

Rule 15: *Guardian ad litem*

15.01 When Appointed

All appointments of a *Guardian ad litem* shall comply with Rule 48 of the Ohio Supreme Court Rules of Superintendence. The Court shall appoint a *Guardian ad litem*:

- (1) If the Court determines that it is necessary to appoint a *Guardian ad litem* to make a recommendation as to the child's best interest;
- (2) Upon a party filing a motion for a *Guardian ad litem* with an affidavit which specifies the actual need for a *Guardian ad litem*, *NOT* a simple recitation that a guardian is requested "in the best interest of the child;" or,
- (3) When the Court is required to do so pursuant to law.

15.02 Qualifications

(A) A *Guardian ad litem* must be an attorney licensed by the Supreme Court of Ohio who meets the following qualifications:

- (1) Is in good standing with the Supreme Court of Ohio;
- (2) Has practiced law a minimum of one year in the Juvenile or Domestic Relations Courts, with a concentration in family law cases;
- (3) Has satisfied the Supreme Court of Ohio's educational requirements for a *Guardian ad litem*, and provides the certificate of completion to the Court; and,
- (4) Is willing to accept one pro bono case per calendar year.

(B) Any attorney who meets the above criteria and requests to be on the Court's *Guardian ad litem* list must submit an application to the Director of Court Services for approval.

15.03 Reports (Revised Eff. 1/1/15)

The *Guardian ad litem* shall file his or her report directly with the Domestic Relations Court, Director of Court Services, where the report is maintained in a confidential file. **A report shall be filed with the Court and made available to the parties for inspection no less than seven days before the final hearing, unless the due date is extended by the Court. A written report may be accessed in person by making an appointment with the Director of Court Services. A report can also be accessed 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 children only when the report or a portion of the report has been admitted as an exhibit, unless the parties waive the filing of a report.**

Any complaints as to the services of a *Guardian ad litem* are to be in writing and sent to the Director of Court Services.

15.04 Compensation

(A) *Guardians ad litem* shall be compensated at the rate of \$125.00 per hour for all reasonable and necessary time expended.

(B) The Court shall order one or both parties to post a cash bond with the Clerk of Courts when the Court appoints the *Guardian ad litem*. If the Court determines that the parties are unable to post a bond, the Court may issue an order waiving this requirement. The Clerk shall hold the bond as security toward payment of the *Guardian ad litem*'s fees.

(C) When the *Guardian ad litem* files a Motion for Fees, the Court may conduct a hearing to determine if the fee sought by the *Guardian ad litem* is reasonable and necessary. The Court shall also determine the amount each party shall contribute toward the fee. The Court's Order for fees shall also require the Clerk of Courts to release the bond amount to the *Guardian ad litem*.