

APPOINTMENT OF GUARDIAN AD LITEM

This matter came before the Court:

- On motion of alleged challenged party's (ACP) counsel.
- On motion of ACP.
- On motion of any other party.
- As a stipulation between ACP and _____.
- On the Court's own motion.

The Court issues this order:

- After a hearing held on _____.
- If uncontested, after review of pleadings before the Court.

GUARDIAN AD LITEM APPOINTMENT

The Court finds that ACP:

- Lacks the intellectual capacity to communicate with counsel; or *C.R.P.C. Rule 1.14* comment 6
- Is mentally impaired so as to be incapable of understanding the nature and significance of the proceeding; or
- Is incapable of making critical decisions or is incapable of comprehending the issues involved in making critical decisions; or
- Is unable to communicate with counsel about the meaning of decisions; or
- Is incapable, because of a mental impairment, of weighing the advice of counsel or directing counsel on the particular course to pursue in his or her own interest; or *Sorensen*, 166 P.3d 245 (Colo. App. 2007).
- There is evidence sufficient to show the adult party is not mentally competent to effectively participate in the proceeding or whose condition fluctuates intermittently between gross mental impairment and normalcy. *People in the Interest of M.M.*, 726 P.2d 1108 (Colo. 1986).

And Orders

- A Guardian ad Litem shall be appointed for ACP.
 - _____ shall be appointed as Guardian ad Litem for ACP.
- The GALs duties shall be as follows:
 - Confer with ACP, confer with family, friends, advisors, and treatment providers, and any others necessary to determine ACP level of ability to participate in this proceeding in his or her best interests. The Guardian ad Litem shall have access to all relevant information regarding the ACP in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other privacy laws, without further order, authorization or release. Relevant information includes, but is not limited to the following records, reports, and evaluations: medical, psychiatric, psychological, drug, alcohol, law enforcement, social services, school, financial, and estate planning. This Order provides the authority to release such information to the Guardian ad Litem regardless of the original source of such information. The Guardian ad Litem shall not disclose this information inappropriately.
 - Make a recommendation to the Court as to whether the appointment of a Special Conservator is warranted, and whether the appointment of an attorney to represent ACP is warranted.
 - If a Special Conservator appointment is not warranted, the Guardian Ad Litem shall investigate the interests of the ACP in this matter and issue a written report and recommendations regarding the best interests of the ACP as relates to the outcome of this matter. The Guardian Ad Litem may be called to testify regarding his or her report and recommendations.
 - Other. _____

The Guardian ad Litem has the right to petition the Court for additional instruction.

GENERAL

Payment for the GAL shall be made by:

- ACP.
- If the matter is a dissolution matter, the marital estate.
- Petitioning party.
- Other.

The GAL's appointment shall terminate:

- Sixty (60) days after the issuance of a final order in the matter is entered.
 - Upon the appointment of a Conservator or Special Conservator.
 - Other.
- ACP has _____ days to appeal this order. Appeals shall be made pursuant to C.A.R. 21.