

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT**

**PLYMOUTH DIVISION**

**DOCKET NO. MI23D1234DR**

Mary Brown, Plaintiff	)
	)
v.	)
James Smith, Defendant	)

**MOTION TO APPOINT A GUARDIAN  
TO WAIVE OR ASSERT CHILDREN’S THERAPY PRIVILEGES**

Now comes Jenny Jones, Category E Guardian ad Litem in the above-entitled matter, and hereby moves this Honorable Court to appoint a guardian on behalf of the two minor children, Susie (d.o.b. 01/01/2012) and Sandy (d.o.b. 01/01/2013) to determine if the children’s psychotherapist-patient privileges should be asserted or waived in this court matter.

As grounds therefor, the Guardian ad Litem states the following:

1. This case involves allegations of domestic violence and physical abuse of the two minor children by the father;
2. The children are both in psychotherapy and have been diagnosed with post-traumatic stress disorder;
3. The children have not had contact with the father for a period of six months;
4. This Guardian ad Litem was asked to evaluate the appropriateness of unsupervised contact between the father and the two minor children and to make recommendations regarding an appropriate custody and parenting plan;
5. This Guardian ad Litem believes that the children’s therapists likely have highly relevant information related to the children’s readiness to have contact with their father, as well as their diagnoses and progress in treatment.

6. This Guardian ad Litem wishes to be able to speak with the children's therapists in order to make suitable recommendations for this Court.

For all of the foregoing reasons, the Guardian ad Litem respectfully requests that this Honorable Court appoint a guardian for the children for the limited purpose of determining if the psychotherapist-client privileges of the children should be asserted or waived in this matter.

Dated: July 18, 2023

Respectfully submitted,

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Samuel Sunshine, PhD  
Guardian ad Litem  
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Plymouth, MA 02053  
(509) 999-9999  
[samsunshine@memail.com](mailto:samsunshine@memail.com)

### **CERTIFICATE OF SERVICE**

I, Samuel Sunshine, hereby certify that I have this day served a copy of the within *Motion to Appoint a Guardian to Waive or Assert Children's Therapy Privileges* on all parties of interest in this matter by email and first class mail to: [Mother's Attorney at address] and [Father's Attorney at address]

Signed under the pains and penalties of perjury this 18<sup>th</sup> day of July, 2023:

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Samuel Sunshine