# CAPTION: HO V. CO

**10-11-23**

APPEAL NO.: C-220319

TRIAL NO.: DR-2001507

KEY WORDS: GUARDIAN AD LITEM – EX PARTE – ABUSE OF DISCRETION – DUE PROCESS – DOMESTIC RELATIONS – PROPERTY DIVISION – ATTORNEY FEES

SUMMARY:

The trial court did not engage in improper ex parte communications with the guardian ad litem or with counsel where the record reflects that the only identified communications were for administrative purposes.

Mother’s claims that the guardian ad litem made false statements are without merit where the record does not substantiate her concerns.

The trial court did not err in its order of guardian ad litem fees where the court complied with the law and local rules. [*But see* DISSENT:  Trial court should have disapproved the portion of the guardian ad litem fees that were block-billed and should have considered mother’s ability to pay under Sup.R. 48.02(H) and overall fairness under Local Rule 10.5 and Jud.Cond.R. 2.13(C) before awarding additional fees.]

The trial court did not abuse its discretion in dividing the parties’ property where mother did not identify any assets that were omitted from the court order and our review of the record also did not indicate any deficiencies.

The trial court did not err in striking certain matters from the record without holding a hearing on them where the applicable statutes did not require hearings and mother cannot establish that she requested hearings or that she was prejudiced by the absence of hearings.

The trial court improperly used its contempt powers to enforce mother’s payment of guardian ad litem fees.

JUDGMENT: AFFIRMED IN PART, REVERSED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, P.J.; WINKLER J., CONCURS and KINSLEY, J., CONCURS IN PART AND DISENTS IN PART.