

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until November 6, 2019, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Children and Families Section, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or [GALpublicComment@sc.ohio.gov](mailto:GALpublicComment@sc.ohio.gov) not later than November 6, 2019. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

1 **RULE 48. ~~Guardians ad litem~~ Application.**

2  
3 **(A) ~~Applicability~~**

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5 ~~This rule~~ Sup.R. 48 through 48.07 shall apply in all domestic relations and juvenile cases in the  
6 courts of common pleas where a court appoints a guardian ad litem to ~~protect and~~ act in the best  
7 interest of a child.  
8

9  
10 **(B) ~~RULE 48.01.~~ Definitions.**

11 ~~For purposes of this rule~~ As used in Sup.R. 48 through 48.07:

12  
13  
14 (1)

15  
16 **(A) Allocation of parental rights and responsibilities**

17  
18 References in this rule to cases involving “allocation of parental rights and responsibilities”  
19 shall also include those cases in which legal custody, parenting time, companionship, or  
20 visitation rights are at issue. “Allocation of parental rights and responsibilities, legal  
21 custody, parenting time, companionship, or visitation rights” has the same meaning as in  
22 R.C. 3109.04 and 3109.051.  
23

24 **(B) Attorney for the child**

25  
26 “Attorney for the child” means an attorney appointed to act as legal counsel for a child and  
27 advocate for the wishes of the child.  
28

29 **(C) Guardian ad litem**

30  
31 “Guardian ad litem” means an individual appointed to assist a court in its determination of  
32 a child’s ~~the~~ best interest of a child.  
33

34 (2)

35  
36 **(D) Child**

37  
38 “Child” means:

39  
40 ~~(a)~~ (1) A person under eighteen years of age, ~~or;~~

41  
42 ~~(b)~~ (2) A person who is older than eighteen years of age who is deemed a child  
43 until the person attains twenty-one years of age under ~~section~~ R.C.  
44 2151.011(B)(5)(6) or section 2152.02(C) of the Revised Code.

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~~(e)(3)~~ A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations court or of a juvenile court with a paternity docket.

~~(C)~~ **RULE 48.02. Appointment of guardian ad litem Guardian Ad Litem.**

~~(+)~~

**(A) Orders of appointment**

Each court appointing a guardian ad litem under this rule shall enter an ~~Order~~ order of ~~Appointment~~ appointment which. The order of appointment shall include statements regarding all of the following:

~~(a)~~ A statement regarding whether a person ~~(1)~~ Whether it is being appointed as a sole guardian ad litem only appointment or as a dual guardian ad litem and attorney for the child. appointment;

~~(b)~~ A statement that ~~(2)~~ That unless otherwise specified by court rule, the appointment shall remain in effect until discharged by order of the court, by the court filing a final order in the case or by court rule.;

~~(c)~~ A statement that ~~(3)~~ That the guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices, and other documents filed in the case.;

~~(4)~~ That the guardian ad litem report shall include the following language: "The guardian ad litem report shall be provided to the court, parties, and their legal representatives. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

~~(5)~~ The rate or amount of compensation for the guardian ad litem in allocation of parental rights and responsibilities cases;

~~(6)~~ The terms and amount of any installment payments and deposits in allocation of parental rights and responsibilities cases.

~~(2)~~ Whenever feasible,

**(B) Limited scope of appointment**

A court may appoint a guardian ad litem to address a specific issue or issues. A court shall include in the order of appointment the specific issue or issues to be addressed and a

91 statement the guardian ad litem is relieved of the responsibilities in Sup.R. 48.03 that are  
92 not applicable to the specific issue or issues.

93  
94 **(C) Mandatory appointments in abuse, neglect, dependency, unruly, and delinquency**  
95 **cases**

96  
97 A court shall appoint a guardian ad litem in abuse, neglect, dependency, unruly, and  
98 delinquency cases as required by rule or statute.

99  
100 **(D) Separate appointments in abuse, neglect, dependency, unruly, and delinquency cases**  
101 **and cases of conflict**

102  
103 (1) A court shall appoint a separate attorney to represent a child in abuse, neglect,  
104 dependency, unruly, and delinquency cases in which the wishes of the child differ from the  
105 recommendations of the guardian ad litem.

106  
107 (2) When either the attorney who has been appointed to serve as both guardian ad litem  
108 and attorney for the child or another party believes that a conflict exists in the dual  
109 appointment, the attorney or party shall immediately notify the court in writing with notice  
110 to the parties or affected agencies and request a separate appointment of a guardian ad litem  
111 and attorney for the child. The court shall make such additional appointments or orders to  
112 remedy the conflict. The court may also make such appointment on its own motion.

113  
114 **(E) Separate appointments in cases involving allocation of parental rights and**  
115 **responsibilities**

116  
117 If a court appoints a guardian ad litem in an allocation of parental rights and responsibilities  
118 case or in a legal custody, companionship or visitation case, the guardian ad litem shall be  
119 appointed only to represent the best interest of the child and shall not also be appointed as  
120 the attorney for the child.

121  
122 **(F) Discretionary appointments in allocation of parental rights and responsibilities,**  
123 **unruly, and delinquency cases**

124  
125 Unless a mandatory appointment is required by rule or statute, a court may make a  
126 discretionary appointment of a guardian ad litem in the allocation of parental rights and  
127 responsibilities, legal custody, companionship, visitation, unruly, and delinquency cases.  
128 In making a discretionary appointment, a court should consider all of the circumstances of  
129 the case, including but not limited to all of the following factors:

130  
131 (1) Allegations of abuse and neglect of the child;

132  
133 (2) Consideration of extraordinary remedies, such as supervised visitation,  
134 terminating or suspending parenting time, or awarding custody or visitation to a  
135 non-parent;

136

- 137 (3) Relocation that could substantially reduce the time of a child with a parent  
138 or sibling;  
139  
140 (4) The wishes and concerns of the child;  
141  
142 (5) Harm to the child from drug or alcohol abuse by the party;  
143  
144 (6) Past or present child abduction or risk of future abduction;  
145  
146 (7) Past or present family violence;  
147  
148 (8) Past or present mental health issues of the child or a party;  
149  
150 (9) Special physical, educational, or mental health needs of the child that  
151 require investigation or advocacy;  
152  
153 (10) A high level of conflict;  
154  
155 (11) Inappropriate adult influence or manipulation;  
156  
157 (12) Interference with custody or parenting time;  
158  
159 (13) A need for more information relevant to the best interests of the child;  
160  
161 (14) A need to minimize the harm to the child from family separation or  
162 litigation;  
163  
164 (15) Any other relevant factor.  
165

166 **(G) Reappointment**

167  
168 A court should consider reappointment of the same guardian ad litem shall be reappointed  
169 for a specific child in any subsequent case in any court relating to determining the best  
170 interest of the child.

171  
172 ~~(3)~~ The court shall make provisions for  
173

174 **(H) Guardian ad litem fee determinations in cases involving allocation of parental rights**  
175 **and responsibilities**

176  
177 (1) A court appointing a guardian ad litem in a case involving allocation of parental  
178 rights and responsibilities shall make a determination of the ability of any party to pay a  
179 deposit for the fees and expenses in the Order to the guardian ad litem. The court may  
180 reconsider that determination at any time prior to conclusion of the case. In making this  
181 determination, the court shall consider all of the following:  
182

183 (a) The income, assets, liabilities, and financial circumstances of the parties, as  
184 demonstrated by an affidavit, testimony to the court, or evidence of qualification  
185 for any means-tested public assistance;

186  
187 (b) The complexity of the issues;

188  
189 (c) The anticipated expenses, including the travel of the guardian ad litem.

190  
191 (2) At any time prior to the conclusion of a case, a guardian ad litem may submit a  
192 motion for payment. A guardian ad litem shall submit a motion for payment upon  
193 conclusion of the duties. Any motion shall itemize the duties performed, time expended,  
194 and costs and expenses incurred pursuant to Sup.R. 48.03(H)(1).

195  
196 (3) In determining the allocation of guardian ad litem fees and expenses, a court shall  
197 consider any relevant factor, including any of the following:

198  
199 (a) The rate or amount of compensation of the guardian ad litem;

200  
201 (b) The sources of compensation of the guardian ad litem, including the parties,  
202 any specialized funds allocated for payment of the guardian ad litem, or pro bono  
203 contribution of services by the guardian ad litem;

204  
205 (c) The income, assets, liabilities, and financial circumstances of the parties, as  
206 demonstrated using an affidavit, testimony to the court, or evidence of qualification  
207 for any means-tested public assistance;

208  
209 (d) The conduct of any party resulting in the increase of the guardian ad litem  
210 fees and expenses without just cause;

211  
212 (e) The terms and amount of any installment payments.

213  
214 (4) Unless a hearing is requested by a party or the court within fourteen days after a  
215 motion for payment is filed, a court shall issue an order regarding payment of guardian ad  
216 litem fees and expenses approving or denying any portion of the requested fees and  
217 expenses and allocating payment to one or more of the parties as appropriate.

218  
219 **(I) Enforcement of payment**

220  
221 (1) If the fees and expenses of a guardian ad litem exceed the deposits or installment  
222 payments ordered and made, a court may do any of the following:

223  
224 (a) Issue a lump-sum judgment against any party owing guardian ad litem fees  
225 and expenses at the time of the determination of fees or at any further proceedings  
226 regarding payment of fees;

227

- 228                    (b) Enforce the payment of fees and expenses of the guardian ad litem through  
229                    contempt of court proceedings;  
230  
231                    (c) Enforce any order regarding the payment of guardian ad litem fees and  
232                    expenses in any other manner authorized by law.  
233  
234                    (2) A court shall not delay or dismiss a proceeding solely because of the failure of a  
235                    party to pay guardian ad litem fees and expenses required to be paid by the court.  
236  
237                    (3) The inability of a party to pay guardian ad litem fees and expenses ordered by a  
238                    court shall not delay any final entry.  
239  
240  
241

242 **(D) RULE 48.03. Responsibilities of a guardian ad litem Guardian Ad Litem.**

243  
244 **(A) General responsibilities**

245 ~~In order to provide the court with relevant information and an informed recommendation~~  
246 ~~regarding the child's best interest. The responsibilities of a guardian ad litem shall perform,~~  
247 ~~at a minimum, include, but are not limited to, the following responsibilities stated in this~~  
248 ~~division, unless impracticable or inadvisable to do so.~~  
249

- 250  
251                    ~~(1) A guardian ad litem shall represent~~ Provide the court recommendations of  
252                    ~~the best interest of the child for whom the guardian is appointed. Representation~~  
253                    Recommendations of the best interest of the child may be inconsistent with the  
254                    ~~wishes of the child whose interest the guardian ad litem represents or other parties.~~  
255  
256                    ~~(2) A guardian ad litem shall maintain~~ Maintain independence, objectivity, and  
257                    ~~fairness,~~ as well as the appearance of fairness, in dealings with parties and  
258                    ~~professionals, both in and out of the courtroom, and shall have no ex parte~~  
259                    ~~communications with the court regarding the merits of the case;~~  
260  
261                    ~~(3) A guardian ad litem is an officer of the court and shall act~~ Act with respect  
262                    ~~and courtesy to the parties at all times. in the performance of the responsibilities of~~  
263                    ~~the guardian ad litem;~~  
264  
265                    ~~(4) A guardian ad litem shall appear and participate in~~ Attend any hearing for  
266                    ~~which the duties of a guardian ad litem or any issues substantially within a relevant~~  
267                    ~~to the responsibilities of the guardian ad litem's duties and scope of appointment~~  
268                    ~~are to be addressed. litem;~~  
269  
270                    ~~(5) A non-attorney~~ Upon becoming aware that the recommendations of the  
271                    ~~guardian ad litem must avoid engaging in conduct that constitutes the unauthorized~~  
272                    ~~practice of law, be vigilant in performing the guardian ad litem's duties and request~~  
273                    ~~that the court appoint legal counsel, or otherwise employ the services of an attorney;~~

274 ~~to undertake appropriate legal actions on behalf of the guardian ad litem in the case-~~  
275 ~~differ from the wishes of the child, immediately notify the court in writing with~~  
276 ~~notice to the parties or affected agencies. The court shall take action as it deems~~  
277 ~~necessary.~~

278  
279 (6) If necessary, request timely court reviews and judicial intervention in  
280 writing with notice to the parties or affected agencies.

281  
282 (7) ~~A~~ If the guardian ad litem who is an attorney may, file pleadings, motions,  
283 and other documents as appropriate under and call, examine, and cross-examine  
284 witnesses pursuant to the applicable rules of procedure;

285  
286 ~~(7)(8)~~ If the guardian ad litem is not an attorney, avoid engaging in conduct that  
287 constitutes the unauthorized practice of law and be vigilant in performing the duties  
288 of the guardian ad litem;

289  
290 ~~(9) When a court appoints an attorney to serve as both~~ If the guardian ad litem  
291 ~~and is not an attorney for a child, request the court to appoint an attorney shall~~  
292 ~~advocate for the child's best interest and the child's wishes in accord with the Rules~~  
293 ~~of Professional Conduct for the guardian ad litem to file pleadings, motions, and~~  
294 ~~other documents as appropriate and call, examine, and cross-examine witnesses~~  
295 ~~pursuant to the applicable rules of procedure. Attorneys who are to serve as both~~  
296 ~~guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of~~  
297 ~~Professional Conduct and act accordingly~~ The court shall take action as it deems  
298 necessary.

299  
300 ~~(8) When a guardian ad litem determines that a conflict exists between the~~  
301 ~~child's best interest and the child's wishes, the guardian ad litem, shall, at the~~  
302 ~~earliest practical time, request in writing that the court promptly resolve the conflict~~  
303 ~~by entering appropriate orders.~~

304  
305 (9)

306  
307 **(B) Conflicts of interest**

308  
309 (1) A guardian ad litem shall avoid any actual or apparent conflict of interest arising  
310 from any relationship or activity, including, but not limited to, those of employment or  
311 business or from professional or personal contacts with parties or others involved in the  
312 case. A guardian ad litem shall avoid self-dealing or associations ~~from which the guardian~~  
313 ~~ad litem might benefit, that might~~ directly or indirectly, benefit except from compensation  
314 for services as a guardian ad litem.

315  
316 ~~(10)(2)~~ Upon becoming aware of any actual or apparent conflict of interest, a guardian ad  
317 litem shall immediately ~~take action to resolve the conflict, shall advise~~ notify the court ~~and~~  
318 ~~the parties of the action taken and may resign from the matter with leave of court, or seek~~  
319 ~~in writing. The court direction as shall take action as it deems necessary. Because a~~



320 conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply  
321 with this division.

322  
323 (11) ~~Unless excepted by statute, by court rule consistent with this rule, or by order of~~  
324 ~~court pursuant to this rule, a~~

325  
326 **(C) Satisfaction of training requirements**  
327

328 A guardian ad litem shall meet the qualifications and satisfy all ~~training pre-service~~ and  
329 continuing education requirements ~~under this rule of Sup.R. 48.04 and 48.05 and under any~~  
330 local court rules governing guardians ad litem. A guardian ad litem shall ~~meet~~ do both of  
331 the following:

332  
333 (1) ~~Meet~~ the qualifications for guardians ad litem for each ~~county where the~~  
334 ~~guardian ad litem serves court~~ and shall promptly advise ~~each the~~ court of any  
335 grounds for disqualification or ~~unavailability~~ any issues affecting the ability to  
336 serve;

337  
338 (12) ~~A guardian ad litem shall be responsible for providing~~

339  
340 (2) ~~Provide~~ the court or its designee with a statement documentation indicating  
341 compliance with ~~all initial pre-service~~ and continuing educational ~~and training~~  
342 requirements so the court may maintain the files required ~~in division (G) of this rule~~  
343 pursuant to Sup.R. 48.07. The ~~compliance statement~~ documentation shall include  
344 information detailing the date, location, contents, and credit hours received for any  
345 relevant ~~training course~~ education.

346  
347 (13)

348  
349 **(D) Duties of the Guardian ad Litem**

350  
351 ~~A guardian ad litem shall make reasonable efforts to become informed about the facts of~~  
352 ~~the case and to contact all parties. In order to provide the court with relevant information~~  
353 ~~and an informed recommendation as to the child's best interest, Unless specifically relieved~~  
354 ~~by the court, the duties of a guardian ad litem shall, at a minimum, do include, but are not~~  
355 ~~limited to, the following, unless impracticable or inadvisable because of the age of the child~~  
356 ~~or the specific circumstances of a particular case:~~

357  
358 ~~(1)~~ Become informed about the facts of the case and contact all relevant  
359 persons;

360  
361 (2) ~~Meet with and interview the child and observe~~ Observe the child with each  
362 parent, foster parent, guardian or physical custodian ~~and conduct at least one~~  
363 interview with the child;

364

365 (3) Interview the child, if age and developmentally appropriate, where ~~none of~~  
366 ~~these individuals~~ no parent, foster parent, guardian, or physical custodian is present;  
367  
368 ~~(b)~~(4) Visit the child at his or her the residence or proposed residence of the child  
369 in accordance with any standards established by the court in which the guardian ad  
370 litem is appointed;  
371  
372 ~~(c)~~(5) Ascertain the wishes and concerns of the child;  
373  
374 ~~(d)~~ ~~Meet with and interview~~ (6) Interview the parties, foster parents, guardians,  
375 physical custodian, and other significant individuals who may have relevant  
376 knowledge regarding the issues of the case;. The guardian ad litem may require  
377 each individual to be interviewed without the presence of others. The guardian ad  
378 litem shall notify the represented party and the party's attorney of the interview of  
379 that party and the right of the attorney to be present. Upon request of any individual,  
380 the attorney for the individual may be present.  
381  
382 (e) Review pleadings and other relevant court documents in the case in which  
383 the guardian ad litem is appointed;  
384  
385 (f) Review criminal, civil, educational and administrative records pertaining to  
386 the child and, if appropriate, to the child's family or to other parties in the case;  
387  
388 ~~(g)~~(7) Interview relevant school personnel, medical and mental health providers,  
389 child protective services workers, and relevant court personnel and obtain copies of  
390 relevant records;  
391  
392 ~~(h)~~ ~~Recommend~~ (8) Review pleadings and other relevant court documents in  
393 the case;  
394  
395 (9) Obtain and review relevant criminal, civil, educational, mental health,  
396 medical, and administrative records pertaining to the child and, if appropriate, the  
397 family of the child or other parties in the case;  
398  
399 (10) Request that the court order psychological evaluations, mental health and/or  
400 substance abuse assessments, or other evaluations or tests of the parties as the  
401 guardian ad litem deems necessary or helpful to the court; and  
402  
403 ~~(i)~~ ~~Perform~~ (11) Review any other investigation necessary information and  
404 interview other persons as necessary to make an informed recommendation  
405 regarding the best interest of the child.  
406  
407 (14)  
408  
409  
410

411 **(E) Identification as guardian ad litem**

412

413 A guardian ad litem shall immediately identify himself or herself as a guardian ad litem  
414 when contacting individuals ~~in the course of a particular case~~ and shall inform ~~these~~ the  
415 individuals about the role of the guardian ad litem's role litem, the scope of appointment,  
416 including as an attorney if a dual appointment, and that documents and information  
417 obtained by the guardian ad litem may become part of court proceedings;

418

419 (15) ~~As an officer of the court, a~~

420

421 **(F) Confidentiality**

422

423 A guardian ad litem shall make no disclosures about the a case or the investigation, except  
424 to the parties and their legal counsel, in reports to the court, or as necessary to perform the  
425 duties of a guardian ad litem, including as a mandated reporter. ~~A The~~ guardian ad litem  
426 shall maintain the confidential nature of personal identifiers, as defined in ~~Rule Sup.R. 44~~  
427 ~~of the Rules of Superintendence, or addresses and address~~ where there are allegations of  
428 domestic violence or risk to a party's or child's the safety of a party or child. ~~A guardian~~  
429 ~~ad litem may recommend that the court restrict access to the report or a portion of the~~  
430 ~~report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the~~  
431 ~~person for whom the guardian ad litem was appointed in accordance with Rule 45 of the~~  
432 ~~Rules of Superintendence. The Upon application, the court may, upon application, and~~  
433 ~~under such conditions as may be necessary to protect the witnesses from potential harm,~~  
434 ~~order disclosure of or access to the information that addresses the need necessary~~  
435 ~~to challenge the truth of the information received from the a confidential source. The court~~  
436 may impose conditions necessary to protect witnesses from potential harm.

437

438 (16)

439

440 **(G) Timeliness**

441

442 A guardian ad litem shall perform responsibilities in a prompt and timely manner, ~~and, if~~  
443 ~~necessary, an attorney guardian ad litem may request timely court reviews and judicial~~  
444 ~~intervention in writing with notice to parties or affected agencies.~~

445

446 (17)

447

448 **(H) Record-keeping**

449

450 (1) A guardian ad litem ~~who is to be paid by the court or a party,~~ shall keep accurate  
451 records of the time spent, services rendered, and expenses incurred in each case ~~and file an~~  
452 ~~itemized statement and accounting with the court and provide a copy to each party or other~~  
453 ~~entity responsible for payment while performing the responsibilities of a guardian ad litem.~~

454

455 (2) In allocation of parental rights and responsibilities cases, a guardian ad litem shall  
456 provide a monthly statement of fees and expenses to all parties.

457

458           (3)    A guardian ad litem shall file an itemized statement and accounting with the court  
459           and provide a copy to each party or other entity responsible for payment upon order of the  
460           court or upon the conclusion of those responsibilities.

461  
462    (E)    **Training requirements**

463  
464           ~~In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the~~  
465           ~~following training:~~

466           (1)    ~~Successful completion of a~~

467  
468  
469    **RULE 48.04.           Pre-Service Education.**

470  
471  
472    **(A)    Pre-service education required for appointment**

473  
474           ~~A guardian ad litem shall complete pre-service training course to qualify for appointment~~  
475           ~~and thereafter, successful completion of continuing education training in each succeeding~~  
476           ~~calendar year to qualify for continued appointment.~~

477  
478           (2)    ~~The pre-service training course must be the six hour guardian ad litem pre-service~~  
479           ~~course provided by the Supreme Court of Ohio, the Ohio Court Appointed Special~~  
480           ~~Advocates (CASA/GAL Association's pre-service training program) Guardian ad Litem~~  
481           ~~Association, or with prior the approval of the appointing court, be a course at least six hours~~  
482           ~~in length that covers the topic areas in division (E)-(3) another provider.~~

483  
484           (3)    ~~To meet the requirements of this rule, the pre-service course~~

485  
486    **(B)    Pre-service education hours and topics**

487  
488           (1)    ~~Pre-service education for guardians ad litem shall be twelve hours.~~

489  
490           (2)    ~~Of the twelve hours of pre-service education, six hours shall be obtained via a live~~  
491           ~~education program where the guardian ad litem is physically present.~~

492  
493           (3)    ~~The remaining six hours of pre-service education may be satisfied by online or live~~  
494           ~~education, teaching, writing, mentoring, or field-training activities with approval by the~~  
495           ~~appointing court.~~

496  
497           (4)    ~~Six hours of pre-service education shall include training on all the following topics:~~

498           (a)    ~~Human Basic human needs and child development including, but not~~  
499           ~~limited to, stages of child development, and the impact of trauma;~~

500  
501           (b)    ~~Communication and diversity skills, including, but not limited to,~~  
502           ~~communication skills with children and adults, interviewing skills, methods of~~  
503

504 critical questioning, use of open-ended questions, understanding the perspective of  
505 ~~the a~~ child, sensitivity, building trust, multicultural awareness, diversity, and  
506 confidentiality;

507  
508 (c) ~~Preventing child~~ Child abuse ~~and~~, neglect ~~including, but not limited to,~~  
509 dependency, unruliness, delinquency, and assessing risk and safety;

510  
511 (d) Family and child issues, ~~including, but not limited to,~~ family dynamics,  
512 substance abuse and its effects, basic psychopathology for adults and children, and  
513 domestic violence and its effects, including assessing for lethality and safety;

514  
515 (e) Legal ~~framework including, but not limited to~~ processes, the role of a  
516 guardian ad litem in court, available community agencies and resources, methods  
517 of service, records checks, accessing, assessing and appropriate protocol, the role  
518 of a guardian ad litem's role litem in court, local resources and service practice,  
519 report content, mediation, and other types of dispute resolution processes;  
520

521 (f) Any other topic that concerns the role of the guardian ad litem to help  
522 determine the best interest of the child.

523  
524 (4) ~~The continuing education course must be at least three hours in length and be~~  
525 ~~provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with~~  
526 ~~prior approval of the appointing court, be a training that complies with division (5) of this~~  
527 ~~rule.~~

528  
529 (5) ~~To meet the requirements of this rule, the three hour continuing education course~~  
530 ~~shall:~~

531 (a) ~~Be specifically designed for continuing education of guardians ad litem and not pre-~~  
532 ~~service education; and~~

533  
534 (b) ~~Consist~~

535  
536  
537 **(C) Current Guardians ad Litem**

538  
539 An individual who is currently serving as a guardian ad litem on [effective date of  
540 amendment] shall be deemed compliant with the pre-service education and not be required  
541 to complete the twelve hours of pre-service education.

542  
543  
544 **RULE 48.05. Continuing Education.**

545  
546 **(A) Continuing education hours and topics**

547  
548 (1) Continuing education for guardians ad litem shall total six hours annually and be  
549 provided by the Supreme Court; the Ohio Court Appointed Special Advocates (CASA)

550 Guardian ad Litem Association; or, with the approval of the appointing court, another  
551 provider.

552  
553 (2) A guardian ad litem shall obtain a minimum of three hours annually of continuing  
554 education via a live education program where the guardian ad litem is physically present.

555  
556 (3) Continuing education shall consist of advanced education related to topics  
557 identified in division (E)(3)(a)-(e) of this rule Sup.R. 48.04.

558  
559 ~~(6) If~~

560  
561 **(B) Failure to comply**

562  
563 If a guardian ad litem fails to complete a ~~three hour~~ six hours of continuing education  
564 course within any calendar year, ~~that person the individual~~ shall not be eligible to serve as  
565 a guardian ad litem ~~on any new appointments~~ until this continuing education requirement  
566 is satisfied. ~~If the person's gap in continuing education is three calendar years or less, the~~  
567 person shall qualify to serve after completing a three hour continuing education course  
568 offered under this rule. ~~If the gap in continuing education is more than three calendar years~~  
569 that person must complete a six hour pre-service education course to qualify to serve ~~The~~  
570 court shall have the discretion to continue the current guardian ad litem appointments.

571  
572 (7) An individual who is currently serving as a guardian ad litem on the effective date  
573 of this rule, or who has served during the five years immediately preceding the effective date, shall  
574 have one year from the effective date to obtain the required six hour pre-service training in order  
575 to avoid removal from the court's list of approved guardians ad litem.

576  
577 (8) Attendance at an Ohio Guardian ad Litem Training Program approved by the  
578 Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program  
579 at any time prior to the effective date of this rule shall be deemed compliance with the pre-service  
580 training requirement.

581  
582  
583 **~~(F)~~ RULE 48.06. Guardian ad Litem Reports of guardians ad litem.**

584  
585 **(A) General report requirements**

586  
587 (1) A guardian ad litem shall prepare a written final report, including recommendations  
588 to the court, within the times set forth in this division. The report shall affirmatively state  
589 that responsibilities have been met and shall detail the activities performed, hearings  
590 attended, persons interviewed, documents reviewed, experts consulted, and all other  
591 relevant information considered by the guardian ad litem in reaching the ~~guardian ad~~  
592 litem's recommendations and in accomplishing the duties required by statute, by court rule,  
593 and in the court's ~~Order~~ order of Appointment appointment from the court. ~~In addition,~~  
594 the following provisions shall apply to guardian ad litem reports in the juvenile and  
595 domestic relations divisions of Courts of Common Pleas:

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(2) All reports shall include the following warning: "The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

(3) Oral and written reports shall address relevant issues, but shall not be considered determinative.

(4) A guardian ad litem shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.

(5) A guardian ad litem may provide an interim written or oral report at any time.

**(B) Guardian ad litem reports in abuse, neglect, dependency, unruly, and delinquency reports**

(1) ~~In juvenile~~ A guardian ad litem in abuse, neglect, ~~and~~ dependency, unruly, and delinquency cases and actions to terminate parental rights:

(a) ~~All reports, shall provide a~~ written ~~or oral, shall be used by~~ report to the court ~~to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code, unrepresented parties, and legal counsel not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. The court may alter the seven-day period as may be necessary for the administrative of justice.~~

(b) ~~Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.~~

(c) ~~Unless waived by all parties or unless the due date is extended by the court, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the court at the hearing.~~

(d) ~~A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.~~

(e) ~~A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.~~

641 (f) ~~Any written interim report shall be filed with the court and made available to the~~  
642 ~~parties for inspection no less than seven days before a hearing, unless the due date is~~  
643 ~~extended by the court. Written reports may be accessed in person or by phone by the parties~~  
644 ~~or their legal representatives. A copy of the interim report shall be provided to the court at~~  
645 ~~the hearing.~~

646  
647 (2) ~~In domestic relations~~ A court shall review all guardian ad litem reports, written or  
648 oral, to ensure that the guard ad litem has performed those responsibilities required by R.C.  
649 2151.281.

650  
651 **(C) Guardian ad litem reports in allocation of parental rights and responsibilities cases**

652  
653 (1) A guardian ad litem in proceedings involving the allocation of parental rights and  
654 responsibilities, the final custody, and visitation shall provide a report shall be filed with  
655 to the court and made available to the unrepresented parties for inspection, and legal  
656 counsel not less than seven days before the final hearing date, unless the due date is  
657 extended modified by the court. Written reports may be accessed in person or by phone by  
658 the parties or their legal representatives. A copy of the final report shall be provided to the  
659 court at the hearing.

660  
661 (2) The court shall consider the recommendation of the guardian ad litem in  
662 determining the best interest of the child only when the report or a portion of the report has  
663 been admitted as an exhibit.

664  
665  
666 **(G) RULE 48.07. Responsibilities of the court Court.**

667  
668 ~~In order to ensure that only qualified individuals perform the duties of guardians ad litem and that~~  
669 ~~the requirements of this rule are met, each~~ Each court appointing guardians ad litem shall do all  
670 of the following:

671  
672 ~~(1)(A)~~ Maintain a public list of approved guardians ad litem while maintaining individual  
673 privacy under Rules pursuant to Sup.R. 44 through 47 of the Rules of Superintendence.

674  
675 ~~(2)(B)~~ Establish criteria, which include all requirements of this rule Sup.R. 48 through  
676 48.07, for appointment and removal of guardians ad litem and procedures to ensure an  
677 equitable distribution of the work load among the guardians ad litem on the list. Equitable  
678 distribution means a system through which appointments are made in an objectively  
679 rational, fair, neutral, and nondiscriminatory manner and are widely distributed among  
680 substantially all persons from the list maintained by the court. The court may consider the  
681 complexity of the issues, parties, counsel, and the children involved, as well as the  
682 experience, expertise, and demeanor of available guardians ad litem.

683  
684 ~~(3)~~ Appoint or contract with a person to coordinate (C) Coordinate the application and  
685 appointment process, keep the files and records required by this rule Sup.R. 48 through  
686 48.07, maintain information regarding training opportunities, and receive written



687 comments and complaints regarding the performance of guardians ad litem practicing  
688 before that court ~~and perform other duties as assigned by the court.~~

689  
690 ~~(4)(D)~~ Maintain files for all applicants and for individuals approved for appointment as  
691 guardians ad litem with the court. The files shall contain all records and information  
692 required by ~~this rule, Sup.R. 48 through 48.07~~ and by local rules; for the selection and  
693 service of guardians ad litem, including a certificate or other satisfactory proof of  
694 compliance with training requirements.

695  
696 ~~(5)(E)~~ Require all applicants to submit a resume or information sheet stating the  
697 applicant's training, experience, and expertise demonstrating the ~~person's~~ ability of the  
698 applicant to successfully perform the responsibilities of a guardian ad litem;

699  
700 ~~(6) Conduct, or cause to be conducted,~~ (F) Review a criminal and civil background  
701 check and investigation of information relevant to the ~~applicant's~~ fitness of the applicant  
702 to serve as a guardian ad litem;

703  
704 ~~(7)(G)~~ Review all guardian ad litem reports, written or oral, to ensure that the guardian ad  
705 litem has performed those responsibilities required by R.C. 2151.281;

706  
707 (H) Conduct, at least annually, a review of its list to determine that all individuals  
708 guardians ad litem are in compliance with the training and education requirements of  
709 Sup.R. 48 through 48.07 and local rules, ~~that they~~ have performed satisfactorily on all  
710 assigned cases during the preceding calendar year, and are otherwise qualified to serve;

711  
712 ~~(8)(I)~~ Require all ~~individuals~~ guardians ad litem on its list to certify annually they are  
713 unaware of any circumstances that would disqualify them from serving and to report the  
714 training they have attended to comply with ~~division (E) of this rule.~~ Sup.R. 48.05;

715  
716 ~~(9)(J) Each court shall develop~~ Develop a process or local rule ~~and appoint a person~~ for  
717 ~~accepting and considering written~~ comments and complaints regarding the performance of  
718 guardians ad litem practicing before that court- that does all of the following:

719  
720 (1) Appoints a person for accepting and considering written comments and  
721 complaints;

722  
723 (2) Provides a copy of the comments and complaints ~~submitted to the court~~  
724 ~~shall be provided~~ to the guardian ad litem who is the subject of the complaint or  
725 comment. ~~The person appointed may forward;~~

726  
727 (3) Forwards any comments and complaints to the administrative judge of the  
728 court for consideration and appropriate action. ~~Dispositions;~~

729  
730 (4) Develops a provision for the timely disposition by the court ~~shall be made~~  
731 promptly. ~~The court shall maintain;~~

732

- 733                    (5) Notifies the person making the comment or complaint and the subject  
734                    guardian ad litem of the disposition;  
735  
736                    (6) Maintains a written record in the guardian ad litem's file of the guardian ad  
737                    litem regarding the nature and disposition of any comment or complaint and shall  
738                    notify the person making the comment or complaint and the subject guardian ad  
739                    litem of the disposition.