In the
FAMILY COURT
of St. Louis County, Missouri

For File Stamp Only

_____ Petitioner(s)

vs.

_____ Respondent(s)

_____ Date

_____ Case Number

_____ Division

APPOINTMENT OF GUARDIAN AD LITEM AND PROTECTIVE ORDER

1. Pursuant to the,

☐ **Court's Own Motion**
☐ **Petitioner's Written/Oral Motion**
☐ **Respondent's Written/Oral Motion**
☐ **Allegations of Abuse and/or Neglect (§452.423.2 RSMo.)**
☐ **Order of Protection (§455.035 or §455.513 RSMo.)**

the Court, in the best interests of the child(ren),

Initials: _____ (Age: ____) **Initials: _____ (Age: ____)**

Initials: _____ (Age: ____) **Initials: _____ (Age: ____)**

hereby appoints,

Name: _____ **Bar #: _____**

Phone: _____ **E-Mail: _____**

as Guardian ad Litem ("GAL"), pursuant to §452.423, §455.035, or §455.513 RSMo.

The GAL shall be the Legal Representative of the child(ren)'s best interests throughout these proceedings and shall participate as if a party to the proceeding and faithfully discharge the GAL's duties.

GAL Selection Method
☐ **Random** ☐ **Agreement of the Parties** ☐ **Order of Protection**

2. Petitioner shall deposit $_____ with the GAL as and for Guardian ad Litem fees and costs on account within 15 days.

3. Respondent shall deposit $_____ with the GAL as and for Guardian ad Litem fees and costs on account within 15 days.

4. All Guardian ad Litem fees and costs pursuant to this or subsequent Order of the Court during the pendency of and as part of this case shall be subject to reallocation by the Court.

5. Pursuant to §452.423.5(1) RSMo. and *J.M.Z. v. D.L.M.*, 559 S.W.3d 19 (Mo.App.E.D. 2018), this Order, and subsequent fee orders, may be executed upon by the GAL and shall constitute a final judgment of the Court in the event the case is voluntarily dismissed by the parties prior to the entry of any other final judgment by the Court in which Guardian ad Litem fees is addressed.

6. The parties' counsel shall not speak with or interview the minor child(ren) outside of the presence of the GAL except by order of the Court.

7. Upon receipt of this appointment, the GAL shall file their "Entry of Appearance and Acknowledgement to Comply with the Missouri Supreme Court Standards of Guardians ad Litem" with the Court.

8. At the conclusion of this case, the GAL shall file an "Acknowledgement of Compliance with the Missouri Supreme Court Standards for Guardians ad Litem" with the Court.

9. The GAL is hereby vested with all authority, powers, and privileges necessary for the full and effective performance of their duties and obligations to the child(ren) and, as such, shall faithfully discharge said duties. If the GAL is in doubt at any time as to the scope or limitation of their authority, the GAL may apply to the Court for clarification or ratification thereof.

10. The GAL shall file such pleadings and move the Court for such relief as the GAL deems appropriate or necessary in connection with and in performance of their duties and obligations to the child(ren).

11. The GAL shall have the discretion to conduct interviews with any person(s) having contact with or knowledge of the child(ren) in order to ascertain their circumstances, wishes, feelings, attachments, and attitudes. If appropriate, the GAL should interview the child(ren).

12. Conversations and communications between the GAL and the child(ren) shall not be intercepted, recorded, or otherwise infringed upon by the parties or their counsel. The parties shall not ask, encourage, or allow the child(ren) to record conversations with the Guardian ad Litem. If any such recording is discovered, the party and/or

their counsel shall immediately provide the GAL with a copy. And, further, the Court may impose sanctions upon the offending party and/or counsel.

13. The GAL is hereby authorized to communicate with any duly appointed Guardian ad Litem in any prior, pending, or subsequent action involving the child(ren).

14. The GAL shall actively and fully participate in all court proceedings and may examine, cross-examine, subpoena witnesses, and offer testimony at any hearing in this case.

15. The GAL shall be a participant to any stipulation or agreement (whether incidental, temporary, or permanent) and to any settlement affecting the interest(s) or welfare of the minor child(ren).

16. The GAL shall have access to and be provided all pleadings, reports, records, and other documents relevant to the child(ren), the child(ren)'s placement, or the child(ren)'s family members. At any time and in their discretion, the GAL may seek an order of the Court for specific records.

17. The GAL shall have access to all records of any agency or person relating to the child(ren) or the child(ren)'s family members. The parties and/or any legal custodian of the child(ren) shall promptly execute authorizations for release of information, as requested by the GAL.

18. Upon presentation of a copy of this Order to the child(ren)'s school, all school staff, including teachers, guidance counselors, counselors, nurses, and principals shall be authorized to speak with the GAL, and to provide records and information about the child(ren).

19. Upon presentation of a copy of this Order to any agency or person charged with the investigation of abuse and neglect of child(ren) subject to the provisions of §210.150 RSMo., which may include any government agency, police departments, hospitals, schools, doctors, psychologists, psychiatrists, counselors, therapists, this Order shall permit the GAL to inspect and copy such agency or person's documents and records, including protected health information, relating to abuse and neglect investigations relating to the child(ren). The purpose of this Order is to prevent the disclosure of records deemed confidential and to limit the use of said records to this case only. This Qualified Protective Order gives any covered entity assurances that the information released to the GAL, pursuant to this Order, shall be used solely in connection with this case.

20. **Privileged Records:** The GAL shall adhere to applicable statutes, rules, and regulations relating to receipt and redisclosure of privileged records and information, which shall extend to the GAL's work product in their file, received or produced as GAL. The GAL should maintain a file consistent with the Supreme Court Rules. The child(ren) is(are) not the owner of the GAL's file. The Court has the sole authority to rule on any request concerning the handling or disposition of the GAL's file. Except as the GAL determines necessary to fulfill their obligation to represent the child(ren)'s best interests, the GAL shall not provide their file to anyone, including

the child(ren), absent an order of the Court. The parties and/or their counsel shall not use the rules of discovery to compel the GAL to release information, their file, or any portion thereof, without first receiving leave of the Court. Notwithstanding the foregoing, the GAL is hereby authorized to release their file, or a portion thereof, to a Guardian ad Litem duly appointed in a subsequent action involving the child(ren). Privileged records can be shared with the Court, and, upon leave of the Court, attorneys of record, designated experts, and parties in this litigation.

21. **Non-Privileged Records:** Any non-privileged records shall not be disseminated to the parties **for their personal use**. The parties are ordered not to discuss or share any portion, information or documentation contained in the records of the minor child(ren) obtained by the GAL with the minor child(ren) or persons who are not parties to this action. Non-privileged records can be shared with the Court, attorneys of record, any designated experts, and parties in this litigation.

22. The GAL shall comply with the Supreme Court Rules of Professional Conduct and Standards for Guardians ad Litem.

23. **Recognizing the unique position that the GAL holds to represent and advocate for the child(ren)'s best interests, the Court hereby orders that no party shall harass, stalk, threaten, demean, intimidate, or abuse the GAL. Any counsel or party who willfully violates this order, or encourages another person to do so on their behalf, may be held in contempt of court. Contempt is punishable by sanctions, including, but not limited to, fine and/or incarceration in the St. Louis County jail pursuant to §476.120 RSMo.**

SO ORDERED:

_____
Division ____

_____
Attorney for Petitioner / Bar #

_____
Attorney for Respondent / Bar #

_____
Petitioner (Pro Se)
Address:
Phone:
E-Mail:

_____
Respondent (Pro Se)
Address:
Phone:
E-Mail: