

112
IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____
Year of Birth _____ A male female

ORDER APPOINTING GUARDIAN AD LITEM

Pursuant to K.S.A. 38-2205

NOW, on this _____ day of _____, _____, _____ is appointed guardian *ad litem* for the child named above. The guardian *ad litem*'s contact information is shown below. The guardian *ad litem* shall make an independent investigation of the facts upon which the Petition is based and shall appear for and represent the best interests of the child throughout the proceedings.

1. The guardian *ad litem* shall be served with copies of all pleadings and documents filed herein.
2. The guardian *ad litem* shall comply with Supreme Court Rule 110A.
3. The following are hereby ordered to permit the guardian *ad litem* to inspect and copy any records in their possession relating to the child named above and/or the child's parents, _____ (*Name parents*) : school and school district; Clerk of the Court; law enforcement agency; health care provider or facility; mental health care provider or facility; substance abuse treatment provider or facility; social worker; any agency, organization, person or office in possession of records relating to the child or parents.
4. The guardian *ad litem* is authorized to meet with, interview and obtain information from school teachers, staff and administrators, and all others named above. The guardian *ad*

litem shall maintain information received from any source named above as confidential and shall not disclose that information except in reports to the Court, to the parties to this case and counsel, as directed by the Court, and as necessary to carry out the purposes of the code.

5. The guardian *ad litem* is hereby vested with all powers, privileges and responsibilities necessary for the full and effective performance of the duties and obligations to the child as set forth in this order.

6. All providers of services, treatment or care for the child and family, even if not specifically referred to herein, shall provide information to the guardian *ad litem* as requested. This order encompasses and is in compliance with the provisions of the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. 164.512(e)(1).

7. The captioned matter is set for _____ hearing on the _____ day of _____, _____, at _____ a.m. p.m.

IT IS SO ORDERED.

Judge of the District Court

Attorney name: _____

Address: _____

Phone: _____

FAX: _____

Authority

K.S.A. 38-2205.

Notes on Use

Upon the filing of a Child in Need of Care petition, the court is required to appoint an attorney to serve as guardian *ad litem* for the child who is the subject of the petition. The attorney shall make an independent investigation of the case and appear for and represent the best interests of the child. This form serves as a court order for release of information, which is required by most agencies. The form may be changed as needed, and specific agencies or providers may be inserted.

The guardian *ad litem* shall inform the court when the child's position is not consistent with the guardian *ad litem*'s determination of the child's best interest. The guardian *ad litem* or the child may request that a second attorney be appointed, to serve as attorney for the child. The attorney for the child may require that communication between the child and the guardian *ad litem* occur in the attorney's presence. The guardian *ad litem* shall continue to represent the child's best interest throughout the proceedings, including any appellate proceedings, unless relieved by the court upon a showing of good cause, or upon transfer of venue. The fees for the guardian *ad litem* may be assessed as an expense in the proceedings to be paid by the complaining witness, a person initiating the proceedings, a party or an interested party, other than the state, as determined by the court. Upon transfer of venue, the transferring court shall send to the receiving court a statement of expenses paid from the general fund of the transferring county.