

TITLE X GAL Local Rules

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10.0 APPLICABILITY

This rule shall apply in all domestic relations cases where the Court appoints a guardian ad litem to protect and to act in the best interest of a child.

10.1 DEFINITIONS

“Guardian ad litem” means an individual appointed to assist a Court in its determination of the best interest of a child. Guardians ad litem shall be attorneys and shall be registered with the Court.

“Child” means:

- A. A person under 18 years of age, or
- B. A child under Ohio Revised Code 3109.04 or a disabled child under R.C. 3119.86 who falls under the jurisdiction of a domestic relations Court.

“Attorney for the child” means an attorney appointed to act as legal counsel for a child and as an advocate for the wishes of the child.

“Allocation of parenting rights and responsibilities” means those cases where legal custody, parenting time, companionship, or visitation rights are at issue pursuant to R.C. 3109.04 and R.C. 3109.051.

10.2 APPOINTMENT OF GUARDIAN AD LITEM

Upon motion of the Court or either party, the Court may appoint a guardian ad litem to protect the best interest of the child and shall appoint a guardian when required under R.C. 3109.04(B)(2)(a).

A. Qualifications

1. The guardian ad litem shall be an attorney admitted to practice in Ohio who is a member in good standing with the Supreme Court of Ohio.
2. The guardian ad litem should have experience and background in the area of domestic relations, family law and/or family dynamics as part of their practice.
3. The guardian ad litem must successfully complete a minimum of 12 hours pre-service training with the Supreme Court of Ohio. Pursuant to Sup.R. 48.04, six of the 12 hours shall be obtained via a live education program where the guardian ad litem is physically present.

B. Application to Hamilton County Court of Domestic Relations Dispute Resolution Department (hereinafter “DRD”)

1. Upon completion of the required pre-service training, an attorney seeking to serve as a guardian ad litem shall submit to the Court an application and required documentation to the DRD.
2. The applicant shall provide to the DRD for review the following documents:
 - a. the Application for the Guardian Ad Litem Appointment List (Form DR 10.1) which shall include contact information, and the GAL’s hourly rate (if different than the Court’s standard rate);
 - b. a resume stating the applicant’s training, foreign language proficiency, experience and expertise demonstrating the applicants’ ability to successfully perform the duties and responsibilities of the guardian ad litem;
 - c. a copy of the applicant’s criminal background check;
 - d. the applicant’s Background Disclosure Statement (Form DR 10.1A); and
 - e. proof of malpractice insurance.
3. The DRD Director will review the documents to confirm the applicant is qualified. If approved, then the applicant will be added to the Court’s list of active guardians ad litem.

C. Retention on Court’s appointment list

1. To remain on the Court's appointment list, each year thereafter, the attorney must successfully complete six hours of continuing education, which shall consist of advanced education related topics identified in Sup.R. 48.04. In addition, the guardian ad litem shall submit annually by January 1:
 - a. a compliance statement (Form DR 10.8) certifying qualifications and that he or she is unaware of any circumstances that would disqualify the guardian ad litem from serving;
 - b. a certificate of a six-hour training. The six-hour continuing education course must be provided from the Supreme Court of Ohio; the Ohio Court Appointed Special Advocates (CASA) Guardian Ad Litem Association; or, another provider, with the approval of the appointing Court;
 - c. a statement indicating if any contact information has changed, if number of cases willing to accept has changed or if the GAL's rate has changed.

DRD shall retain the resumes, the annual education certificates, and the compliance statements.

2. If the Court appoints a guardian ad litem on a case for which the guardian ad litem was paid, the guardian must agree to accept at least one pro bono assignment per year.
3. If a guardian ad litem refuses the Court's assignment of one pro bono case a year, the Court may remove the attorney from the list of eligible guardians ad litem.

10.3 PROCEDURE OF APPOINTMENT

The Court shall appoint guardians ad litem from the Court's public list of eligible candidates so that the workload is equitably distributed among the eligible candidates taking into consideration the experience and necessary qualifications for any individual family.

More specifically, when appointing a guardian ad litem for a particular case, the Court should consider the complexity of the issues, parties, counsel and the children involved, as well as the experience, expertise, and demeanor of available guardians ad litem. The Court may also consider the specific wishes of the parties or requests by counsel when appointing or removing the guardians ad litem. While taking into account the aforementioned, the Court, when either appointing or removing a guardian ad litem should always consider appointing on an objectively rational, fair, neutral and nondiscriminatory manner, so as to promote a wide distribution of appointments among substantially all persons from the list maintained by the Court. If a party to the case objects to the appointment of a particular guardian ad litem, the party shall file a motion supported with an affidavit that states the objection with specificity. The Court shall make a ruling.

Whenever appropriate, the same guardian ad litem shall be reappointed for a specific child in any subsequent case.

The Court should take into consideration, when appointing, how many ongoing cases any given guardian ad litem has at said time, and discuss with the appointee his/her capacity.

10.4 ORDER OF APPOINTMENT

A guardian ad litem shall not be appointed in a dual role as a guardian ad litem and as an attorney for the child.

When appointing a guardian ad litem under Rule 48 of the Supreme Court of Ohio Rules of Superintendence, the Domestic Relations Court shall enter an Order of Appointment (Form DR 10.5) that shall include:

- A. A statement that a person is being appointed as a guardian ad litem;
- B. A statement that the appointment shall remain in effect until discharged with an Order of the Court, with the Court filing a final Order in the case, or Court rule;
- C. A statement that the guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case;
- D. A statement shall have provisions for fees and expenses;
- E. A statement that the guardian ad litem's report shall include the following language:

NOTICE

This report is being provided to the Court, unrepresented parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved *in advance* by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

- F. A statement regarding the Court's expectation for the guardian ad litem to address a specific issue or issues, if applicable; and
- G. A statement in an allocation of parental rights and responsibilities cases that the guardian ad litem shall be appointed only to represent the best interest of the child.

10.5 FEES AND PAYMENTS

The Court shall order the payment of a minimum deposit of \$2,500.00¹ or other appropriate amount with the Clerk of Courts, to be used to pay for guardian ad litem services. The Court will apportion the percentage of payment between the parties. In determining the allocation of guardian ad litem fees and expenses, the Court shall consider any relevant factor pursuant to Sup.R. 48.02(H)(3). Compensation shall be at the rate of \$200.00 per hour for billable time unless otherwise agreed or ordered by the Court, after taking into consideration the Parties' financial circumstances and complexity of the issues. The Court at its discretion may reallocate the fees at the end of the case or the conclusion of the guardian ad litem's services.

A. Procedure for Payment

1. The guardian ad litem shall submit monthly bills to counsel and/or self-represented litigants.
2. The guardian ad litem shall submit a motion for payment and an entry (Form DR 10.7) for release of deposited funds from the Clerk of Court for payment.
3. For guardian ad litem fees and expenses incurred beyond the initial deposit, the guardian ad litem may require direct payment from the parties.
4. At any time prior to the conclusion of the case, a guardian ad litem may submit a motion for payment. A guardian ad litem shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended, and costs and incurred pursuant to Sup.R. 48.03(H).
5. Unless a hearing is requested by a party or the Court within fourteen days after a motion for payment is filed, the Court shall issue an order regarding payment of guardian ad litem fees and expenses approving or denying any portion to one or more of the properties as appropriate.

B. Enforcement of payment

1. If the fees and expenses exceed the initial deposit or payments as ordered and made, the Court may do any of the following:
 - a. Issue a lump-sum judgment against any party owing guardian ad litem fees and expenses at the time of the determination of fees or at any further proceedings regarding payment of fees;

¹ This change became effective 02/27/2025.

- b. Enforce any order regarding the payment of guardian ad litem fees and expenses in any other manner authorized by law.
- 2. The Court shall not delay or dismiss a proceeding solely because of the failure of a party to pay Court-ordered guardian ad litem fees and expenses.
- 3. The inability of a party to pay guardian ad litem fees and expenses ordered by the Court shall not delay any final entry.

10.6 ANNUAL REVIEW OF GUARDIANS AD LITEM

The Court will review its list of guardians ad litem annually to determine that all persons on the list are in compliance with the training and education requirements of the Supreme Court of Ohio. The Court will also conduct an annual review of the performance of each guardian ad litem on assigned cases during the preceding calendar year and the Court will ensure that each guardian ad litem accepted at least one pro bono case, if requested. All guardians ad litem are subject to removal from the approved list at the discretion of the Court.

All renewal documents must be submitted no later than January 1 of each year to the Director of the DRD for review.

The renewal form shall specify that there is no guarantee of renewal, and that all renewal forms are “Subject to review by the Court.”

By February 1 each year, the Court will circulate the approved list of guardians ad litem to the Court listserv which shall list the guardians ad litem, their rate and any other contact information that the guardian ad litem chooses to submit to the Court for circulation.

10.7 RESPONSIBILITIES OF THE COURT

In order to ensure that only qualified individuals perform the duties of guardians ad litem and that the requirements of Rule 48 of the Ohio Rules of Superintendence are met, the Court shall do the following:

- A. Maintain a public list of approved guardians ad litem and maintain individual privacy pursuant to Sup.R. 44 through 47;
- B. Establish criteria, which include all requirements of Sup.R. 48 through 48.07, for appointment and removal of guardians ad litem and procedures to ensure an equitable distribution of the work among the guardians ad litem on the list;
- C. Provide equitable distribution through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner from the Court's approved list. The Court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available guardians ad litem;
- D. Coordinate the application and the appointment process; keep the files and the records required under Sup.R. 48 through 48.07; maintain information regarding training opportunities; and receive written comments and complaints regarding the performance of guardians ad litem practicing before that Court;
- E. Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the Court. The files shall contain all records and information required under Sup.R.48 through 48.07 and Local Rules for the selection and the service of guardians ad litem, including a certificate or other satisfactory proof of compliance with training requirements;
- F. Require all applicants to submit a resume or information sheet stating the applicant's training, experience, and expertise demonstrating the ability of the applicant to successfully perform the responsibilities of a guardian ad litem. The Director of the DRD shall receive and review all submissions;
- G. Review a criminal and civil background check and investigation of information relevant to the fitness of the applicant to serve as a guardian ad litem;
- H. Review guardian ad litem reports, written or oral, to ensure that the guardian ad litem has performed those responsibilities required under the Sup.R. 48 through 48.07;
- I. Conduct, at least annually, a review of the Court's list to determine that guardians ad litem are in compliance with the training and education requirements of Sup.R. 48 through 48.07 and Local Rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve;

- J. Require guardians ad litem on the Court's list to certify annually by January 1 of each year they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended in compliance with Sup.R. 48.05; and
- K. For comments and complaints regarding the performance of guardians ad litem practicing before that Court, the DRD Director will do the following timely:
 - 1. accept and consider written comments and complaints;
 - 2. provide a copy of the comments and the complaints to the guardian ad litem who is the subject of the complaint or comment;
 - 3. forward any comments and complaints to the Administrative Judge of the Court for consideration and appropriate action;
 - 4. notify the person making the comment or the complaint and the subject guardian ad litem of the disposition; and
 - 5. maintain a written record in the file of the guardian ad litem regarding the nature and disposition of any comment or complaint.

10.8 REPORTS OF GUARDIANS AD LITEM

- A. A guardian ad litem may provide a written or oral report at any time. Reports shall address relevant issues, but shall not be considered determinative. A guardian ad litem shall be available to testify at any relevant hearing.
- B. A guardian ad litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the recommendations and in accomplishing the duties required by statute, by Court rule, and in the Court's Order of Appointment ([Form DR 10.5](#)).
- C. In proceedings involving the allocation of parental rights and responsibilities, the final report shall be submitted to the Court and made available to the parties for inspection no less than seven days before the final hearing unless the Court extends the due date. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the final report shall be provided to the Court at the hearing. The Court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.
- D. Unless the Court and the parties agree, the report of the guardian ad litem shall not be entered into direct evidence absent testimony. The parties may cross-examine the guardian ad litem concerning the contents of the report and the basis for the guardian ad litem's recommendations. The report of the guardian shall not be filed with the Clerk of Courts.
- E. All reports submitted to the Court shall include the following notice:

NOTICE

This report is being provided to the Court, unrepresented parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved *in advance* by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

10.9 RESPONSIBILITIES OF GUARDIANS AD LITEM

- A. To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.
- B. A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.
- C. A guardian ad litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the Courtroom and shall have no ex parte communications with the Court regarding the merits of the case.
- D. A guardian ad litem is an officer of the Court and shall act with respect and Courtesy to the parties at all times.
- E. A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.
- F. A guardian ad litem may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.
- G. When a guardian ad litem determines that a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.
- H. A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except for compensation for services as a guardian ad litem.
- I. Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this provision.
- J. Unless a statute, a Court rule, or an order of Court creates an inconsistent expectation pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any rules

governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each Court of any grounds for disqualification or unavailability to serve.

- K. A guardian ad litem shall be responsible for providing the Court's DRD with a statement indicating compliance with all initial and continuing educational and training requirements so the Court may maintain the files required in Sup.R. 48.07 and section 10.7 (E) of this rule. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.
- L. A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. To provide the Court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:
 - 1. Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;
 - 2. Visit the child at his or her residence or proposed residence in accordance with any established Court standards;
 - 3. Ascertain the wishes and concerns of the child;
 - 4. Meet with and interview the parties, the foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
 - 5. Review pleadings and other relevant Court documents in the case in which the guardian ad litem is appointed;
 - 6. Obtain and review relevant criminal, civil, educational, medical and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
 - 7. Interview relevant school personnel, medical and mental health providers, child protective services workers and Court personnel and obtain copies of relevant records;
 - 8. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the Court; and
 - 9. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

- M. A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of Court proceedings.
- N. As an officer of the Court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, and addresses where there are allegations of domestic violence or risk to the safety of a party or a child. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, the confidentiality, or the safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information necessary to challenge the truth of the information received from the confidential source.
- O. A guardian ad litem shall perform responsibilities in a prompt and a timely manner, and, if necessary, a guardian ad litem may request timely Court reviews and judicial intervention in writing with notice to parties or affected agencies.
- P. A guardian ad litem shall keep accurate records of the time spent, the services rendered, and the expenses incurred in each case and file an itemized statement and accounting with the Court and provide a copy to each party or other entity responsible for payment.