



COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
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**FREQUENTLY ASKED QUESTIONS REGARDING STANDING ORDER 2-08,
IMPOUNDMENT OF GUARDIAN AD LITEM REPORTS**

- Q. What if a guardian ad litem report contains the attorney of record's privileged notes thereon? Should the attorney still forward the report to the court upon their withdrawal or conclusion of the case?**
- A. No. The attorney should certify to the court that the report containing the privileged notes has been destroyed.**
- Q. What is the obligation of attorneys who currently have several guardian ad litem reports in archived cases? Should those reports be forwarded to the Probate and Family Court?**
- A. No. The provision of the Standing Order requiring that the copies of the guardian ad litem reports be returned to the court does not apply retroactively to archived cases. Although, guardian ad litem reports currently on file with the court are impounded.**
- Q. What sanctions will be issued if the report is shown to others in violation of the Standing Order?**
- A. That is a determination for the presiding judge.**
- Q. If a guardian ad litem report is marked as an exhibit at trial, how does one access it if there is an appeal?**
- A. A motion for relief from impoundment should be presented to the court in accordance with Trial Court Rule VIII. Uniform Rules on Impoundment Procedure.**
- Q. If a case involves an issue of contested custody, can the report be marked as an exhibit?**
- A. Yes.**

- Q. Can the guardian ad litem report be used in an exhibit book?**
- A. Yes, the report can be used if it has been entered as an exhibit similar to an impounded financial statement.**
- Q. What will the court do with the extra guardian ad litem reports that are returned to the court?**
- A. They will be destroyed.**
- Q. Can the attorney of record keep a copy of the guardian ad litem report so that they have a full, complete record of their involvement in the case should they be involved in a future malpractice lawsuit?**
- A. The attorney should ask the presiding judge for permission to retain a copy of the report.**
- Q. If a court clinician or probation officer is appointed as a guardian ad litem, will those reports be treated in the same manner?**
- A. Yes.**