

FILED  
STATE OF MISSISSIPPI  
LAFAYETTE COUNTY

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

2020 DEC 17 PM 12:25

PHYLLIS MARIE CROWDER-KESTER

PLAINTIFF

VS.

CAUSE NO. CV2016-422(W)

MATTHEW OLIVER REARDON

DEFENDANT

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**ORDER APPOINTING GUARDIAN AD LITEM**

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THIS CAUSE came on to be heard on the Motion for an Order appointing a Guardian ad Litem for the parties' minor child, LER. The Court, being fully advised in the premises, finds that LER is a minor child under the jurisdiction of this Court who should have a Guardian ad Litem appointed in this Cause to investigate the matters alleged in these proceedings, and make a recommendation to this Court as to what would be in the best interests of the minor child. Based on the allegations made by the parties, the Court finds that the appointment of a Guardian ad Litem is mandatory under Mississippi law.

The Court finds that Lori Solinger is an attorney licensed to practice law in this state who has received the requisite training and is duly certified to serve as a Guardian ad Litem for the best interest of the minor child in this case. Ms. Solinger's address is P.O. Box 1788, Batesville, Mississippi 38606 and her contact information is: telephone (662) 832-6773; email: [lorsolingerlaw@gmail.com](mailto:lorsolingerlaw@gmail.com). The Court is of the opinion that Ms. Solinger shall be appointed as Guardian ad Litem for the minor child.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Attorney Lori Solinger is appointed as the Guardian ad Litem representing the best interest of the minor child in the above-styled cause, to investigate and ascertain the facts, and

make reports and recommendations to this Court as to what is in the best interest of the minor child. Specifically, the Guardian ad Litem shall investigate allegations of inappropriate sexual touching, and any other allegations concerning abuse or neglect of the minor child.

2. The Guardian ad Litem shall prepare a written report (and any supplemental reports that may be necessary) concerning the investigation and make recommendations as to what would be in the best interest of the minor child, in view of the claims and allegations that have been asserted by the parties.

3. Any objections to the Guardian ad Litem's report shall be filed by the parties within seven days after presentation of the Report. The Guardian ad Litem's Report, along with any timely filed objections by the Parties, may be considered and addressed by the Court.

4. The Guardian ad Litem's Report shall be deemed confidential and shall be released only to counsel (including counsel's staff and expert witnesses) and the parties and shall not be further disclosed or disseminated to any other persons unless specifically authorized by this Court. The parties shall be advised that any unauthorized disclosure or dissemination of the information contained in GAL's Report to any person who is not a party to this litigation may be subject to sanctions, including a finding of contempt by this Court.

5. To fulfill her duties as Guardian ad Litem, Lori Solinger shall have immediate access to the minor child in this case, as well as access to all otherwise privileged or confidential information regarding the minor child and the parties which relates to the issues presented, without the necessity of any further Order by this Court or Release executed on behalf of the parties or the minor child.

6. Such information includes but is not limited to all records and information concerning the minor child, including but not limited to records of medical care and treatment, psychological

care and treatment, counseling records, social service records prepared by the Department of Child Protection Services, Communicare, or any private agency or counselor, drug and alcohol treatment records, psychological evaluations, law enforcement records, school records, records of trusts and accounts of which the child may be a beneficiary, and any other records that may be relevant to the claims asserted

7. As the best interest attorney for the child, the Guardian ad Litem, upon presentation of this Order by the Guardian ad Litem to any third party, including a doctor, psychiatrist, psychologist, hospital, medical care provider, counseling agency, organization, school, social service agency, Communicare, the Mississippi Department of Child Protection Services, Child Advocacy Center, counselor, therapist, law enforcement agency, bank or financial institution, the clerk of any court, the Department of Human Services, and any other person or entity, shall be permitted to inspect and/or copy any records relating to the minor child, without the necessity of formal consent or release by the minor child, or the child's parents or guardians or any further order of this Court.

8. To the extent that a HIPAA release for medical records concerning the minor child may be required by any health care provider, the parties shall cooperate with the Guardian ad Litem and execute such releases as necessary, so that such records may be obtained. The costs of obtaining such records will be assessed to the parties.

9. The Guardian ad Litem shall maintain any information received from any source in the course of this investigation as confidential and shall not disclose such information except in reports presented to this Court, or as may be directed by the Court.

10. The Guardian ad Litem is hereby authorized to communicate directly with the parties in this case and shall not be required to communicate through counsel. The Guardian ad Litem is

directed to send a copy of any correspondence or electronic communication to a party simultaneously to that party's counsel of record. The Guardian ad Litem is also authorized to communicate freely with the minor child for whom he has been appointed, without any interference or monitoring by the parties.

**11. Within ten (10) days after the date of this Order, each party is hereby Ordered to provide the following information in writing to the Guardian ad Litem:**

- a. Contact information for the parties including home address, home and cell telephone numbers, and e-mail addresses;
- b. A brief statement of the party's position on the issues concerning child custody, placement, support, and any other matters relating to the child's welfare and best interest;
- c. A copy of all documents in the party's possession which are relevant to the issues concerning child custody, placement, visitation, support, or any other issue raised in these proceedings, including but not limited to, all medical, psychological or counseling records, or other professional reports or records;
- d. A list of all witnesses, and their addresses and telephone numbers, including but not limited to all fact witness, and all medical, psychological, counseling, mental-health professionals, teachers, or other persons who have information that relates to the parties or the minor child, and the issues that have been raised in this litigation.
- e. A list of the party's employers for the preceding five years, together with a statement of the work performed, hours and days regularly worked, and gross and net pay;
- f. A list of all schools the child has attended and a current copy of the school records;
- g. A list of any counselors, psychiatrists, psychologists or other medical or mental health professionals whom the parties and/or the minor child have consulted within the past five years, and a statement of any medical or psychological issues or conditions that the minor child or any of the parties may have;
- h. A list of each street address at which the party has resided within the past five years;
- i. The names, addresses and telephone numbers of all persons who have relevant knowledge concerning the issues raised by the allegations that have been asserted

by any person or entity in this case, including specifically any allegations of abuse or neglect;

- j. The names, addresses and telephone numbers of references, other than relatives, with whom the guardian ad litem may discuss the party's parenting skills and abilities, and their relationship with the minor child.
- k. A copy of all pleadings that have been filed in this case, and the transcript of any prior depositions, court hearings, or other proceedings relating to the minor child and the parties.
- l. The parties are directed to supplement the production of this information to the Guardian ad Litem as additional information becomes available. Failure to provide this information may subject a party to sanctions.

12. Each party is hereby ordered and directed to cooperate fully with the Guardian ad Litem and to provide the Guardian ad Litem with truthful, accurate information promptly when requested to do so. This is a continuing order for disclosure, and the Court may refuse to allow the introduction into evidence of information that was not provided to the Guardian ad Litem as provided in this Order, unless good cause is shown.

13. The parties acknowledge that they may be subject to unannounced home visits by the Guardian ad Litem.

14. The parties acknowledge and understand that they may be required to randomly submit to alcohol and drug screenings via hair follicle or nail bed drug testing by the Guardian ad Litem.

15. The Guardian ad Litem shall have full access to all evidence, depositions, and discovery materials prepared or propounded in regard to these proceedings, and the parties shall provide such information to the Guardian ad Litem without the necessity of formal discovery requests.

16. The Guardian ad Litem may interview witnesses and participate in discovery by propounding interrogatories, requests for production of documents, and requests for admissions, and in all other pretrial discovery that may occur in this case. The Guardian ad Litem shall be provided notice and have the right to appear and participate on behalf of the minor child at any hearings, interviews, investigations, depositions or other proceedings in this case.

17. The Court specifically recognizes that the Guardian ad Litem is designated as a court-appointed expert witness under Rule 706, Miss.R.Evid. and applicable Mississippi law, as provided in *S.G. v. D.C.*, 13 So.3d 269, 274 (Miss. 2009); *McDonald v. McDonald*, 39 So.3d 868, 887-88 (Miss. 2010) (Specially Concurring Opinion adopted by five justices); and *Ballard v. Ballard*, \_\_\_ So.3d \_\_\_, 2017 WL 2290495, at \*1 (Miss. May 25, 2017). The Guardian ad Litem is directed to formulate opinions and recommendations concerning the best interest of the minor child based on the specific facts and issues raised in this proceeding. The opinions and recommendations offered by the Guardian ad Litem, and the factual basis for these opinions derived in the course of the investigation, shall be governed by the Mississippi Rules of Evidence and applicable case law concerning such expert opinions.

18. Any objections by any party to the qualifications of the Guardian ad Litem to serve as an expert witness or to the appointment of the Guardian ad Litem as an expert witness in this case shall be filed within fourteen (14) days after entry of this Order of Appointment. Failure to timely file any such objections shall be deemed a waiver of any claims that the party may have in regard to the qualifications of the Guardian ad Litem to serve as a court-appointed expert witness in this case.

19. The Court finds that the Guardian ad Litem's oral and written Reports, Recommendations, and Opinion Testimony may include information that would be deemed

“hearsay” statements made by third parties which were obtained during the course of the investigation. The Court finds, and the parties agree, that the Guardian ad Litem may rely upon and report such hearsay statements to the Court, in writing or by oral testimony, so long as each party has advance notice of (1) the identity of the person making the hearsay statement; (2) the content of the hearsays statement; and (3) the Guardian ad Litem’s intent to rely on such statements for the truth of the matter asserted. This Court may also rely on such statements for the truth of the matter asserted. If any party has reason to believe that the Guardian ad Litem has misstated or misrepresented the out of court statements made by non-testifying witnesses which may be relied on by the Guardian ad Litem or by this Court, or if any party desires to cross-examine such witnesses, it shall be the responsibility of that party to properly subpoena those witnesses to testify at any trial or hearing.

20. The Guardian ad Litem is also specifically vested with all powers set forth in Rule 53(d) & (e) of the Mississippi Rules of Civil Procedure. Pursuant to Rule 53(g)(2), the parties may serve any written objections to the Guardian ad Litem’s written report within seven days after service of the GAL report on the parties.


21. Plaintiff Phyllis Marie Crowder-Kester shall be responsible for payment of expenses, including travel costs that may be incurred by the Guardian ad Litem in investigating this case. **Plaintiff Phyllis Marie Crowder-Kester shall pay \$750.00 to the Guardian ad Litem within fourteen (14) days of the date of this Order, to cover anticipated travel costs and other expenses that will be incurred in this investigation. Checks shall be made payable to: “Lori Solinger” and these payments shall be sent to Lori Solinger, P.O. Box 1788, Batesville, MS 38606.** Any additional expenses incurred by the Guardian ad Litem in excess of these initial payments shall be presented to the Court and will be assessed as the Court may deem appropriate.

22. The Guardian ad Litem shall be a party to any agreements or plans entered into between the parties concerning the minor child or the resolution of this litigation.

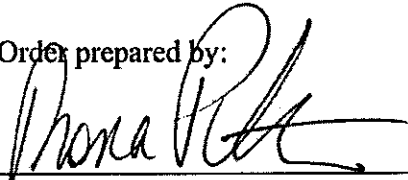
23. The Guardian ad Litem shall be designated by the clerk of court as counsel of record for the minor child, and shall be served with copies of all orders, pleadings, discovery, notices and other papers filed in this case.

24. The Clerk of Court is hereby directed to provide copies of this Order to all parties and/or their counsel, and to the Guardian ad Litem: Lori Solinger, P.O. Box 1788, Batesville, MS 38606; telephone (662) 832-6773; e-mail: [lorisolingerlaw@gmail.com](mailto:lorisolingerlaw@gmail.com).

So Ordered, Adjudged and Decreed, this the 17<sup>th</sup> day of December, 2020.

  
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CHANCELLOR

Order prepared by:

  
\_\_\_\_\_  
Mona T. Pittman (MSB # 9754)  
P.O. Box 2958  
Oxford, MS 38655  
T: 662-234-9346  
F: 662-234-9748  
[mona@panola.com](mailto:mona@panola.com)



**CERTIFICATE OF SERVICE**

I, Mona T. Pittman, do hereby certify that I have this date provided a true and correct copy of the foregoing Order Appointing Guardian Ad Litem to:

Mr. Matthew Oliver Reardon  
Pro Se Defendant  
117 CR 401  
Oxford, MS 38655

This, the 16<sup>th</sup> day of December, 2020.

  
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MONA T. PITTMAN