

SPR 98.04.5.
GUARDIANS AD LITEM.

[See Superior Court Guardian ad Litem Rules (GALR) for general responsibilities of guardians ad litem.]

(a) Appointments of Guardian ad Litem. All guardians ad litem shall be appointed as set forth in the policies and procedures for guardians ad litem, approved by the judges and maintained by the Superior Court Administrator's Office.

(b) Grievance Procedures.

(1) Submission of Complaints. All complaints made by or against guardians ad litem shall be in writing and shall be submitted to the court administrator. All complaints must bear the signature, name and address of the person filing the complaint.

(2) Review of Complaint. Upon receipt of a written complaint, the court administrator shall refer the complaint to the judge for review

(3) Findings and Action of Complaint. Upon review of the complaint, the judge shall either:

(A) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the judge shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony; or

(B) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

(C) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person against whom the complaint is brought within ten (10) business days, detailing the specific issues in the complaint to which the judge desires a response. The judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the judge shall consider whether the complaint alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer ex parte concerning a case for which he or she is serving as guardian ad litem, (vii) violated state or local laws or court rules, or (viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(4) Response and Findings on Complaint. Upon receipt of a written response to a complaint, the judge shall make a finding as to each of the specific issues in the complaint to which the judge desires a response, as delineated in the judge's letter to the person against whom the complaint is brought. Such findings shall state that either there is no merit to the issue based upon the response or that there is merit to the issue.

(5) Forms of Discipline. The judge shall have the authority to issue a written admonition or a written reprimand, refer the guardian ad litem (if the complaint is against a guardian ad litem) to additional training, or suspend or remove the guardian ad litem from the registry. In considering an appropriate form of discipline, the judge shall take into consideration any prior

complaints that resulted in an admonition, reprimand, referral to training, or suspension or removal from the registry. If the guardian ad litem against whom the discipline is directed is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on, at the discretion of the judge.

(6) Notice to Complainant and Person Against Whom Complaint is Brought. The complainant and the person against whom the complaint is brought shall be notified in writing of the judge's decision following receipt of the response to the complaint.

(7) Confidentiality. A complaint shall be deemed confidential for all purposes unless the judge reviewing the complaint has determined that the complaint has merit. Any record of complaints filed which are not deemed by the judge to have merit shall be confidential, and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint was brought has been given notice and an opportunity to be heard.

(8) Complaint Processing Standards. Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within sixty (60) days of the date of receipt of the written complaint if the complaint is filed after the conclusion of a case.

(9) Removal from Registry. When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the court administrator shall send a notice of such removal to the Administrative Office of the Courts. When the court administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington superior court, the court administrator shall advise the judge of such removal.

