

All DR/Juvenile Magistrates:

Since the adoption of Superintendence Rule 91, more courts are utilizing custody evaluations when allocating parental rights and responsibilities. Courts oftentimes appoint both a custody evaluator and guardian ad litem (GAL). While these individuals are both professionals, they serve separate functions; it is essential that they cooperate.

Some courts and GALs are reluctant to allow disclosure of the GAL reports to custody evaluators or other professionals involved with the family. In an effort to be consistent with disclosure of reports, you may wish to include the following underlined language—the language that is not underlined is already in the sample Order of Appointment (included in the Supreme Court of Ohio Toolkit):

Unless otherwise permitted by law or as directed by the Court, the GAL shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the GAL. The Court authorizes disclosure about a case or investigation to a custody evaluator appointed pursuant to Sup.R. 91 necessary to perform the duties of the custody evaluator. If the GAL, counsel, or an unrepresented party wishes to provide a copy of the Report to another professional, including but not limited to a therapist, counselor, Children's Services investigator, psychiatrist, psychologist, etc., that person must file a motion requesting an order allowing the disclosure.

The objective is to provide copies of the GAL Report to those individuals who are serving the family so that they may have as much information about the family as possible in order to provide the best service.

Thank you,

Magistrate Penny Gates (Clermont County Domestic Relations Court)
Magistrate Melinda Bradford (Athens County Domestic Relations Court)
Magistrate Michelle Edgar (Fairfield County Juvenile Court)