**APPENDIX A**

(Rule 21.6A)

**IN THE FAMILY COURT OF JASPER COUNTY, MISSOURI**

**29TH JUDICIAL CIRCUIT**

[Litigant 1], )

)

*Petitioner,* )

)

vs. ) Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

)

[Litigant 2]. )

)

*Respondent.* )

ORDER APPOINTING GUARDIAN AD LITEM AND

ORDER TO RELEASE PROTECTED INFORMATION

The Motion for Appointment of Guardian Ad Litem for the minor child/children in this cause comes before the Court for consideration. Pursuant to Sections 452.423 and 452.490 RSMo 2000, it is ordered as follows:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ whose address is, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_is appointed to represent the interest of the minor child/children, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and shall be the legal representative of the child/children throughout these proceedings.

2. The Guardian Ad Litem shall be a party to this cause; shall be provided with copies of

all pleadings and other papers herein; shall be notified before any action affecting the child/children is taken by either of the parties or their counsels; shall file such pleadings or reports and move or petition the Court for such relief as he shall deem appropriate or necessary, and shall be a party to any stipulation or agreement (whether incidental, temporary or permanent) and to any settlement affecting the interest or welfare of the child/children.

3. Further, the Guardian Ad Litem may examine, cross examine, subpoena witnesses and offer testimony at any hearing pursuant to Section 453.423 RSMo.

4. The Guardian Ad Litem shall conduct all necessary interviews with persons having contact with or knowledge of the child/children in order to ascertain the child/children’s wishes, feelings, attachments and attitudes. If appropriate the child/children shall be interviewed.

5. Upon presentation of an attested copy of this order to any agency, hospital, organization, school, person or office, including the clerk of this Court, pediatrician, psychologist, psychiatrist, Department of Social Services, Children’s Division, or law enforcement agency, the aforementioned shall permit the Guardian Ad Litem to inspect and copy any records to the minor child/children and his/her/their parents.

6. The Court acknowledges the Guardian Ad Litem may request the disclosure of records and/or information which may contain individually identifiable protected health information (PHI) of or pertaining to the child/children in this case. The documents requested are or may be confidential and may not be disclosed except in compliance with the Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. Part 160. The Court finds the PHI regarding the child/children is relevant to the issues in this case and necessary for the Guardian Ad Litem to adequately represent the child/children. Disclosure is therefore reasonably necessary to these proceedings for the limited purposes of determining and pursuing the best interest of the child/children.

**IT IS THEREFORE ORDERED** that any “covered entity” disclosed to the Guardian Ad Litem, any and all protected health information (PHI) in the possession of the covered entity without limitation.

**IT IS FURTHER ORDERED** that the disclosure shall be made on the following conditions:

A. The party or person receiving the records pursuant to this Order is prohibited from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the information if requested pursuant to 45 C.F.R. Section 164.512(e)(1)(v)(A); and

B. The Guardian Ad Litem receiving the records pursuant to this Order shall either return the protected health information disclosed pursuant to this Order to the covered entity or destroy all protected health information (including all copies made) at the end of the litigation or proceeding pursuant to 45 C.F.R. Section 164.512(e)(1)(v)(B).

7. All communications between the Guardian Ad Litem and the child/children shall be privileged, and shall not be disclosed by the Guardian Ad Litem except as he or she shall deem appropriate in the effective representation of the minor child. No party, counsel for a party, or anyone else acting on behalf of a party or otherwise, shall attempt to obtain information from the minor child/children in any manner about any communication between the Guardian Ad Litem and the minor child/children.

8. The Guardian Ad Litem is hereby vested by the Court with all powers, privileges and responsibilities necessary or desirable for the full and effective performance of the Guardian Ad Litem’s duties and obligations to the child/children, and as such, shall faithfully discharge said duties. If the Guardian Ad Litem is in doubt at any time after the scope of limitation of the authority he apply to the Court on an emergency basis if necessary for clarification or ratification of that authority and his or her acts as Guardian Ad Litem.

9. Petitioner and Respondent shall each pay to the Guardian Ad Litem the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_ for a total temporary fee of $\_\_\_\_\_\_\_\_\_\_\_\_, for Guardian Ad Litem fees, against which the Guardian Ad Litem may charge a reasonable hourly fee for time incurred in this matter. Said sums shall be paid by Petitioner and Respondent to the Guardian Ad Litem on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge/Commissioner

Copies of the foregoing were mailed/faxed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, to:

County Circuit Clerk

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ D.C.