

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
)
)
)
A Minor or An Alleged Incapacitated Person)

IN THE PROBATE COURT

ORDER APPOINTING GUARDIAN *AD LITEM*

As a Petition has been filed in this Court that requires the appointment of a Guardian *ad Litem* (hereinafter "GAL") for the above-named minor or alleged incapacitated person (hereinafter, "the AIP"), I hereby appoint _____, Esq. as GAL.

As it is the role of the GAL to investigate and recommend to the Court what is in the best interest of the minor or AIP, I direct that the GAL shall have access to all reports, records, and information relevant to the minor or AIP in order to ascertain the facts. The GAL is authorized to have access to records prepared or related to any medical and psychological treatment of the minor/AIP and to discuss the child or AIP's medical and psychological treatment with any appropriate medical or health care professionals. This access is authorized by this Order, as provided by 45 CFR 164.512(e)(1)(i), the Health Insurance Portability and Accountability Act (HIPPA), which authorizes covered entities to disclose protected health information in the course of any judicial or administrative proceeding when responding to an Order of the Court.

To that end, the GAL's investigation shall include the following:

- 1) Review of relevant mental health records and materials of the minor/AIP;
- 2) Review of relevant medical records of the minor/AIP;
- 3) Interviews with the minor/AIP with and/or without other persons present; and
- 5) Interviews with relatives, mental health providers, caseworkers and other persons who have been involved in caring for or treating the minor/AIP;
- 6) Given the requirements stated in 42 C.F.R. Part II with regard to the release of information concerning drug or alcohol treatment, the Court will execute an additional order if it is necessary for the GAL to access such records for the minor/AIP.

To facilitate reasonable investigation of information pertaining to the minor/AIP, the GAL shall have access to the minor/AIP within fourteen (14) days of the date of this Order, and to all records and information, including authorization to speak with interested persons; including but not limited to the following sources: the minor's parent or legal guardian, law enforcement agencies, health care providers, mental health care providers, residential care providers; other

care providers, the Department of Social Services (if applicable), the Department of Mental Health, the Department of Health and Human Services (if applicable), schools, school officials, vocational rehabilitation centers (if applicable), and any financial institution in which it is believed that there are funds on deposit belonging to the minor/AIP (if applicable).

The GAL is also entitled to receive copies of any existing Will, Power of Attorney, Health Care Power of Attorney and/or Living Will executed by the AIP.

In that the person serving as a GAL acts as the Court's agent, he or she is entitled to quasi-judicial immunity for acts performed within the scope of his or her duties as the GAL.

THEREFORE, IT IS HEREBY ORDERED that _____, Esq. is appointed as GAL in this matter and the above directives of the Court are to be followed.

AND IT IS SO ORDERED.

Judge of Probate/Assoc. Judge of Probate or Clerk of Probate

_____, 200_____
Columbia, South Carolina

ACCEPTANCE OF APPOINTMENT

I ACCEPT THE APPOINTMENT:

(Signature)

Printed Name: _____

Address: _____

Phone Number: _____

E-mail: _____

This _____ day of _____, 200_____