

STANDING ORDER 2-08
IMPOUNDMENT OF GUARDIAN AD LITEM REPORTS

Unless otherwise ordered by the court, all guardian ad litem reports except those filed in cases involving accounts, licenses to sell and estate plans are impounded. As used herein, "impounded" shall mean the act of keeping the guardian ad litem report separate and unavailable for public inspection. The reports shall be kept in the Registry of Probate unless otherwise determined by the First Justice. The following procedure will be followed:

1. Upon filing with the court, guardian ad litem reports shall be kept separate from the case file and unavailable for public inspection. Access to inspect the impounded reports shall be limited to the court, the attorney(s) of record, if any, and the party(ies), unless otherwise ordered by the court. Where appropriate, the court may instruct the guardian ad litem to send a copy of a report to the attorney(s) of record or the parties.
2. Unless otherwise ordered by the court, the attorney(s) of record, if both parties are represented by counsel, shall be entitled to receive a copy of a report. If a party wishes to obtain a copy of the report, the party or their attorney must file a Motion with the Court. If a party is unrepresented by counsel and wishes to obtain a copy of the report, they must file a Motion with the Court. The attorney(s) of record or the party(ies) who are authorized to have a copy of the guardian ad litem report:
 - a. Shall make no further copies of the report for use outside of counsel's office except as provided below;
 - b. Shall not show the report to any person except, to his or her client or, to an expert engaged or consulted regarding the case;
 - c. Shall, in the case of an attorney, return the copy of the report to the court upon withdrawal or conclusion of the case, and in the case of a party, return the copy of the report to the court at the conclusion of the case,
 - d. Shall comply with such conditions as the Trial Judge may impose.
 - e. May provide a copy to an expert engaged or consulted on the case, provided the expert certifies in writing that he or she will be bound by this Standing Order, and;
 - f. Shall not provide a copy to his or her client except upon the allowance of a motion.
3. In accordance with Trial Court Rule IX, Rule 2, Uniform Rules on Subpoenas to Court Officials, the Register shall not provide a copy of an impounded guardian ad litem report to a person who is not a party to the case.
4. Relief from impoundment may be sought by Motion supported by affidavit, and may be granted after notice by the court only upon written findings.
5. Service of the Motion for Relief from Impoundment and affidavit shall be made on all parties in accordance with Rule 5 of the Massachusetts Rules of Domestic Relations Procedure. The time periods for hearing shall be as set forth in Rule 6 of the Massachusetts Rules of Domestic Relations Procedure.
6. The attorney(s) of record, if any, or the party(ies) if unrepresented by counsel, shall receive a copy of this Standing Order when they are notified in writing by the Court in accordance with Standing Order 2-98 that a report has been filed and is available for inspection.

March 10, 2008

//PMC
Chief Justice
Paula M. Carey