointments absent extenuating circumstances.

Onboarding Process

The onboarding of new GALs is one of the most important steps a court takes to build an effective working relationship with a new GAL. This step is important because it sets the court's expectations of GALs. Ideally, when a court makes the effort upfront to invest in a new GAL, the quality of the performance and the likelihood of retention increases. Additionally, having an established relationship makes providing constructive feedback easier to deliver and be received on the part of the GAL.

There are various ways to onboard a new GAL ranging from a formal orientation to providing an informational packet. It is recommended that a court offer a formal orientation or hold a meeting with a judicial officer once the applicant is approved.⁴ This provides the GAL an introduction to the judicial officer and possibly key members of the court (e.g., the staff managing the GAL program).

⁴ A virtual platform would be beneficial for these meetings because of the convenience it offers.

This is an invaluable step towards building a professional relationship and allows the GALs to ask questions of the court.⁵

Courts should also develop a handbook or informational packet for GALs outlining the court's procedures for such things as submitting invoices, filing reports, communicating with a judicial officer, submitting annual compliance documentation, the court's local rules, and important court contacts. This information provides clear instructions to the GAL so the GAL can fulfill their responsibilities. Be sure to include any required forms or templates the court requires or encourages the GAL to use.

Whatever method is utilized, it is important that the court communicate its expectations to the GAL at the outset of the relationship. Doing so ensures that the GAL is aware of their responsibilities and the requirements of the appointment. This in turn should make it easier to evaluate the GAL's performance and provide constructive feedback when the court conducts its annual reviews for continued eligibility on the court-appointed list.

Appointment of a GAL [Sup.R. 48.02(A)]

Sup.R. 48.02(A) outlines the requirements to be contained in the court's Order of Appointment. A court may include other terms and conditions it deems necessary, but at a minimum, the order must express whether the GAL is being appointed solely as a GAL or in a dual role as GAL and attorney for the child. Dual appointments are not permitted in private custody cases.

The Order of Appointment should include dates reports are due and of scheduled hearings, if known. Additionally, it should set forth a process for the release of information to the GAL by the parties or the guardian of the child. Judicial officers should reiterate to the parties that refusal to cooperate with the GAL could result in a contempt of court order. Judicial officers must explain the purpose and role of the GAL to parties so that they willingly participate as requested in the GAL's investigation. *See Sample Documents for an Order of Appointment.*



Practice Tip

Courts should develop an informational sheet for parties on what purpose a GAL serves and the duties that the GAL is required to perform. *See Sample Documents for The Role of a GAL Information Sheet.*

⁵ This is particularly helpful for an individual who may currently serve or previously served as a GAL in another county, as procedure and expectations may differ.

The Order of Appointment must also contain specific language regarding the distribution of the GAL's report. For allocation of parental rights and responsibilities cases, the order must include the rate or amount of the GAL's compensation, as well as the terms and amounts of installment payments or deposits required in those cases.

The Order of Appointment should state that, unless otherwise specified by court rule, the GAL's appointment will remain in effect until discharged by court order.



Practice Tip

Judicial officers should ensure to issue an entry indicating when the GAL appointment ends unless a local court rule specifically addresses the end date.

Limited Scope Appointments [Sup.R. 48.02(B)]

Courts may issue limited scope GAL appointments to address one or more specific issues. When a limited scope appointment is made, the court must indicate that the GAL is relieved of the remaining duties outlined in Sup.R. 48.03 that are not applicable to that issue. For example, if a child has a serious illness necessitating ongoing care and has limited contact with others, a GAL could be appointed to only make recommendations about how parenting time and care should continue based on a physician's recommendations.

Courts should specify in the Order of Appointment that the GAL will be performing a limited scope appointment, as well as outline those duties within the order. A limited scope appointment may be at the court's direction or upon receipt of a motion for relief by the GAL. *See Sample Documents for a Motion for Relief from Duties.*

Reappointment of a GAL [Sup.R. 48.02(G)]

In any subsequent or reopened case involving the same child or family, the court should first consider reappointing the GAL who previously served in this role. A reappointment utilizes the GAL's prior knowledge of the family and eliminates the need for the investigation to begin again. This can help reduce potential trauma to the child from having to retell past facts again, as well as expenses related to GAL services.

Conflict of Interest [Sup.R. 48.03(B)]

A GAL has a duty to avoid any actual or apparent conflict of interest stemming from any relationship or activity – whether personal or professional – related to the parties or others involved in the case. Additionally, the GAL is prohibited from self-dealing or associations that could directly or indirectly benefit the GAL.

financially other than compensation for performing their services. Should a conflict arise, the GAL must notify the court immediately upon becoming aware of the conflict. The court must take action as it deems necessary.

Dual Appointments [Sup.R. 48.02(D)]

In abuse, neglect, dependency, unruly, and delinquency cases in which the court has made a dual appointment, the GAL shall notify the court and the parties in writing of any conflict that arises. The GAL shall request the court make separate appointments of a GAL and attorney. In these situations, the court shall remedy the conflict by making any additional appointments or other orders as deemed appropriate. The court also has the authority to make such appointments on its own motion as well. Dual appointments are not permitted in private custody cases.

Rule 3.7 of the Rules of Professional Conduct states “a lawyer shall not act as an advocate” in a hearing in which the lawyer is likely to be a witness. Therefore, if a dual appointment exists and the GAL is going to be testifying as to their report or activity in a matter, that lawyer cannot also be the lawyer for the child without violating Prof.Cond.R. 3.7.



Practice Tip

The Office of the Ohio Public Defender no longer reimburses courts for dual appointments in delinquency and unruly cases.

Education

Education is an important component in the quality of a GAL’s performance. GALs can oftentimes be new lawyers who are unfamiliar with family law thus this education may be their first exposure to the role and responsibilities they will be required to perform. While the Supreme Court is the primary provider of education, local courts retain the authority to approve education and other additional activities a GAL can do to satisfy their education requirements.

Pre-Service Education [Sup.R. 48.04]

Before accepting a court appointment, GALs must complete twelve hours of pre-service education provided by the Supreme Court, the Ohio Court Appointed Special Advocates Guardian ad Litem Association (Ohio CASA), or another provider that has been approved by the local appointing court. Sup.R. 48.04(B) sets forth the topics that the pre-service education is required to cover (e.g., child development, impact of trauma, legal processes, report writing, interviewing skills); therefore, a local court should refer to Sup.R. 48 when approving education conducted by a provider other than the Supreme Court or Ohio CASA.



Six of the pre-service education hours must be earned by participating in live education; the remaining six hours can be acquired through live or online education, teaching, writing, mentoring, or field-training activities that have been approved by the local court.

Continuing Education [Sup.R. 48.05]

GALs must complete six hours of continuing education annually. Three of these hours must be earned by participating in live education. The remaining three hours can be acquired through live or online education, teaching, writing, mentoring, or field-training activities that have been approved by the local court. The continuing education classes typically are designed to delve into a particular topic. For example, the Supreme Court’s Judicial College offers courses on divorce, substance use, trauma, and domestic violence.

Additionally, the non-classroom-based education activities allowed under the rule provide GALs with the opportunity to gain hands-on experience, especially through field-training activities and mentoring.



Practice Tip

Courts should encourage GALs to take advantage of these hands-on educational opportunities, especially seeking a mentor. The appointing court must give prior approval for educational activities not sponsored by the Supreme Court.

Mentoring provides new GALs the opportunity to learn firsthand from experienced professionals and gives them a resource to turn to for advice, questions, and support. Similar benefits may be gained through shadowing as well.

Local courts are encouraged to conduct their own education at least annually which allows appointed GALs to earn continuing education credit. These educational sessions give the court the ability to convey its expectations, focus on areas that need improved performance, and build relationships. GALs may also seek out local CASA programs for educational opportunities. Additionally, Ohio CASA conducts an annual conference where GALs can typically earn enough hours to satisfy their Sup.R. 48.05 education requirements.

Periodic roundtables are another tool that can be used by a court to help engage and communicate with its GALs. Continuing legal education can be offered at these events depending on the agenda items, but ultimately, the regular dialogue between the court and these professionals should translate into better performance as the court can discuss issues needing to be addressed, changes to policies, and best practices.

Courts can visit the Supreme Court's Guardian ad Litem Education Program for more information on educational opportunities at www.supremecourt.ohio.gov.

Accountability & Evaluation

GAL accountability is important to maintaining public confidence in the court process. GALs must competently perform their duties so information regarding the best interest of the child is communicated to the court. Oversight by local courts regarding applicants and appointments is mandated by Sup.R. 48.07 to ensure competence and quality work. Courts should set high expectations of the individuals appointed to serve as GALs and communicate those expectations to GALs when they first become eligible for appointment. To achieve consistent results, it is equally important to periodically remind GALs of the court's expectations.



Practice Tip

Courts should develop a regular communication strategy and evaluation system to ensure GALs are informed of and are meeting the court's expectations.

Regular evaluations by the court of GAL performance provide a way to assure that GALs on all assigned cases perform satisfactorily. Courts can gather feedback about specific GALs from judicial officers using a standardized questionnaire that covers the basics such as whether the GAL met with the child, performed

all of their duties, attended relevant hearings, was prepared, and filed a report. Courts may wait to obtain feedback on the GAL's performance once the case has been resolved; however, in instances where the case spans several months, it may be beneficial for this to occur on a more frequent basis. *See Sample Documents for evaluation tools that can be completed by judicial officers, parties, and attorneys.*

Courts should also seek feedback from the parties – the individuals directly affected by a GAL's work and recommendations – and from counsel and other stakeholders both during a case and after case closure. Technology platforms such as *Survey Monkey* are a convenient way of collecting and organizing such data. Courts should be mindful that written feedback, whether in the form of a questionnaire or survey, is a public record.

A particularly useful approach is for a court representative to conduct a one-on-one performance review annually with each GAL to discuss strengths, validate strong performance, and share concerns with the purpose of providing guidance for improvement. It may be especially beneficial to include a judicial officer if practicable to support the relevance and significance of the GAL. *See Sample Documents for Annual Performance Appraisal.*

Additionally, a general group meeting with all of the court's GALs to reiterate the court's expectations may be beneficial to address common deficiencies, as well as serving as an opportunity to build networks/support in working with the Court. These meetings also provide the opportunity for the court to review court procedures, changes to local rules, and key community agency contact information. Courts should be frank and willing to timely address identified problems with GALs, and if warranted, remove a GAL from the approved list.

Similarly, the court should be open to feedback from GALs on ways to improve its performance and relationship with GALs. Whether that is through an annual review, survey, or some other mechanism, the court needs to be willing to discuss opportunities for change on its end too.

Complaint Process [Sup.R. 48.07(J)]

Courts should have a transparent process for receiving written comments and complaints and act promptly on concerns. A posted process gives a voice to stakeholders and demonstrates accountability by the GAL and the court. Courts should inform parties of the complaint process and provide them with access to a comment/complaint form. *See Sample Documents for Guardian ad litem Comment/Complaint Form.*

Courts should follow up on each complaint received by providing the guardian with a copy of the written complaint or comment and allowing a reasonable time for a response. Courts then should review the reason for the complaint and investigate further if necessary. The court must notify the complaining party and



Practice Tip

Courts should communicate and prominently display the complaint process in a local rule or on their website.

GAL of the disposition along with an understandable explanation of the court's response. The complaint process should be completed in a timely manner. *See Sample Documents for Court Response to a GAL Complaint.*

Retention Strategies

Ongoing engagement with GALs can increase retention rates particularly if compensation is limited. Regular communication helps build relationships with the court's GALs, which can be advantageous when the court has concerns regarding performance or there is a change in policy.

Effective strategies include:

- Offering local education
- Providing informational and educational resources
- Creating opportunities for dialogue with fellow GALs by sponsoring roundtables or lunch-and-learns along with judicial staff
- Developing a mentoring program to pair new GALs with more experienced ones
- Holding annual meetings with GALs

Recordkeeping

Court oversight over applications, appointments, qualifications, education, and performance entails seeking and receiving information about individual GALs. Sup.R. 48.07(D) requires courts to maintain files for all applicants and those individuals who have been approved for the court-appointed GAL list. These files, whether paper or virtual, must contain all records and information as required under Sup.R. 48.07(D) (e.g., documentation of compliance with the education requirements) and any local court rule that pertains to the selection and service of a GAL.

While courts are required to maintain records, holding all documents a court may receive after they have been properly reviewed, such as background checks or other personal financial information of the applicant or GAL, may be inadvisable because of privacy concerns. Courts are appropriately subject to public records requests; however, they should, at the same time, be sensitive to the potential for

misuse of such information if released. Thus, courts should retain only information that is vital to satisfy the court's oversight responsibilities. Some information may be kept in summary format once individual documents have been reviewed and determinations and appropriate responses have been made. Courts should review their records retention policies to ensure proper handling and disposal of GAL-related records.



Practice Tip

Courts should consider returning documents supplemental to the GAL application to the applicant after they have been reviewed for eligibility to serve on the court's appointed list. For personal documents retained in the GAL's file, they are considered "administrative records" under Sup.R. 44 and should be redacted appropriately if subject to a public records request.

Court Responsibilities:

- Develop an application process for individuals applying for the court-appointed list of GALs.
- Establish criteria for the appointment and removal of GALs.
- Review criminal and civil background information as to the fitness of the applicant to serve as a GAL.
- Establish a procedure for the equitable distribution of appointments to eligible GALs.
- Maintain a public list of approved GALs.
- Develop a file retention process for documentation regarding applications for the court-appointed list.
- Require all approved GALs to annually certify they are unaware of any circumstances that would disqualify them from serving as a GAL and to report completion of their continuing education hours.
- Annually review the list of approved GALs to determine that education requirements have been met and duties have been sufficiently performed.
- Maintain files for all approved GALs including documentation regarding the satisfaction of GAL initial and continuing education requirements.
- Enter an Order of Appointment when appointing a GAL to a case that includes whether the appointment is for GAL solely or as a dual role of GAL and attorney; due dates for the reports; release of information of the report notice language; the appointment shall remain in effect until discharged by the court, or unless specified in a court rule; notice of court dates shall be given to the GAL; GAL's fees and expenses and distribution by parties, including the ability to pay by the parties.
- Review GAL reports to ensure that the GAL has performed the responsibilities under the rule and statute.
- Develop a process or local rule for receiving and investigating complaints against GALs.

An Overview of the GaL's Responsibilities

GALs are required to complete all responsibilities as outlined in Sup.R. 48.03. These responsibilities continue as the case proceeds. Unless a GAL is relieved by the court in the Order of Appointment, a GAL is required to do all of the following:⁶

- Become informed about the facts of the case and contact all relevant persons;
- Observe the child with each parent, foster parent, guardian, or physical custodian;
- Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian, or physical custodian is present;
- Visit the child at the residence or proposed residence of the child in accordance with any standards established by the court;
- Ascertain the wishes and concerns of the child;
- Interview the parties, foster parents, guardians, physical custodian, and other significant individuals who may have relevant knowledge regarding the issues of the case. The GAL may require each individual to be interviewed without the presence of others. Upon request of the individual, the attorney for the individual may be present.
- Interview relevant school personnel, medical and mental health providers, child protective services workers, and court personnel, and obtain copies of relevant records;
- Review pleadings and other relevant court documents in the case;
- Obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case;
- Request that the court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the GAL deems necessary or helpful to the court; and
- Review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child.

The court is the oversight authority to ensure that the GAL has performed all of the required duties. Ideally, the court would designate an employee to manage its GAL program. This person would make sure that applications are processed, verify that

⁶ Sup.R. 48.03(D)



initial and continuing education requirements are met, reports are timely filed, and grievances are handled properly.

Courts should schedule an initial pretrial hearing with the parties and their attorneys to educate them on the role and responsibilities of the GAL. The judicial officer can use that proceeding to query the parties on what issues should be addressed and who should be interviewed by the GAL. GALs are considered parties to a proceeding and should be provided full access to court records. Courts should reiterate to parties that GALs have the right to obtain court records and any agency records necessary to perform the responsibilities set forth in statute, rule of court, or local court rule. A checklist of the GAL's responsibilities can be helpful to both the court and the GAL. *See Sample Documents for GAL Responsibilities Checklist.*

The question becomes, at what point in a case must the GAL ensure they have completed all their responsibilities. Local courts should decide based on their practices and procedures as to when they would like for these responsibilities to occur. At a minimum, the GAL should be completing these duties by the time of initial disposition, from initial disposition to next review hearing, between each review hearing, and prior to any oral hearing on a motion filed in the case for abuse, neglect, and dependency cases. For delinquency and unruly cases, the GAL should be performing their responsibilities by the time of initial disposition and prior to any oral hearing on a motion filed in the case. Similarly, in allocation of parental rights and responsibilities cases, the GAL should keep the court informed at every stage of the case and may request relief from the court as needed.

GAL Report

The court should communicate any requirements or preferences to its GALs regarding formatting, organization, or other aspects of a standard report. The court may wish to provide a sample template to new GALs at the time they are added to the court's appointment list. While there is no uniform report template, samples can be obtained from the Supreme Court's Judicial College.

The GAL report should contain a brief background of the case and the specific pleadings that prompted the GAL's appointment.

A GAL report should demonstrate the following:

- Affirmatively states the GAL's responsibilities have been met
- Contains Sup.R. 48.06(A)(2) warning regarding unauthorized disclosure
- Discusses all relevant issues
- Details activities the GAL performed
- Details hearings the GAL attended
- Details persons interviewed
- Details documents reviewed
- Details experts consulted
- Details all other relevant information considered in reaching the recommendations and in accomplishing the duties required by statute, by court rule, and in the order of appointment from the court
- States recommendations of the best interests of the child, including custody, parenting time, communication, counseling, and any other recommendation requested

The report must be submitted and provided at least seven days before any initial dispositional hearing, permanent custody hearing, any hearing requesting a change in disposition, or as otherwise ordered. Courts may want to schedule a settlement conference one month prior to the trial and after the GAL report has been submitted in an effort to resolve the case without having to proceed to trial.

The GAL's recommendations in abuse, neglect, and dependency cases should address pending dispositional motions, placement issues, and even case plan modifications or additions, as well as recommendations necessary for the educational, medical, and mental health needs of the child. In domestic relations or private custody dispute cases, the recommendations will address allocation of parental rights and responsibilities and parenting time, but may also address counseling, parent exchange issue, timing of visits, issues surrounding the child's activities, and issues for the education, medical, and mental health of the child.

Mandatory Notice [Sup.R. 48.02]

In addition to submitting the report with the court, the GAL shall also provide copies to unrepresented parties and attorneys of record. The report must contain the following notice language intended to inform recipients that they are not permitted to share or otherwise disclose the report without the court's approval.

“The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.”

Disclosure Language

It is expected that attorneys will share a copy of the GAL report with their clients. However, as a safeguard, courts may want to add language in the Order of Appointment expressly permitting such release should an attorney question whether they are permitted to share the report.

Oral Reports

As new issues arise, GALs may be asked to provide oral reports on a wide range of issues (e.g., should a parent's parenting time be changed, in duration, frequency, level of supervision, should counseling be ordered or modified, should a case plan requirement be amended). Oral reports can also be requested simply as to the progress of cooperation with the GAL's investigation, and, the progress of parents' efforts regarding court orders. Oral reports are valid should issues arise pursuant to interim hearings, such as Immediate Review hearings, or Motions to Modify Interim Orders.

GALs should provide the oral recommendation and briefly provide the basis for the recommendation. The GAL should be prepared to disclose any activities completed in support of this interim recommendation, such as interviews, observation of the child, and review of any reports. The ultimate oral report is a GAL's actual testimony at trial.

Recordkeeping

A GAL is required to maintain a record of the time spent performing their duties and copies of monthly invoices submitted. This responsibility should be reiterated in the Order of Appointment. The GAL's file may be subject to discovery requests.

Confidentiality

Sup.R. 48.03(F) prohibits a GAL from disclosing information about the case or their investigation to the parties or persons being interviewed. The GAL speaks through their report. The court may order the GAL to disclose information if it

is necessary to verify the veracity of the information received from a confidential source.

The court should reiterate in the Order of Appointment that there is no attorney-client privilege between the GAL, the child, or the parents; thus any information provided to the GAL is not confidential.

Virtual Interviews

Circumstances may arise where it is necessary or practical for the GAL to conduct their interviews virtually. Video conference platforms should be used as opposed to phone calls. A court may require a GAL to request permission to hold virtual interviews. Similarly, a court may wish to specify in the Order of Appointment who can and cannot be interviewed remotely.

Ideally, the initial meeting between the child and GAL should be in person to establish the interpersonal connection and bonding needed for the GAL to build rapport and trust with the child. While a home visit is encouraged, it may be possible for this to be conducted remotely. Interviews with school personnel, medical personnel, relatives, and other individuals are suitable for the remote setting and may offer greater participation due to the convenient nature of virtual meetings.

An Overview of CASA Programs

A Court Appointed Special Advocate (CASA) is a volunteer who advocates in court for the best interest of children who have been abused or neglected. In most counties throughout the state of Ohio, CASA volunteers act as GALs. To become a CASA volunteer, a person must be at least 21 years of age, pass a comprehensive background check, complete 30 hours of National CASA's pre-service education and receive 12 hours of continuing education annually.

National CASA's 30-hour pre-service education covers topics such as child development, trauma, child welfare policies, and judicial practices. After education has been completed, the judge swears in the CASA volunteer who serves as an arm of the court. Once appointed to a case, each volunteer is assigned a CASA supervisor whom they will meet regularly for advice and direction.

When it comes to CASA, courts utilize these volunteers in various ways. The most popular utilization is for a court to appoint them as GALs in abuse, neglect, or dependency cases. However, several counties in Ohio require GALs to be attorneys. In those counties, CASAs are appointed as 'Friends of the Court' because they are not attorneys.

CASA volunteers cannot file motions, question witnesses, or partake in any practice of law. In cases in which an attorney needs to be appointed, such as an abuse case, the court will often appoint an attorney alongside the CASA volunteer. Some local CASA programs have attorneys on staff to assist the volunteers, while other programs contract with attorneys to assist as needed or the court may appoint a separate attorney.

Whether the CASA volunteer is appointed as a GAL or a "friend of the court," their role does not change; they advocate for the best interest of the child. This best interest advocacy is made possible by limiting the number of cases a CASA volunteer can take, typically only one to three cases at a time. Due to their small caseload, CASA volunteers are often appointed on some of the most challenging cases that often require hours of research and interviewing. The small caseload also allows the CASA volunteer to stay on a case until dismissal, often being the only consistent person in the child's case life.

As of 2021, there are 46 CASA programs serving children in 57 counties in Ohio. These CASA programs adhere to Sup.R. 48 through 48.07, and standards created by the National CASA/GAL Association. The National CASA local program standards address guidelines such as volunteer management; ethical conduct and confidentiality; diversity, equity, and inclusion; governance and administration; and human resources to name a few. Local programs undergo a quality assurance assessment once every four years to confirm compliance. Courts should contact Ohio CASA (www.ohiocasa.org) or a local CASA program for more information.

Special Considerations

In certain provisions of Sup.R. 48 through 48.07, there are distinctions made for allocation of parental rights and responsibilities cases; abuse, neglect, and dependency cases; and delinquency and unruly cases. These distinctions by type of cases were made because there are unique circumstances these specific case types present to courts and to GALs. The type of case is the controlling factor in determining which sections of the rule apply. It is not dependent upon the court in which the matter is pending.

Allocation of Parental Rights & Responsibilities (APRR) Cases

Definition [Sup.R. 48.01(A)]

The term “allocation of parental rights and responsibilities” is defined to essentially include all private filings where the court is asked to determine any legal custody, parenting time, companionship, or visitation cases filed in any court. These matters could be pending in any court (i.e., juvenile, domestic relations, family court, etc.).

Orders of Appointment [Sup.R. 48.02]

Orders of Appointment for a GAL in APRR cases must include two additional provisions not required in other case types:

1. The rate or amount of compensation for the GAL, and
2. The terms and amount of any installment payment and deposits due to the GAL.



Practice Tips

1. The hourly rate may be set by the court through a local rule or by agreement with the GAL.
2. Include a time certain to pay any deposit and language directing what a GAL is to do if the payment is not received, such as “notify the court immediately to make additional orders” or for “additional guidance.”

Dual Appointments [Sup.R. 48.02(E)]

No dual appointment is permitted to be made in any APRR matters.

Mandatory Appointments

R.C. 3109.04(B)(1) and (2) provide that a GAL must be appointed when:

- The court is interviewing the child pursuant to R.C. 3109.04(B)(1), and
- A parent files a motion requesting a GAL be appointed.

Otherwise, all GAL appointments are *discretionary* in APRR matters.



Practice Tip

If a motion for GAL is filed and it is a discretionary appointment, the court should consider appointing a GAL and allocate the fees pursuant to the considerations outlined in Sup.R. 48.02(H).

Fee Determinations [Sup.R. 48.02(H)]

A court must make an initial determination as to the allotment of a fee for services between the parties. This should also include details on the timing of payment(s). An interim order of allotment of fees is permissible. This allows the court the opportunity to ensure that the GAL is performing their duties and the parties are cooperating. The court may later modify this allotment if necessary and equitable pursuant to the factors set forth in Sup.R. 48.02(H).

A GAL may submit a motion for payment of fees while a case is pending in court and is required to submit a motion at the conclusion of their duties in a case. This motion is required to include an itemization of what the GAL has done, the time spent, and any costs or expenses incurred. Once a motion for fees is filed by the GAL, the parties have fourteen days to request a hearing on the motion. If no request for a hearing is submitted, the court should issue an order regarding payment of the fees and expenses and approves or denies any portion of the fees and expenses requested.



Practice Tips

1. Courts may utilize special project funds for payment of GAL fees in cases involving indigent parties. Some courts have utilized Temporary Assistance for Needy Families (TANF) dollars for such fees in qualifying cases or to fund non-attorney GAL services for reimbursement.

2. Consider all factors in Sup.R. 48.02(H)(3) when determining which party is to pay fees for a GAL. These can change as the case proceeds.



Enforcement of Payment [Sup.R. 48.02(I)]

Payment of GAL fees can be enforced in any of three different ways:

1. A lump-sum judgment may be issued against a party;
2. Through contempt proceedings; or
3. Any other manner authorized by law.



Practice Tip

A court may make a finding that the GAL fees are “for the benefit of the child and in the nature of child support and not dischargeable in bankruptcy” to ensure that parties do not attempt to discharge fees in a bankruptcy proceeding following the conclusion of the court matter. See *In re Lever*, 174 B.R. 936 (Bankr.N.D.Ohio 1991) and *In re Kassiech*, 467 B.R. 445 (Bankr.S.D.Ohio 2012)

While courts have multiple options to enforce the collection of GAL payments, practices vary around the state on how active of an approach is taken. Courts may add language in their Order of Appointment as to how frequently GALs should be paid and reiterate litigants are required to pay these fees. Additionally, courts should encourage GALs to notify the court when funds from the initial deposit are close to being exhausted. This informs the court and parties that additional fees may be warranted. Courts that more actively enforce the payment of GAL fees may experience higher retention rates as GALs may see these efforts as evidence the court is invested in them. Local rules may also iterate details for the processing of fees.

A court is not permitted to delay or dismiss a matter for the sole reason the GAL fees have not been paid. The final entry may also not be delayed due to failure

to pay fees. In the final entry of a matter, the court can order specific fees paid at specific dates and set forth enforcement options for the GAL. An example would be setting forth a monthly payment due on a specific date each month.

Reports [Sup.R. 48.06(C)]

A report must be provided to the court, unrepresented parties, and legal counsel not less than seven days before the final hearing in the matter. This timeframe can only be modified by the court. This report must be admitted as evidence at an oral hearing to be considered by the court in making a determination in a case.



Practice Tip

Courts may require a preliminary report or an oral report be provided by a GAL prior to the final hearing, such as at GAL conferences or pretrial hearings. The judicial officer may also ask after testimony if a GAL wishes to make an oral modification to the recommendations.

Abuse, Neglect, & Dependency Cases

Mandatory Appointments [Sup.R. 48.02(C)]

R.C. 2151.281 and Juv.R. 4 are the statute and rule that govern appointments of a GAL in abuse, neglect, and dependency matters. Juv.R. 4(B)(5) requires a GAL to be appointed in all abuse, neglect, or dependency matters.

Separate Appointments [Sup.R. 48.02(D)]

Dual appointments are not permitted in cases where the wishes of the child differ from the recommendations of the GAL. If the GAL, an attorney, or a party believes a conflict exists in the dual role, that person must notify the court by requesting a separate appointment in writing, copying the other parties. Following the filing of the motion or notification, the court must make additional appointments or orders necessary to remedy the conflict. The court may also make these additional appointments or orders on its own motion.

Reports [Sup.R. 48.06(C)]

A report must be provided to the court, unrepresented parties, and legal counsel not less than seven days before an initial disposition hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition in the matter. The court may alter this time period as necessary for the administration of justice. The court must review the report to determine that the GAL has performed all responsibilities required under R.C. 2151.281. R.C. 2151.281(I) states: “shall perform whatever functions are necessary to protect the best interest of the child, including but not limited to investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child-placing agency that has temporary or permanent custody of the child...”

Delinquency & Unruly Cases

Mandatory Appointments [Sup.R. 48.02(C)]

Juv.R. 4 and R.C. 2151.281 govern GAL appointments in delinquency and unruly cases. R.C. 2151.281 requires an appointment of a GAL in delinquency and unruly matters when the child has no parent, guardian, or legal custodian and/or the court finds a conflict of interest between the child and the child's parent.

Under Juv.R. 4, a GAL is to be appointed for a youth when:

1. The child has no parents;
2. The interests of the child and the parent conflict;
3. The parent is not capable of representing the best interest of the child;
4. The proceeding is a removal action; or
5. Necessary for a fair hearing.



Practice Tips

1. Many unruly cases, including truancy matters, require a GAL appointment as the interests of the child and parent may be in conflict in those matters.
2. A conflict between a child and parent typically exists in cases where the child is charged with a delinquent act where the parent and/or a sibling is the alleged victim.

Separate Appointments [Sup.R. 48.02(D)]

The same statute and rule apply to delinquency and unruly cases that apply to separate appointments in abuse, neglect, and dependency cases. Please see above.

Discretionary Appointments [Sup.R. 48.02(F)]

Sup.R. 48.02(F) sets forth the factors that should be considered in determining whether the court should make a discretionary appointment of a GAL. The court should consider all the circumstances of the case, including but not limited to:

1. Allegations of abuse and neglect of the child;
2. Consideration of extraordinary remedies, such as supervised visitation, terminating or suspending parenting time, or awarding custody or visitation to a non-parent;
3. Relocation that could substantially reduce the child's time with a parent or sibling;
4. Wishes and concerns of the child;
5. Harm to the child from drug or alcohol abuse by the party;

6. Past or present child abduction or risk of future abduction;
7. Past or present family violence;
8. Past or present mental health issues of the child or a party;
9. Special physical, educational, or mental health needs of the child that require investigation or advocacy;
10. High level of conflict;
11. Inappropriate adult influence or manipulation;
12. Interference with custody or parenting time;
13. Need for more information relevant to the best interests of the child;
14. Need to minimize the harm to the child from family separation or litigation; and
15. Any other relevant factor.

Reports [Sup.R. 48.06(C)]

A report shall be provided to the court, unrepresented parties, and legal counsel not less than seven days before an initial disposition hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition in the matter. The court may alter this time period as necessary for the administration of justice. The court is required to review the report to determine that the GAL has performed all responsibilities required under R.C. 2151.281. R.C. 2151.281 (I) states: “shall perform whatever functions are necessary to protect the best interest of the child, including but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child-placing agency that has temporary or permanent custody of the child....”



Practice Tip

Courts may require a GAL to provide a preliminary report or oral report prior to the final hearing, such as at GAL conferences or pretrial hearings.

Judicial Guide to Guardian ad Litem Programs

Below is a chart describing for what case types a mandatory appointment is required and whether dual appointments of a GAL and attorney are permissible.

Case Type	Mandatory Appts	Discretionary Appts	Dual Appts
Allocation of Parental Rights, & Responsibilities	Required when: <ul style="list-style-type: none"> The court interviews the child. A parent files a motion requesting an appointment. 	All other situations not otherwise required. The court must consider the factors in Sup.R. 48.02(F).	Not permitted.
Abuse, Neglect, & Dependency	Always required.	N/A	Permitted unless the wishes of the child differ from the GAL's recommendations.
Delinquency & Unruly	Required when: <ul style="list-style-type: none"> The child has no parent. Child's and parent's interests conflict. The parent is unable to represent the child's best interests. As necessary for a fair hearing. 	All other situations not otherwise required. The court must consider the factors in Sup.R. 48.02(F).	Permitted unless the wishes of the child differ from the GAL's recommendations.

Sample Documents

- Local Rule
- Guardian ad Litem Application
- Annual Compliance Statement
- Order of Appointment
- The Role of a GAL Information Sheet
- Motion for Relief from Duties
- GAL Survey for the Bench
- GAL Survey for the Party
- GAL Survey for the Attorney
- Annual Performance Appraisal
- Comment/Complaint Form
- Court Response to a GAL Complaint
- GAL Responsibilities Checklist

SAMPLE: LOCAL RULE 1 – GUARDIANS AD LITEM

This sample local rule contains language applicable for courts appointing guardians ad litem.

1.01. DEFINITIONS

As used in this rule:

- A. “Guardian ad litem” means an individual appointed to assist a court in its determination of a child’s best interest.

- B. “Child” means either of the following:
 - 1. A person under 18 years of age;
 - 2. A child under R.C. 3109.04 or a disabled child under R.C. 3119.86 who falls under the jurisdiction of a domestic relations court.

- C. “Attorney for the child” means an attorney appointed to act as legal counsel for a child and as an advocate for the wishes of the child.

- D. “Allocation of parental rights and responsibilities” means those cases where legal custody, parenting time, companionship, or visitation rights are at issue under R.C. 3109.04 and 3109.051.

- E. “Abuse, neglect, and dependency” means those cases arising from a complaint filed under R.C. 2151.27 involving a child who is alleged to be abused (R.C. 2151.031), neglected (R.C. 2151.03), or dependent (R.C. 2151.04).

- F. “Delinquency and unruly” means those cases arising from a complaint filed under R.C. 2151.27 and 2152.021 involving a child who is alleged to be delinquent (R.C. 2152.02) and unruly (R.C. 2151.022).

1.02. APPLICABILITY

This rule shall apply in all cases involving the allocation of parental rights and responsibilities; abuse, neglect, and dependency; and juvenile delinquency and unruly cases where the Court appoints a guardian ad litem to protect and to act in the best interest of a child.

1.03. RESPONSIBILITIES OF THE COURT

- A. To ensure only qualified individuals perform the duties of guardians ad litem and the requirements of Superintendence Rule 48 through 48.07 are met, the Court shall do all of the following:
 - 1. Maintain a public list of approved guardians ad litem and maintain individual privacy pursuant to Sup.R. 44 through 47;
 - 2. Establish criteria, which include all requirements of Sup.R. 48 through 48.07, for appointment and removal of guardians ad litem;

3. Coordinate the application and the appointment process; maintain files and the records required under Sup.R. 48 through 48.07; maintain information regarding educational opportunities, and receive written comments and complaints regarding the performance of guardians ad litem operating before the Court;
4. Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the Court. The files shall contain all records and information required under Sup.R. 48 through 48.07 and Local Rules for the selection and the service of guardians ad litem, including a certificate or other satisfactory proof of compliance with education requirements;
5. Review a criminal and civil background check and investigation of information relevant to the fitness of the applicant to serve as a guardian ad litem;
6. Review guardian ad litem reports, written or oral, to ensure the guardian ad litem has performed those responsibilities required under Sup.R. 48 through 48.07;
7. Conduct, at least annually, a review of the Court's list to determine that guardians ad litem are in compliance with the education requirements of Sup.R. 48.05 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve;
8. Require guardians ad litem on the Court's list to certify annually by January 1 of each year they are unaware of any circumstances that would disqualify them from serving and to report the education they have attended to comply with Sup.R. 48.05; and
9. Develop a process for comments and complaints regarding the performance of guardians ad litem and provide for a timely review and disposition of the comment or complaint. The Court shall maintain a written record in the file of the guardian ad litem regarding the nature and disposition of any comment or complaint.

1.04. APPOINTMENT OF GUARDIAN AD LITEM

A. Qualifications

1. A guardian ad litem may be an attorney, qualified volunteer, or a court appointed special advocate (CASA).
2. An applicant seeking to serve as a guardian ad litem shall successfully complete a minimum of 12 hours of pre-service education as prescribed in Sup.R. 48.04.
3. Upon completion of the required pre-service education, an applicant seeking to serve as a guardian ad litem shall submit to the Court the *Application for the Guardian Ad Litem Appointment List* and complete the background process of the Court.
4. The application shall provide the following documents in addition to the application:
 - a. A resume stating the applicant's education, foreign language proficiency, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a guardian ad litem;
 - b. A copy of the applicant's criminal background check;
 - c. The applicant's *Background Disclosure Statement*;

- d. For attorney guardians ad litem, a copy of malpractice insurance declaration page indicating current malpractice coverage;
- e. For CASA guardians ad litem, proof of completion of the required education to become a CASA.

B. Maintaining Appointment

1. To remain on the Court's appointment list, the guardian ad litem shall submit annually by January 1st both of the following:
 - a. The *Annual Compliance Statement* certifying qualifications and that the guardian ad litem is unaware of any circumstances that would disqualify the guardian ad litem from serving;
 - b. Certificates of completion that the required annual six hours of continuing education required by Sup.R. 48.05 has been satisfied.
2. The Court will review its list of guardians ad litem annually to determine if all persons on the list are in compliance with the education requirements of the Supreme Court of Ohio. The Court will also conduct an annual review of the performance of each guardian ad litem on assigned cases during the preceding calendar year.
3. If the Court determines an individual is no longer qualified to serve as a guardian ad litem, the individual will be removed from the list of approved guardians ad litem and shall not be eligible for any new appointments until the individual has cured the issue resulting in disqualification. The Court shall retain discretion to continue a current guardian ad litem appointment pursuant to Sup.R. 48.05(B).

1.05. PROCEDURE OF APPOINTMENT

- A. Upon motion of the Court or either party, the Court may appoint a guardian ad litem to protect the best interest of the child and shall appoint a guardian ad litem when required under R.C. 2151.281 and 3109.04.
 1. The Court shall appoint a guardian ad litem from the Court's public list of approved guardians ad litem so the workload is equitably distributed taking into consideration the complexity of the issues, the parties, the children involved in the case, and the experience, expertise, and demeanor of available guardians ad litem. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner.
 2. If a party to the case objects to the appointment of a particular guardian ad litem, the party shall file a motion supported with an affidavit that states the objection with specificity. The Court shall make a ruling.
 3. Whenever appropriate, the same guardian ad litem shall be reappointed for a specific child in any subsequent case.
 4. In allocation of parental rights and responsibilities cases, a guardian ad litem shall not be appointed in a dual role as a guardian ad litem and as an attorney for the child.

5. The guardian ad litem shall be considered a party to the proceeding and as such have full access to court records and shall have the right to obtain court records and any agency personnel or records, including physicians and mental health professionals, educational facilities, other professionals, or an individual who may be relevant to the best interest of the child.

1.06. ORDER OF APPOINTMENT

- A. When appointing a guardian ad litem under Sup.R. 48, the Court shall enter an Order of Appointment that includes the following statements:
 1. The person is being appointed as a guardian ad litem;
 2. The appointment shall remain in effect until discharged with an Order of the Court, with the Court filing a final Order in the case, or Court rule;
 3. The guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices, and other documents filed in the case;
 4. Provisions for the GAL's fees and expenses and distribution of payment due by the parties;
 5. The guardian ad litem's report shall include the following language:

NOTICE

This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

6. The Court's expectation for the guardian ad litem to address a specific issue or issues; and
7. In an allocation of parental rights and responsibilities case, the guardian ad litem shall be appointed only to represent the best interest of the child.

1.07. RESPONSIBILITIES OF A GUARDIANS AD LITEM

- A. To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform the responsibilities stated in this division, unless specifically relieved by the Court in the Order of Appointment.
 1. A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed.
 2. A guardian ad litem shall maintain independence, objectivity, and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out

of the courtroom and shall have no ex parte communications with the Court regarding the merits of the case.

3. A guardian ad litem is an officer of the Court and shall act with respect and courtesy to the parties at all times.
4. A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.
5. If the guardian ad litem is an attorney, they may file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure. The attorney guardian ad litem shall be entitled to participate in the hearing in the same manner as counsel.
6. If the guardian ad litem is not an attorney, the guardian ad litem may request the appointment of counsel to file pleadings, motions and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure.
7. When a guardian ad litem determines a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.
8. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.
9. A guardian ad litem shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing education requirements. The compliance statement shall include information detailing the date, location, and number of credit hours received for any relevant education.
10. A guardian ad litem shall immediately identify themselves as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.
11. As an officer of the Court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, or addresses where there are allegations of domestic violence or risk to a party's or a child's safety. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the

information that addresses the need to challenge the truth of the information received from the confidential source.

12. A guardian ad litem shall perform responsibilities in a prompt and a timely manner, and, if necessary, a guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.
13. A guardian ad litem whom the Court or a party pays, shall keep accurate records of the time spent, the services rendered, and the expenses incurred in each case; file an itemized statement and accounting with the Court; and provide a copy to each party or other entity responsible for payment.

1.08. SPECIFIC DUTIES OF A GUARDIAN AD LITEM

A guardian ad litem shall become informed about the facts of the case and contact all parties. To provide the Court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do all the following, unless specifically relieved by the Court:

- A. Meet with and interview the child; observe the child with each parent, foster parent, guardian, or physical custodian; and conduct at least one interview with the child where none of these individuals is present;
- B. Visit the child at the child's residence in accordance with any Court established standards;
- C. Ascertain the best interest of the child;
- D. Meet with and interview the parties, the foster parents, and other significant individuals who may have relevant knowledge regarding the issues of the case;
- E. Review pleadings and other relevant court documents in the case;
- F. Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- G. Interview school personnel, medical and mental health providers, child protective services workers, and relevant Court personnel and obtain copies of relevant records;
- H. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the Court;
- I. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

1.09. REPORTS OF GUARDIANS AD LITEM

- A. A guardian ad litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division or as otherwise ordered by the Court.
- B. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, Court rule, or the Court's Order of Appointment.

- C. In proceedings involving the allocation of parental rights and responsibilities, a written report shall be submitted to the Court not less than seven days before the final hearing unless the Court extends the due date.
- D. In abuse, neglect, dependency, unruly, and delinquency cases, a written report shall be submitted to the Court not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion request a change in disposition.
- E. The Court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.
- F. Unless the Court and the parties agree, the report of the guardian ad litem shall not be entered into direct evidence absent the guardian ad litem's testimony. The parties may cross-examine the guardian ad litem concerning the contents of the report and the basis for the guardian ad litem's recommendations. The guardian ad litem's report shall not be filed with the Clerk of Courts.
- G. All reports submitted to the Court shall include the following notice:

NOTICE

This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

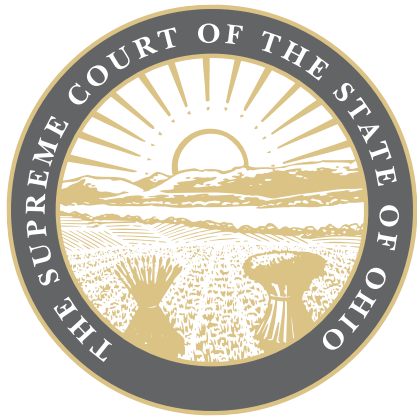
1.10. FEES AND PAYMENTS

- A. The Court shall inform the parties of the amount of the deposit and the compensation rate before the Order of Appointment is issued.
 - 1. For allocation of parental rights and responsibilities cases all of the following shall occur:
 - a. The guardian ad litem shall submit monthly billing to counsel and self-represented litigants.
 - b. The Court may require direct payments from the litigants to the guardian ad litem.
 - c. The guardian ad litem shall submit an entry for release of funds from the Clerk of Court for payment of the bill unless either party files a motion in opposition.
 - 2. The guardian ad litem shall sign and submit an entry stating the date on which the final bill was served.

3. Guardian ad litem services exceeding the initial deposit may require additional compensation. The Court, without oral hearing, upon filing of a motion and affidavit by the guardian ad litem, may order subsequent deposits or payments.
4. The Court shall not delay or dismiss a proceeding solely because of a party's failure to pay the Court-ordered guardian ad litem fees and expenses.
5. Any request for fees in excess of the amount authorized in the Order of Appointment or as authorized by the state shall include a request for extraordinary fees and a proposed judgment entry.

1.11. CONFLICTS OF INTEREST

- A. A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except for compensation for services as a guardian ad litem.
- B. Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary.
- C. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this division.



SAMPLE: GUARDIAN AD LITEM APPLICATION

INSTRUCTIONS: Please read Rules 48 through 48.07 of the Rules of Superintendence for the Courts of Ohio and Local Rule [XX] before completing this application.

CONTACT INFORMATION

Name: _____ Email Address: _____

Office Address: _____, Ohio _____

Office Telephone Number: _____ Fax Number: _____

Cell Phone #: _____ Attorney Reg. Number if applicable: _____

EDUCATION

Undergraduate Degree(s): _____ Major: _____

School: _____ Date: _____

Graduate Degree(s): _____ Date: _____

School: _____

Please list all foreign languages in which you are proficient: _____

Please list any specialized education or experience in social work, child development, or other related field which may be helpful when serving as a guardian ad litem: _____

Date Guardian ad Litem Pre-Service Education was completed: _____

Pre-Service Education Provider Name: _____

If you are serving as a guardian ad litem in another county, please provide the date you completed your most recent continuing education hours: _____ Provider Name: _____

Estimated number of cases where I have represented litigants in family law cases in the State of Ohio: _____

Estimated number of cases where I have served as a guardian ad litem: _____

FOR ATTORNEYS ONLY

Liability Insurance Carrier: _____ Effective Date: _____

Are you currently in good standing with the Supreme Court of Ohio? Yes No

If no, please explain: _____

Have you ever been disciplined or suspended from the practice of law in Ohio or any other state, including the District of Columbia? Yes No

If yes, state the reason and dates of the discipline or suspension: _____

BACKGROUND INFORMATION

Have you ever been convicted of any felonies or misdemeanors? Yes No If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Have you ever been arrested, indicted, or charged with any offense in any action that involved an abused, neglected, or dependent child; a violation of R.C. 2919.25; or any sexually oriented offense? Yes No If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Have you ever been named as a respondent in an action for a civil protection order or charged with domestic violence in any court? Yes No If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Has a referral ever been made to any children's services agency alleging that you abused or neglected a child? Yes No If yes, please identify the allegations made in each referral and whether the allegations were substantiated, unsubstantiated, or indicated. State any other findings made on a separate attachment.

Other than as a guardian ad litem, are you presently, or have you ever been a party in a civil lawsuit in the past 5 years? Yes No If yes, please identify the court in which you were a party, the case numbers for each case, and a summary of the actions on a separate attachment.

APPOINTMENT INFORMATION

I am willing to accept appointments regarding the following case types (check all that apply):

- Abuse, Neglect, and Dependency Cases Delinquency and Unruly Cases
 Parental Rights and Responsibilities Cases

CERTIFICATION

I hereby certify that all the above information is accurate and am unaware of any circumstances that would disqualify me from serving as a guardian ad litem. I am willing to accept appointments as a guardian ad litem in the types of cases as indicated above.

I have completed the pre-service and/or continuing education requirements set forth in Sup.R. 48.04 and 48.05, a statement of which I have provided to the court.

Upon initial application, the court will conduct a criminal and civil background check and investigation of information relevant to my fitness to serve as a guardian ad litem.

I hereby provide my Social Security Number as follows: _____ to allow the court to conduct the background check.

I understand my obligation to complete at least six hours of continuing education annually provided by the Supreme Court of Ohio or approved by this court.

Signature: _____ Date: _____

SAMPLE



SAMPLE: ANNUAL GUARDIAN AD LITEM COMPLIANCE STATEMENT

Guardian ad Litem Name: _____ Date: _____

Education

During the last year, I completed the following education programs to satisfy the annual continuing education requirement under Sup.R. 48.05.

Date	Program Title/Contents	Location	# Hrs Completed

Please list all foreign languages in which you are proficient: _____

Please list any specialized education or experience you have received that may be helpful when serving as a guardian ad litem: _____

Disqualification & Removal as a GAL

Check one:

I know of nothing that would disqualify me to serve as a guardian ad litem.

The following may disqualify me to serve as a guardian ad litem: _____

Please answer the following questions completely. Attach information on additional sheets if necessary.

Within the past year, have you been removed from any court's guardian ad litem list or court-appointed counsel list if applicable? Yes No If yes, please state the reason for your removal.

Please state what actions you have taken to correct the situation that caused your removal.

For Attorneys Only

Within the past year, have you been disciplined or suspended from the practice of law in Ohio or in any other state or the District of Columbia? Yes No If yes, please state the reason for the discipline or suspension and the dates of such action.

Are you currently in good standing with the Supreme Court of Ohio? Yes No

If no, please explain: _____

Background Information

Within the past year, have you been convicted of any felonies or misdemeanors? Yes No
If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Within the past year, have you been arrested, indicted, or charged with any offense in any action that involved an abused, neglected, or dependent child; a violation of R.C. 2919.25; or any sexually oriented offense?
 Yes No If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Within the past year, have you been named as a respondent in an action for a civil protection order or charged with domestic violence in any court? Yes No If yes, please identify the case numbers for each case and explain these charges on a separate attachment.

Within the past year, has a referral been made to any children's services agency alleging that you abused or neglected a child? Yes No If yes, please identify the allegations made in each referral and whether the allegations were substantiated, unsubstantiated, or indicated, and state any other findings made on a separate attachment.

Within the past year, other than as a guardian ad litem, are you presently, or have you been a party in a civil lawsuit in the past 5 years? Yes No If yes, please identify the court in which you were a party, the case numbers for each case, and a summary of the actions on a separate attachment.

Certification

I certify that all of the above information is accurate and am unaware of any circumstances that would disqualify me from serving as a guardian ad litem.

Signature: _____

Date: _____



SAMPLE: ORDER OF APPOINTMENT

IN THE COURT OF COMMON PLEAS

_____ DIVISION
_____ COUNTY, OHIO

In the matter of:

Case No: _____
Judge: _____
Magistrate: _____

ORDER APPOINTING GUARDIAN AD LITEM

It appearing to the Court that the appointment of a guardian ad litem (hereinafter referred to as GAL) is necessary to protect the interest of the following minor child(ren), it is hereby **ORDERED** as follows:

1. _____ is appointed as GAL for the minor child(ren), _____

This appointment shall remain in effect until further order of the Court.

2. The GAL shall be compensated at a rate of _____ per hour for reasonable and necessary time spent in this matter and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of the GAL's duties.

To secure payment for the costs and fees of the GAL, on or before _____, the following sums shall be deposited with the Clerk of this Court by the parties designated: _____

3. The GAL shall conduct an investigation pursuant to Sup.R. 48.01 through 48.07 and the Local Rules of Court and pursuant to the scope of the appointment as follows:

- This is a full scope appointment.
- This is a limited scope appointment. The GAL shall address only the following issues:

If this is a limited scope appointment, the GAL is relieved of the duties set forth in Sup.R. 48.03(D) that are not applicable to the specific issue or issues outlined herein.

4. Each parent, guardian, or temporary or legal custodian shall sign all releases requested by the GAL to obtain records and reports about themselves, and the child(ren), as may be relevant to the GAL's investigation. Each shall fully cooperate with all requests of the GAL.

5. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse, or other medical, dental, or optical practitioner, psychologist, psychiatrist, or other mental health practitioner, organization, school, person, or office, including, but not limited to, the Clerk of this Court, job and family services agencies, public children's services agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, and adult probation departments, the GAL shall be permitted to inspect and copy any records related to the child(ren), and/or parent, to confirm with any and all professionals who may provide information relative to said minor child(ren) and/or parent with respect to issues pending before this Court without the consent of the child and/or parents.
6. Unless otherwise permitted by law or as directed by the Court, the GAL shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the GAL.
7. The GAL shall be given notice of and shall appear at all hearings or proceedings scheduled in this matter and shall attend any hearing relevant to the responsibilities of the GAL. Further, the GAL shall be provided with copies of all pleadings, motions, notices, and other documents filed in this matter by counsel for the parties and by unrepresented parties.
8. The GAL shall be given notice of any hearings, reviews, investigations, depositions, or other proceedings concerning a child included within this Order and shall be entitled to attend those proceedings.
9. The GAL shall be notified prior to any change is made in the child(ren)'s residential placement or case plan by any party, except those actions taken to prevent immediate or threatened physical or emotional harm to the child as provided in R.C. 2151.412, in which case the GAL shall be notified before the end of the next business day after the change is made.
10. Upon becoming aware that the GAL's recommendations differ from the wishes of the child(ren), if the child(ren) do not have a separate attorney, the GAL shall immediately notify the court in writing with notice to the parties or affected agencies, so as to allow the court to take action as it deems necessary.
11. Unless the deadline is modified by the Court, the GAL shall submit written reports with recommendations to the court, counsel of record, and self-represented parties, in accordance with the following time requirements:
 - In abuse, neglect, dependency, unruly, and delinquency cases: Not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition; and
 - In proceedings involving the allocation of parental rights and responsibilities: Not less than seven days before the final hearing date.
12. A written GAL report shall affirmatively state the GAL's responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in reaching the GAL's recommendations and in accomplishing the duties required by statute, court rule, and the Order of Appointment. The report shall include the following statement in bold print as required by Local Rule:

This report is being provided to the Court, unrepresented parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved in advance by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

In addition, when providing the report to unrepresented parties and legal counsel of record, the GAL shall attach a cover sheet entitled NOTICE which sets out the language required above in bold print of 22-point font or larger.

13. The GAL shall be available to testify at all relevant hearings and may orally supplement the report at the conclusion of the hearing.
14. The GAL shall maintain accurate records of the time spent, services rendered, and costs and expenses incurred while performing their responsibilities as a GAL. Unless the GAL is a volunteer, the GAL shall provide a monthly statement of fees and expenses to all parties. At the conclusion of their responsibilities, the GAL shall file with the Court a motion for payment with an itemized statement and accounting to the Court, with a copy to each party or other entity responsible for payment. In addition, at any time before the case concludes, the GAL may submit a motion for payment. The motion for payment shall contain an itemized list of duties performed, time expended, and costs and expenses. The parties or other entities responsible for payment shall pay those fees and expenses as ordered by the Court. The GAL fees and expenses shall be considered domestic support orders for purposes of discharge-ability in bankruptcy.
15. In addition to all orders set out herein, the GAL shall strictly comply with the requirements of Sup.R. 48-48.07 subject to the following: _____.

Date Approved

Judge/Magistrate

A copy of this Order was hand-delivered, mailed, or emailed to counsel of the parties or to the parties without counsel and to the guardian ad litem on this _____ day of _____, 20____.



SAMPLE: THE ROLE OF A GUARDIAN AD LITEM INFORMATION SHEET

What Is a Guardian ad Litem?

A **guardian ad litem (GAL)** is an individual appointed to assist a court in its determination of the best interest of a child.

What to Expect

A GAL's most important role in court proceedings is to ensure that the child's best interest is considered in all aspects of the case. The GAL must attend court hearings, conferences, meetings, and reviews. The GAL may contact you to arrange home visits or ask for additional information. It is important to cooperate with the GAL so information can be accurately reported to the court. You should think of the GAL as an extension of the court. The GAL often needs to speak with the child alone in order to gather independent information related to the child's adjustment and wishes.

The GAL Does	The GAL Does Not
<ul style="list-style-type: none">▪ Provides the Court with recommendations of the best interests of the child▪ Makes home visits▪ Conducts ongoing, independent interviews and reviews of information regarding the case▪ Presents a report to the Court at all hearings▪ Communicates with service providers (therapists, teachers, medical personnel, police and others) about the family's progress on the Case Plan▪ Attends all Court hearings, conferences, meetings, and reviews as appropriate	<ul style="list-style-type: none">▪ Transport the child or any other party involved in a case▪ Give legal advice (unless serving as the child's attorney) or provide therapeutic counseling to the child or family▪ Make placement arrangements for the child▪ Give money or gifts to the child or family, or any party to the case▪ Supervise visits

Confidentiality

Under court rule, the GAL cannot disclose information about the case or investigation, except to parties and their legal counsel, in reports to the court or as necessary to perform their duties. This is not the same as attorney-client privilege, which generally protects communications between an attorney and client. Conversations between the GAL and the child or other persons interviewed while the GAL is performing their duties are not protected.

The GAL appointed to your child is: _____

The GAL may be reached via email: _____ or phone: _____

SAMPLE



SAMPLE: MOTION FOR RELIEF FROM DUTIES

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

In the matter of:

Case No: _____

Judge: _____

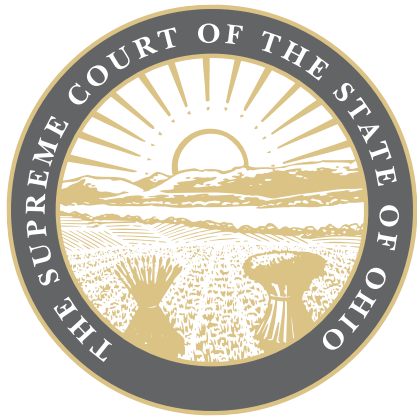
Magistrate: _____

MOTION FOR RELIEF FROM DUTY PURSUANT TO SUP.R. 48.03(D) BY GUARDIAN AD LITEM

Now comes the Guardian ad Litem (GAL) for the above-named child(ren) and, pursuant to Sup.R. 48.03(D), requests that the Court relieve the GAL of the following duty:

Printed Name of Guardian ad Litem

Signature of Guardian ad Litem



SAMPLE: GUARDIAN AD LITEM SURVEY FOR THE BENCH

FOR INTERNAL COURT USE ONLY

This survey is to be completed at the conclusion of a hearing by the judicial officer where a guardian ad litem has appeared and is to be used as notes to assist in the court's annual performance appraisal of the guardian ad litem.

Case Number: _____ Date: _____

Guardian ad Litem Name: _____

- 1. Did the guardian ad litem make reasonable efforts to become informed about the case prior to the court date? Yes No

- 2. Did the guardian ad litem meet with the child independently? Yes No

- 3. Was the guardian ad litem prepared to represent the child's best interest? Yes No

- 4. Did the guardian ad litem provide the court with an informed recommendation as to the child's best interest? Yes No

- 5. Did the guardian ad litem file reports in a timely manner? Yes No

- 6. Special considerations or factors for this case:

Judge Initials: _____

Magistrate Initials: _____



SAMPLE: GUARDIAN AD LITEM SURVEY FOR THE PARTY

CASE NO: _____ DATE: _____

SURVEY COMPLETED BY: _____

THE NAME OF THE GUARDIAN AD LITEM IS: _____

THE GUARDIAN AD LITEM SERVED AS: GAL only GAL & Attorney for the Child

TYPE OF CASE: Delinquency/ Unruly/Truancy Abuse/Neglect/ Dependency Divorce/ Post-Decree Dissolution Custody Other (specify) _____

How much do you agree with each statement about the GAL listed above? (Please circle your response)	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Does Not Apply
1. They introduced themselves to me.	😊😊	😊	😐	😞	😞😞	N/A
2. They explained their role to me.	😊😊	😊	😐	😞	😞😞	N/A
3. They treated me with respect.	😊😊	😊	😐	😞	😞😞	N/A
4. They knew what was going on with my case.	😊😊	😊	😐	😞	😞😞	N/A
5. They seemed prepared for the hearing.	😊😊	😊	😐	😞	😞😞	N/A
6. They were on time for my hearings.	😊😊	😊	😐	😞	😞😞	N/A
7. They showed up for all my hearings.	😊😊	😊	😐	😞	😞😞	N/A
8. They contacted me as needed between court hearings.	😊😊	😊	😐	😞	😞😞	N/A
9. I am glad they worked with me on my case.	😊😊	😊	😐	😞	😞😞	N/A
How much do you agree with each statement about the attorney appointed to represent your child? (Please circle your response)	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Does Not Apply
1. They explained the overall court process to me.	😊😊	😊	😐	😞	😞😞	N/A
2. They helped me understand what was going on at each hearing.	😊😊	😊	😐	😞	😞😞	N/A
3. They explained what the results in my case could be.	😊😊	😊	😐	😞	😞😞	N/A
4. They explained next steps after my hearing.	😊😊	😊	😐	😞	😞😞	N/A
How much do you agree with each statement about the GAL listed above? (Please Circle your response)	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Does Not Apply
1. They provided a written report to me or my attorney.	😊😊	😊	😐	😞	😞😞	N/A
2. They visited me at my home.	😊😊	😊	😐	😞	😞😞	N/A
Additional Information: Is there anything else you want us to know about the GAL as it relates to this case?						





SAMPLE: Annual Guardian ad Litem Performance Appraisal

Guardian Ad Litem: _____

GAL Coordinator/Reviewer: _____

Date of Review: _____ For Calendar Year: _____

Interpretations of Ratings	Ratings
Exceeds Expectations: Performance is clearly and frequently above what is required on a consistent basis.	3
Meets Expectations: Performance is dependable and meets the minimum performance standards.	2
Marginal: Performance is deficient and unacceptable in particular areas. Improvement is necessary.	1

Knowledge of Duties, Policies & Procedures	Rating
1. The guardian ad litem knows the aspects of the position and demonstrates the required skills.	1 2 3 n/a
2. The guardian ad litem demonstrates a desire to gain further knowledge through active participation in applicable education.	1 2 3 n/a
3. The guardian ad litem meets the minimum annual education requirements set forth by Sup.R. 48.04 and 48.05.	1 2 3 n/a
4. The guardian ad litem understands and complies with the Court's policies and procedures.	1 2 3 n/a
Comments:	

Accuracy & Timeliness	Rating
1. The guardian ad litem accurately performs his/her duties.	1 2 3 n/a
2. The guardian ad litem meets deadlines set forth by the Court.	1 2 3 n/a
Comments:	

Ability to Work Independently & Follow Instructions	Ratings
1. The guardian ad litem demonstrates the ability to work independently and does not require constant monitoring.	1 2 3 n/a
2. The guardian ad litem demonstrates the ability to understand and follow instructions.	1 2 3 n/a
3. The guardian ad litem demonstrates the ability to problem solve.	1 2 3 n/a
Comments:	

Professionalism & Leadership	Rating
1. The guardian ad litem demonstrates professionalism through productive work habits and interactions with Court staff, parents, attorneys, family members, and other professionals.	1 2 3 n/a
2. The guardian ad litem makes recommendations based on the child(ren)'s interest.	1 2 3 n/a
Comments:	

Communication Skills	Rating
1. The guardian ad litem presents verbal and written information in an accurate and professional manner.	1 2 3 n/a
2. The guardian ad litem demonstrates the ability to listen effectively and accept guidance.	1 2 3 n/a
Comments:	

Strengths /Areas of Improvement:

GAL Coordinator/Reviewer Signature _____ Date _____

My signature acknowledges I have read the above and this report has been discussed with me. I understand my signature does not necessarily indicate agreement; I can state any disagreements via written communication to the GAL Coordinator.

Guardian ad Litem Signature _____ Date _____

Comments: _____

Copies of the completed Annual Performance Appraisal shall be retained by the GAL being reviewed and the court. The original will be placed in the guardian ad litem's file.



SAMPLE: GUARDIAN AD LITEM COMMENT/COMPLAINT FORM
IN THE COURT OF COMMON PLEAS

_____ DIVISION
_____ COUNTY, OHIO

In the matter of:

Case No: _____

Judge: _____

Magistrate: _____

Re: _____, GAL
Name of Guardian ad Litem

Please describe the nature of the comment or complaint against the guardian ad litem below:

Printed Name

Signature

Date

Relationship to the Case

Street Address

City

State Zip Code

Telephone Number

Email Address

Add instructions for where to send the complaint form.



SAMPLE: COURT RESPONSE TO A GUARDIAN AD LITEM COMPLAINT

In re: Guardian ad Litem Complaint

Dear Mr./Ms. _____:

Thank you for bringing your concerns about the conduct of [INSERT NAME OF GAL], the guardian ad litem (GAL), in case [INSERT CASE NUMBER], to my attention. You filed a complaint on [INSERT DATE OF COMPLAINT].

To summarize your complaint, [INSERT SUMMARY OF COMPLAINT].

I have carefully reviewed your complaint; the GAL's response, the GAL's report; and the Court's docket, including relevant motions, briefs, and orders.

It is important to remember the guardian ad litem is appointed to make *recommendations* regarding the children's best interests. It is common for the GAL and the parents to have differing views on the children's best interests. However, the GAL is not a decision-maker in your case – the assigned magistrate and, ultimately, the judge are the decision-makers.

It is also important to note the complaint process is not an opportunity to argue the merits of the underlying case or re-litigate issues the court has decided.

After reviewing the information before me, it is my conclusion that [INSERT EXPLANATION/RATIONALE].

Based upon my findings, I conclude [INSERT FINDING].

Administrative Judge

CC: Guardian ad litem



SAMPLE: GUARDIAN AD LITEM RESPONSIBILITIES CHECKLIST

GAL: _____

CASE # _____

The responsibilities of a guardian ad litem shall include but are not limited to:

- _____ Provide the court recommendations of the best interest of the child, even if they are inconsistent with the wishes of the child;
- _____ Maintain independence, objectivity, and fairness, and the appearance of fairness, in dealing with parties and professionals, both in and out of the courtroom;
- _____ No ex parte communications with the court regarding the merits of the case;
- _____ Act with respect and courtesy;
- _____ Attend relevant hearings;
- _____ After learning that the GAL's recommendations differ from the wishes of the child, immediately notify the court in writing with notice to the parties or affected agencies;
- _____ If necessary, request timely court reviews and judicial intervention in writing with notice to the parties or affected agencies;
- _____ If the GAL is an attorney, file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedures;
- _____ If the GAL is not an attorney, request the court appoint an attorney for the GAL to file motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure;
- _____ If the GAL is not an attorney, avoid engaging in conduct that constitutes the unauthorized practice of law and be vigilant in performing the duties of the GAL;
- _____ Be available to testify at any relevant hearing.
- _____ If serving as both the GAL and attorney in dual appointment, comply with Rule 3.7 of the Rules of Professional Conduct;
- _____ Avoid an actual or apparent conflict of interest arising from any relationship or activity, including but not limited to those of employment or business or from personal or professional contact with parties or others involved in the case;
- _____ Notify the court immediately in writing if the GAL becomes aware of any actual or apparent conflict of interest;

- _____ Satisfy all pre-service and continuing education requirements of Rule 48.04 and Rule 48.05 and any local court rules governing GALs;
- _____ Refrain from disclosing any information about a case or investigation, except to the parties and their legal counsel, in reports to the court, or as necessary to perform the duties of a GAL, including as a mandated reporter;
- _____ Perform responsibilities in a prompt and timely manner;
- _____ Maintain accurate records of the time spent, services rendered, and expenses incurred in each case;
- _____ In allocation of parental rights and responsibilities, provide a monthly statement of fees and expenses to all parties;
- _____ File an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment upon order of the court or upon the conclusion of those responsibilities.

Unless specifically relieved by the Court, the duties of a guardian ad litem shall include but are not limited to the following:

- _____ Learn about the facts of the case and contact all relevant persons;
- _____ Observe the child with each parent, foster parent, guardian or physical custodian;
- _____ Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian or physical custodian is present;
- _____ Visit the child at the child's residence or proposed residence;
- _____ Ascertain the wishes and concerns of the child;
- _____ Interview the parties;
- _____ Interview foster parents;
- _____ Interview other significant individuals who may have relevant knowledge regarding the issues of the case (e.g., school personnel, medical and mental health providers, child protective services workers, court personnel);
- _____ Review pleadings and other relevant court documents in the case;
- _____ Obtain and review relevant criminal, civil, educational, and administrative records pertaining to the child;
- _____ Obtain and review relevant criminal, civil, educational, and administrative records pertaining to the child's family or to other parties in the case;



PUBLISHED BY
The Supreme Court of Ohio
July 2023