

APPOINTMENT OF GUARDIAN AD LITEM DOMESTIC RELATIONS CATEGORY E/F	Docket No. PL14D2505DR	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Red Cherry vs. Green Grape	Plymouth Probate and Family Court 52 Obery Street Plymouth, MA 02360 (508)747-6204	

1. The Court appoints: **Karen M Wright, Esq.**
James D. Thrasher, P.C.
200 Chauncy Street
Suite 112
Mansfield, MA 02048
(508)339-4822

appointed as: **F Guardian ad litem in Domestic Relations, Custody**

to report to the Court on the issue(s) of:

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> custody | <input type="checkbox"/> parenting plan | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> domestic violence | <input type="checkbox"/> substance abuse/alcohol abuse | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> mental health | <input type="checkbox"/> removal | <input type="checkbox"/> other: _____ |

Additional space was added to provide direction to the GAL.

2. *Select one of the following:*

The form now clarifies the three options of appointments.

- The Court expects that the issues identified can be addressed with a limited focused assessment. Said assessment and report should be concluded in no more than eight (8) hours. The GAL standards for Category E and F shall not apply to the limited focused assessment.
- The Court expects that the issues identified can be addressed with a limited focused assessment within the framework of a visit to the home of each parent or guardian and discussion with necessary collaterals. Said assessment and report should be concluded in no more than fifteen (15) hours. The GAL standards for Category E and F shall not apply to the limited focused assessment.
- The Court expects that the issues identified should be the subject of a complete GAL evaluation/investigation and report to be concluded in _____ hours, but no more than thirty-five (35) hours. The GAL standards for Category E and F apply. A request for additional hours must be presented by motion and may be allowed for good cause shown.

- 3. The GAL shall shall not make such recommendations as deemed appropriate and in the best interests of the child(ren), relative to the issues stated above.
- 4. The GAL shall accept or decline said appointment as expeditiously as possible, but, in any event, within twenty (20) days of receipt by signing and returning the completed form to the Court Liaison.
- 5. The GAL shall contact the parties forthwith (within 14 days of the acceptance of appointment). The parties shall provide any information requested or deemed necessary by the GAL in connection with this appointment. The parties should also provide the GAL with whatever non-privileged records, releases, and/or documents requested. Each party or counsel shall keep the GAL informed of the status of the case and of the date(s) of any pre-trial conference, trial, or final hearing on the merits.

Space has been provided to indicate whether someone needs an interpreter.

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The form now has a default with regard to collaterals.

6. _____ needs a _____ interpreter. If the GAL or parties are not able to provide an interpreter, the GAL shall contact the Court Liaison for assistance.
7. The GAL shall interview the parties and the child(ren). Each party may only provide the GAL with 3 collaterals to contact. The GAL may interview additional collaterals important to the evaluation/investigation in the GAL's discretion.
8. Any documents or records provided to the GAL by the parties, the children, or counsel, shall be provided to the opposing party contemporaneously.
9. If the GAL deems it necessary and appropriate, the GAL shall have the authority to:
- contact any or all persons having relevant knowledge regarding any family member, except that the GAL may not contact a prior GAL without the Court's permission.
 - consult with any professional having specialized knowledge, provided no privileged information is discussed without a waiver. If privileged information is being requested by the GAL for an adult who has not assented or for a minor (regardless of parental assent), a motion for access must first be allowed by the Court.
- The form now has boxes for the judge to select some or all of the factors to be addressed.
- request psychological and/or medical testing of any party and of the child(ren).
10. The report shall make specific reference to the following factors, if applicable, and to any other matter which the GAL believes may be of assistance to the Court:
- The social history including any relevant court activity record information (CARI) of the parties. The Probation Department shall provide access to CARIs of each parent/guardian to the GAL;
 - The marital and parenting history of the parties;
 - The age and educational history of the child(ren);
 - The health of the child(ren) and of the parties with particular reference to any special needs or problems;
 - The interests and activities of the child(ren) and the role each party plays, and has played in encouraging and developing such interests;
 - The demonstrated capacity of each party to understand and accommodate the individual needs of the child(ren);
 - The proposed parenting plan (if recommendation has been requested);
 - For each child age fourteen (14) or over, and within the GAL's discretion for each child under fourteen (14) years old, the preference of the child relative to the issues being addressed by the GAL together with the reason, if stated, for such preference(s);
 - The relationship and attachment of the child(ren) to each parent and to any other person who may have a significant effect upon the child(ren);
 - The demonstrated capacity of each parent to support an ongoing relationship between child(ren) and the other parent;
 - If domestic violence is an issue, consider each parent's capacity:
 - for impulse control;
 - to change problem solving style;
 - to empathize with the child(ren); and/or
 - to create and maintain a safe environment.
 - Any personality disorder or substance abuse issue which would impair either party's ability to mediate or co-parent, provided the GAL is a mental health clinician and was appointed as a Category E GAL.
 - other: _____
 - other: _____

11. The GAL's report shall be filed as expeditiously as possible, but no later than 04/29/2021 .
(date)

The GAL shall notify all parties when the report is filed with the Court. In the event additional time is necessary, the GAL shall file a motion in advance of the original due date for permission for additional hours and/or extension of due date. The motion shall include the specific reasons as to why the request is necessary. Notice must be provided to attorneys/parties and any objections shall be made within five (5) business days. Both the motion and objections shall be sent to the Court Liaison.

12. If the GAL determines any risk to the child(ren) as a result of current arrangements, the GAL shall immediately file an interim report, and bring said report to the attention of the Court.

13. Select one of the following: The form now has boxes for the judge to select how the GAL report will be distributed if both parties are represented by counsel.

In accordance with Standing Order 2-08: Impoundment of Guardian Ad Litem Reports, if both parties are represented by counsel, both attorneys shall be provided one copy of the GAL report by the Court, however, no further copies shall be made. The parties shall be permitted to read the report, but they are not permitted to copy the report unless the Court has expressly authorized the release to a party.

Both parties are represented by counsel. The GAL shall transmit (mail, e-mail, fax) a copy of the report directly to the parties' attorneys after the GAL has filed the report with the Court. No further copies shall be made. The parties shall be permitted to read the report, but they are not permitted to copy the report unless the Court has expressly authorized the release to a party.

The parties are prohibited from discussing the content of the report with the child(ren) without the express permission of the Court.

The form now clarifies that a motion to request a copy of a GAL report may be handled administratively.

14. A party may file a motion requesting a copy. Such motion may be handled administratively unless otherwise ordered.

15. All copies of the report are to be returned to the Court at the conclusion of the case.

The GAL shall be paid at the GAL's normal hourly rate including requested retainer, if any, and including any out-of-pocket expenses. These costs shall be paid:

by the parent _____ %

by the parent _____ %

equally by the parties.

other: _____

The GAL shall be paid by the Commonwealth, the GAL shall be paid at the hourly rate allowed by the Commonwealth.

Fees paid to the GAL may be reallocated at the time of trial or settlement of the case.

Each appointment must include a Court Liaison. There is now space on the form for the Court Liaison's name and email address.

Court Liaison between GAL and Court:

Chief Probation Officer/Probation Officer: _____
(name and e-mail address)

Assistant Judicial Case Manager: _____
(name and e-mail address)

Sessions Clerk: _____
(name and e-mail address)

Other: _____
(name/title and e-mail address)

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A _____ will be held on _____ at _____

It is further ordered:

Date 01/29/2021

Justice of the Probate and Family Court

Pursuant to Supreme Judicial Court Rule 1:07(7), no payment shall be made to or received by the guardian ad litem from any source on account of this appointment until the guardian ad litem has filed with the court the required statement, under the penalties of perjury, that certifies the services provided, the amount of payment and the itemization of expenses, as well as the required certification under Supreme Judicial Court Rule 1:07(8) that all fee reports for payments received in the previous fiscal year have been filed.

NOTE: If this appointment is to a person who is not next on the Fee Generating Appointment list, the appointing judge will provide a brief notation of the reason for the selection.

Party Information:

Plaintiff: **Red Cherry**

Counsel: **Darline Marie Lewis, Esq.**

18 Emerson Road

Medfield, MA 02052

Primary Phone: **(508)359-3456**

Defendant: **Green Grape**

Counsel: **Nancy Mcguirk Silvia, Esq.**

Silvia & Quinn, P.C.

180 Paramount Drive, Suite 1

Raynham, MA 02767

Primary Phone: **(508)824-7200**

**APPOINTMENT OF
GUARDIAN AD LITEM
DOMESTIC RELATIONS
CATEGORY E/F**

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**Commonwealth of Massachusetts
The Trial Court
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ACCEPTANCE/DECLINATION OF GAL APPOINTMENT

I hereby accept decline the above appointment as Guardian ad litem.

Response due to the Court Liaison as expeditiously as possible, but, in any event, within twenty (20) days of receipt of assignment.

Reason for declining:

Date _____

Signature of Appointed Guardian ad litem
Karen M Wright, Esq.