

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT, IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

_____,
Husband/Wife,

CASE NO.: _____

and

_____,
Husband/Wife.

_____/

ORDER APPOINTING GUARDIAN AD LITEM

This cause having come before this Honorable Court on _____'s (hereinafter referred to as "____") Motion for Appointment of a Guardian Ad litem, with agreement of _____ (hereafter referred to as "____"), and the Court having reviewed the Motion and the file and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES as follows:

1. The Motion for Appointment of a Guardian Ad Litem is Granted and the Court finds that the appointment of a Guardian ad Litem is required to advance the best interests of the minor child, _____, D.O.B. _____.
2. _____, Esq., an attorney in good standing with The Florida Bar, is appointed to serve as a private Guardian Ad Litem for the minor child. _____'s contact information is:
3. The fees of the private Guardian ad Litem shall be advanced by the parties with the Mother responsible for ____% and the Father responsible for ____%, without prejudice. The Guardian Ad Litem's initial retainer is \$2000.00, which shall be equally born by the parties, with each paying the Guardian Ad Litem their portion of the retainer within 15 days of the date of this order. The Guardian ad Litem's hourly rate is \$200.00, which the court deems reasonable. The parties shall execute the

GAL retainer prior to the 20 day period the Guardian ad Litem acceptance is required to be filed. The Guardian Ad Litem shall keep time records of hours expended on this case. The Guardian ad Litem fees and costs shall be paid, in full, monthly, after the initial retainer, is satisfied, unless there is a written agreement with the GAL otherwise. The parties to this action are jointly and severally liable for the GAL's fees.

4. The Guardian Ad Litem shall be a party to any judicial proceedings from the date of this Order until the date of discharge and shall have all of the powers, privileges, responsibilities and protections authorized in section 61.403 of the Florida Statutes and as provided in this Order to the extent necessary to advance the best interests of the minor child.
5. The Guardian Ad Litem must be provided with copies of all pleadings, notices, stipulations and other documents relevant to the child/children's issues filed in this action and is entitled to reasonable notice before any action affecting the child is taken by the parties, their counsel or the court. The Guardian is entitled to be present at all depositions, hearings or other proceedings concerning the child including mediation.
6. The Guardian Ad Litem may investigate the allegations of the pleadings and motions affecting the minor child, and may interview witnesses or any other person having information concerning the welfare of the minor child
7. The parties or any other person entrusted by the parties with the care of the minor child shall allow the Guardian Ad Litem access to the minor child at reasonable times and locations and no person shall obstruct the Guardian Ad Litem from the minor child.
8. Within ____ days of the date of the entry of this Order, the parties shall provide the Guardian Ad Litem with the names, addresses, telephone numbers, email address and fax numbers of the respective collateral contacts and a brief description of the subject of that person's relationship with the examinees (ex: minor child's pediatrician/teacher)
9. The parties shall execute releases for the child's doctors, if necessary, within 5

days of the request by the Guardian Ad Litem. If either party objects, they must file their objection within the 5 days.

10. Upon presentation of a copy of this Order to any agency or organization, including but not limited to schools, hospitals, clerk of any court of this state, Department of Children and Families, human services agencies and/or child caring agencies, medical and mental health professional, including doctors, nurses, pediatricians, psychologists, psychiatrists, counselors and staff, and law enforcement agencies, the Guardian Ad Litem is hereby designated, and is authorized to inspect and copy any records relating to the above named child without consent of the child, the child's parents or care givers. Said agency or Organization shall not interfere with the Guardian Ad Litem's access to the minor children or their records. The Order further directs any agency or organization presented with this Order to comply with same.
11. In the event that information's and/or witnesses are needed from the School Board, in the county where the child resides or has resided, then pursuant to Florida statute 61.403, upon presentation of a copy of this Order to the School Board, that body is hereby directed and ordered to provide the designated Guardian Ad Litem with reasonable access to interview any school related witnesses having information concerning the welfare of the child and to inspect and copy any and all school records relating to the minor child for whom the Guardian Ad Litem is appointed.
12. The Guardian ad Litem shall maintain any information received from any source described in Florida Statutes section 61.403 as confidential and shall not disclose such information except in report s to the Court served upon both parties to this cause and their counsel or as directed by the court.
13. The Guardian ad Litem, may from time to time, be allowed to request a status conference with the court, without the necessity of filing a pleading, but may request it with a letter to the court directly from the guardian ad litem, without the necessity of counsel, with notice to counsel and the parties.
14. The Guardian ad Litem shall submit his recommendations to the Court, whether incidental, temporary or permanent, which affects the interest or welfare of the minor child. The Guardian Ad Litem may file interim reports as deemed necessary in the best interest of the minor child and any other matters that need to be brought to the attention

of the court, including, but not limited to, Guardian Ad Litem fees.

15. The Guardian Ad Litem shall file a written report with the Court, which may include recommendations and a statement of the wishes of the minor child. The Guardian ad Litem shall list the names and addresses of the persons interviewed whose statements have been referenced in the report. The /Guardian ad Litem shall only list the initials of a non-party minor child and shall not disclose any information about any non-party minor child without court order. The report shall be admitted into evidence without hearsay objections by either party. The report shall be filed as confidential filing. The report must be filed with and served on all parties at least twenty (20) days prior to the hearing at which it will be presented unless the Court waives such time period or the parties otherwise stipulate.
16. The Guardian Ad Litem's report shall address the outstanding pleadings and/or motions filed in this cause, relative to the party's minor child and to enable the Guardian ad Litem to make recommendations to assist the court in its adjudications of any such outstanding pleadings and motions filed in this cause and for any additional issues before the court as follows:

- _____ Parental responsibility/decision making
- _____ Timesharing schedule, including times and locations
- _____ Communication (between parties and children)
- _____ Alienation
- _____ Relocation

17. The Guardian Ad Litem shall file a notice of acceptance within twenty (20) days of the date of this Order unless otherwise ordered by the Court. If no acceptance is filed within twenty days, the parties shall bring the matter before the court. The Guardian Ad Litem may decline to accept this appointment without reason.
18. The parties and their respective counsel agree to waive all hearsay objections

regarding the Guardian Ad Litem's testimony and written reports relating to statements of the minor children, witnesses and parties for purposes of the Guardian Ad Litem's report and ultimately presentation thereof at any court proceeding.

19. The Guardian Ad Litem shall be automatically discharged without further order, 30 days after the entry of a final order or judgment in these proceedings, unless otherwise ordered.
20. If the Guardian ad Litem, pursuant to statute, requires the appointment of counsel to represent him in the above referenced cause, then the Guardian ad Litem shall submit an ex parte order on the appointment.
21. The Court reserves jurisdictions of this matter to enter any further orders that may be necessary and/or required with regard to the appointment of the Guardian Ad Litem

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida on this ____ day of _____, 20__.

HONORABLE ____
CIRCUIT COURT JUDGE

Copies furnished to:
_____, Esq.

By: _____
Judicial Assistant