

IN THE PROBATE COURT OF DARKE COUNTY, OHIO

PLAINTIFF/PETITIONER

CASE NO. _____

v.

JUDGE _____

DEFENDANT/PETITIONER

MAGISTRATE _____

**ENTRY / MAGISTRATE'S ORDER APPOINTING GUARDIAN AD LITEM /
AND ATTORNEY**

It appearing to the Court that the best interest of minor(s) and/or incompetent(s) would be served and protected by:

- making (him, her, them) party(ies) defendant in this action and appointing a Guardian ad Litem
- appointing an attorney in the dual capacity of Guardian ad Litem and attorney.

It is therefore ORDERED and ADJUDGED that _____
be appointed:

- Guardian ad Litem for, _____, who is/are designated party(ies) defendant to this action.
- in the dual capacity of attorney and Guardian ad Litem, hereinafter referred to as the Guardian ad Litem, for _____ .

It is further ORDERED and ADJUDGED that:

- Plaintiff shall deposit the sum of _____ and/or Defendant shall deposit the sum of _____ into the trust account of the Guardian ad Litem no later than _____. Said total deposit shall be at least \$_____ unless agreed upon otherwise by the Guardian ad Litem.

Thereafter, Plaintiff shall pay _____ percent and Defendant shall pay _____ percent of the Guardian ad Litem's fees. The Guardian ad Litem shall submit periodic invoices to the parties, and the parties shall remit payment to the Guardian ad Litem within 14 days.

Failure to pay the Guardian ad Litem's fees as ordered herein may result in a finding of contempt of court, the limitation of evidence, the dismissal of claims for relief or other sanctions allowed by law.

The Court retains jurisdiction to reallocate the above costs along with all costs of the proceedings, upon motion and / or at the conclusion of the case.

- The Guardian ad Litem position is filled by an attorney on the Court list on a pro bono basis, both parties being indigent, and having filed proper affidavits.

Should either party no longer qualify for indigency status during the pendency of the matter, fees may be requested by the Guardian ad Litem and assessed at the discretion of the Court.

It is further ORDERED and ADJUDGED that:

1. Upon presentation of a copy of this court order, issued in compliance with 45 C.F.R. 164.512, to any agency, hospital, organization, school, person, or office including but not limited to the Clerk of Court, human services agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, counselors, or law enforcement agencies, the Guardian ad Litem shall be permitted to inspect and copy any records, including treatment for physical and mental illness, and/or drug abuse, and/or AIDS (Acquired Immunodeficiency Syndrome), and/or the results of an HIV test or the fact that an HIV test was performed, relating to the child(ren) without the consent of the child(ren) or the child's parent(s) or legal guardian(s); and to discuss with the person providing the treatment or tests in issue all matters pertinent to treatment and findings related to the child(ren). At the conclusion of the case, the Guardian ad Litem shall maintain the confidentiality of records received pursuant to this order.
2. The Guardian ad Litem assigned to this cause shall maintain any information received from any such source as confidential and will not disclose the same except to report to the Court or as the law permits.
3. The Guardian ad Litem shall have reasonable access to the child at school or in placement without obtaining the consent of the child's parent, guardian or custodian.
4. 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. The Guardian ad Litem shall appear and participate in any hearing or deposition 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. This appointment shall remain in effect until discharged by order of the court. At the conclusion of the proceedings for which this appointment was made, the Guardian ad Litem shall submit a motion and entry for withdrawal, and to dismiss the child(ren) as party(ies), to the assigned judge.

6. The Guardian ad Litem fees are in the nature of child support for the purposes of dischargeability in bankruptcy.

7. The next hearing date is scheduled/continued to _____ .

Pursuant to Civil Rule 41(B)(1) the parties are hereby given notice that failure to pay the Guardian ad Litem fees as ordered herein, or otherwise comply with this order, may result in the dismissal of their action or claim for relief.

JUDGE / MAGISTRATE

cc:

Plaintiff/Counsel for Plaintiff/Sup. Ct. Code

Defendant/Counsel for Defendant/Sup.Ct.Code

Guardian ad Litem/Sup. Ct. Code