**INFORMATION ABOUT YOUR GUARDIAN AD LITEM EVALUATION**

In its order of 7/22/14 the Essex Probate and Family Court has ordered you and your child(ren) to undergo this GAL evaluation for the reasons stated in the court order. What follows is a brief description of the important aspects of the evaluation.

***What is the general procedure?***

-The first phase of the evaluation typically starts with one or two lengthy interviews of about one and a half to two hours each with you alone, followed by observations with you and your child(ren) (so long as court orders allow this). Then there are interviews with the child(ren) alone (depending on age and special needs), possibly with each of you (each case may be different depending on children‘s developmental and emotional issues) and, when appropriate to the case, a home visit to each residence. Quite often the children are present for this visit. One explanation to offer the children prior to the GAL interview is that the GAL is someone whose job is to help you and the other parent work out how they will spend time with the child(ren) after the divorce. The GAL will explain to them the limits to confidentiality in language appropriate to their age and level of understanding. The goal is to follow the same interview schedule in parallel with the other parent over a period of about six weeks. As a GAL, I cannot guarantee that I will spend exactly the same amount of time with each of the parents, since parents vary greatly in how they report their background information and the detail with which they answer questions.

-The individual interviews commonly cover current issues and concerns, hoped for outcomes, and personal (biographical), marital, and parenting history. You or your attorney may submit documents (e.g. affidavits, journals, notes, school and medical records etc.) which the GAL will review if relevant.

-In a second aspect of the evaluation, the GAL will talk to relevant professionals with which you and or your child(ren) have been involved, such as teachers of doctors, as well as to a reasonable selection of other people whom you name. I usually limit these personal collateral contacts to three individuals each. All such conversations, as explained in the next section, will be “on the record”. The issues discussed are not confidential and may be reported in their entirety to the court. The GAL will need written permission in the form of a release of information to talk to the professionals you have worked with. I will make these forms available to you during our interviews. The GAL retains the right to select those professionals whom he/she feel are relevant to the issues they have been asked to evaluate. With certain exceptions, generally, family members are the least helpful, likely bias, while professionals are usually the most helpful, with friends, neighbors, colleagues in between.

-When necessary you may need to give permission to allow the GAL to review criminal or psychiatric records, though if necessary he/she can also motion the court for permission to do so.

-After all of the materials and interviews are collected and completed, the GAL will write a formal report to the court regarding findings and, depending on what the court requires, recommendations.

***What legal rules apply?***

-In the course of the assessment. The GAL may share any and all information that you offer to the other party and may use that information in the formation of a report. As previously mentioned, everything is “on the record” including conversations with your child(ren), and letters, e-mails, histories that you write, as well as all discussions with relevant collateral contacts. Please tell your contacts this when you ask them to act as references. Therefore, confidentiality, as it typically exists with a mental health professional, does not apply in your case or with what your children report, within the boundaries of the current litigation. Furthermore, although this issue does not arise often, as a mandated reporter the GAL is bound by law to report to the proper authorities (e.g. DCF) if he/she has reasonable basis to believe that your children are suffering or in danger of suffering from some form of abuse. If DCF were to call the GAL regarding your family pursuant to a 51-A complaint filed by someone else, he/she would have to answer questions specific to allegations DCF was investigating, but the GAL would require a court order to release any reports to DCF. This evaluation is not a health care service under the Health Care Portability Act (HIPAA).

-Consistent with my professional responsibilities as needed, I reserve the right to consult with appropriate colleagues about the issues in your case. In doing so I will protect your identities and these colleagues will maintain your privacy.

-Communication by the GAL with your child’s therapist, should you think that necessary, will require you to ask the Court to appoint a special GAL to evaluate and recommend whether the confidentiality should be breached. If the therapist has met with you or the other parent and the children, the information from those meetings is not confidential and would not require such a GAL.

-Regardless of who pays the cost, the GAL is working for the court. Per custom and order of the court, the GAL will not give you a copy of the report, though you may be able to read it in the presence of your attorney. If you represent yourself you will need permission from the court to read it.

***What does the evaluation cost and how are you to pay?***

-If the evaluation is court paid, you will not be responsible for the fee, unless the court stipulates otherwise. If you are paying all or some of the fee for the evaluation, in order to start, I will require a retainer of $XXXX.00. The court has ordered that the parties split these fees. If I exhaust the initial retainer, I will either request a second retainer, which will be an estimate of the balance required to complete the work, or

I will send a bill for the balance (unless otherwise ordered by the court). If the costs are less than the retainers paid, I will reimburse you the credit balance. The typical evaluation runs between 40-50 hours of time at my current fee of $XXX.00. per hour. Individual circumstances will determine whether the evaluation time will vary, more or less, from that average. From first office contact, the GAL averages about 90 days per evaluation, though personal (eg vacation, illness) or case situations (eg legal delays, multiple collaterals, very complex fact patterns, etc) may create some variation of that estimated period. The Court has determined the proportion of the fee for which you are responsible.

-If the parties terminate the evaluation before it’s completion, they will receive the unused balance of the retainer after a deduction of expenses and the possible cost of a written report to the Court.

-As part of the cost of the evaluation I will bill all telephone calls including collateral contacts, document reading, in person interviews, correspondence time, home visits, any significant travel expenses, conferences with attorneys, and report writing at my current rate. After interview time, report writing is often the largest expense.

-If you miss an appointment without 24 hour notice, you will be billed for the appointment at the above rate for the time that was set aside for the meeting.

***What if you wish to depose or have the GAL testify?***

-The Courts’ payment formula does not apply after the report is completed. If you (or your attorney) call me for a deposition or for testimony at trial, you will be responsible to compensate me for my time through a retainer paid at least a week in advance at the rate of $XXX.00 per hour. This retainer shall include the cost of my time for preparation and for travel. If either the deposition or the court time runs longer than the retainer covers, I will bill you for the additional time. If the court orders my appearance, the parties will be billed in accordance with the GAL appointment regarding fees.

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My signature below attests to the fact that I have read the above document and that (GAL name) has explained to me the nature of the evaluation, its procedures, the time and costs involved, and the lack of confidentiality. I have had an opportunity to ask any question regarding the process and I understand that I can ask questions at any time during the investigation about the process. I understand that the court has required me to pay 100% of the cost of the evaluation, at this time, and that (GAL name) will provide me with an itemized statement at the conclusion of the work, a copy of which, by regulation, she will submit to the Court. (GAL name) has also explained to me the process by which I am to pay her for this evaluation.

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Litigant Witness

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_