

LGALR 7
GRIEVANCE PROCEDURES

7.1 Purpose statement.

The procedure for handling grievances and/or imposing discipline against a guardian ad litem provided hereunder are intended to facilitate a process which is fair, expedited, and protective of all participants.

7.2 Procedure for Filing a Grievance.

7.2.1 Filing the Grievance. Only a party to a case may file a grievance against a guardian ad litem. The grievance must be in writing and filed with the Court Administrator. The complaint must state with specificity the act or failure to act of concern to the complaining party and shall include the following information:

- (a) The name, mailing address, telephone number, and e-mail address (if any) of the person filing the grievance;
- (b) The case number and case name;
- (c) The name of the judge or court commissioner hearing the case;
- (d) The trial date;
- (e) Whether the party filing the grievance has discussed the complaint with the guardian ad litem;
- (f) What action the guardian ad litem has taken to address the complaint;
- (g) Which provision of the Order Appointing Guardian Ad Litem or of these rules the party filing the grievance is claiming the guardian ad litem has violated;
- (h) A brief, concise statement of the specific facts underlying each alleged violation;
- (i) What the party filing the grievance is requesting be done to correct the problem complained of and why.

7.2.2 Grievances Filed During the pendency of a Case.

(a) If the grievance pertains to a pending case or if trial in the pending case is underway, the Court Administrator shall, within three business days of receipt, forward the grievance to the presiding or assigned judicial officer to handle the grievance with a copy being sent to the affected guardian ad litem.

(b) Within three business days of receiving the grievance, the judicial officer shall make an initial determination of whether or not there is adequate cause to proceed with the grievance.

(c) If the initial determination is that the grievance is without adequate cause, the matter will be closed and all parties will be so notified. The grievance shall be held as a confidential, sealed record in the files of the Court Administrator for six years following dismissal of the grievance unless specifically directed otherwise by the judicial officer making the initial determination.

(d) If the initial determination is that there is adequate cause to proceed with the grievance, the guardian ad litem shall be allowed to file a response to the grievance within fourteen days of receiving notice from the court by forwarding a copy of the response to the complaining party with the original response being sent to the Court Administrator who will deliver same to the judicial officer making the initial determination.

(e) Upon receipt of the response from the guardian ad litem or upon passage of the fourteen day response period, whichever is sooner, the judicial officer shall review the response and thereafter issue a final written or oral disposition of the matter no later than twenty-five days following the filing of the grievance. The original copy of a written disposition or a transcript of an oral disposition shall be placed in the grievance file with copies of the written disposition being forwarded to the complaining party and to the guardian ad litem.

(f) If the final written disposition is that the grievance should be dismissed, the procedure with regard to retention of the grievance set forth in paragraph 7.2.2(c) above shall be followed. If, as part of the final disposition, there has been a finding that the grievance was not brought in good faith or was otherwise frivolous or designed to impact the pending

proceedings through increased costs to the other party or guardian ad litem, terms in the form of costs or other sanctions may be imposed against the grieving party.

(g) If the final written disposition is that the grievance was brought in good faith and has been determined to be well-founded, there shall be a method of discipline to be imposed upon the guardian ad litem set forth in the disposition which shall take effect immediately. Accepted forms of discipline shall consist of one or more of the following: (1) a verbal or written reprimand, (2) removal from the pending case; (3) suspension of the guardian ad litem from the registry for a period not to exceed ninety days, (4) suspension of the guardian ad litem from the registry until such time as the guardian ad litem has provided satisfactory proof of completing additional training in a specific area described in the disposition, (5) imposition of terms in the form of costs or other monetary sanctions, and/or (6) permanent removal of the guardian ad litem from the registry for Title 11, Title 13, and/or Title 26 cases. If the discipline imposed is permanent removal from any guardian ad litem registry, notification of same shall be forwarded to the Office of the Administrator for the Courts for circulation to other counties. The confidential file of the grievance shall include the original grievance, the guardian ad litem's response, and the written initial and final dispositions of the matter and shall be maintained by the Court Administrator for a period for no less than six years.

(h) Timelines stated herein may be modified by the judicial officer for good cause. In calculating times, items mailed shall be deemed received by the addressee three days after the date of mailing.

7.2.3 Grievances Filed After the Conclusion of a Case or After Discharge of the Guardian Ad Litem.

If the grievance pertains to a case in which final orders have been entered or an order discharging the guardian ad litem has been entered, the Court Administrator shall, within five business days, forward the grievance to the judicial officer who presided over the trial in the case or who signed the final orders/order of discharge with a copy to the affected guardian ad litem. Thereafter, the procedures set forth in section 7.2.2 shall be followed except that five additional business days shall be added to each subsequent deadline indicated in that section.
