

LR 98.10

DOUGLAS COUNTY SUPERIOR COURT GUARDIAN AD LITEM ROTATIONAL REGISTRY
(TITLES 11 AND 26)

SCOPE/PURPOSE

This local rule covers the maintenance and administration of the Guardian ad Litem Registry maintained by the Registry Administrator.

DEFINITIONS

None.

POLICY

A. Registry Administration

1.1 The court shall maintain and administer the GAL registries. These registries are limited to Titles 11.88 and 26 GAL's. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a Guardian ad Litem in a field for which there is a registry.

1.2 The Court shall maintain an application form and background information records pertaining to each person on a registry. Persons listed on the registry shall reapply and update background information annually on a date specified for the registry. All application and background information, with the exception of personal identifying information in family law cases and pending complaints, shall be available for public inspection.

1.3 Persons shall be selected to serve on the registry at the discretion of the Court giving due consideration to:

(1) having a sufficient number of GAL's available to fulfill the requests for appointment;

(2) achieving and maintaining diversity; and

(3) retaining panels of persons with substantial experience and special knowledge within given fields. In some cases there may be more qualified applicants that will be needed or would benefit the program, so that not all persons applying will be selected.

1.4 The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency. Training programs may be co-sponsored or offered by the state or local bar association under the oversight of the court.

1.5 The registry may be reconstituted periodically after and open application period has been announced. The court may allow additional applicants to be added to the registry periodically.

1.6 The court may impose an application processing fee and/or charge a fee for the training programs.

B. Education and Experience Requirements

2.1 Attorneys

a. Member of the Washington State Bar Association in good standing; and

b. For initial placement on registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

2.2 Non-attorneys

a. For initial placement on registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

b. Eligibility to be determined by the court.

C. Application

Each person requesting to be listed on the Guardian Ad Litem Registry (or registries) shall annually submit an application on the current form provided by the court, which shall include the following:

3.1 The name, business address, and telephone number of the applicant.

3.2 The level of formal education of the applicant and, if the applicant is an attorney, the year admitted to practice in Washington State and any other States in which the attorney is licensed to practice.

3.3 A listing of training relating the GAL's duties.

3.4 The number of years experience as a GAL.

3.5 The number of appointments as a GAL and the County or Counties of appointment.

3.6 The applicant's criminal history as defined by RCW 9.94A.030.

3.7 Evidence of the person's knowledge, training, and experience.

3.8 A statement describing the nature, status, and outcome of any complaints, investigations, disciplinary actions, lawsuits, or liability claims lodged against the GAL related to the persons duties as a GAL and any orders for removal of the GAL entered prior to the completion of the GAL's duties for any reason other than a conflict of interest where the GAL had no prior knowledge that the conflict existed.

3.9 A description of the fees charged by the applicant (hourly rate and any required retainer) and a statement of the applicant's willingness to accept cases on a reduced fee basis.

3.10 Agreement to advise the court immediately in the event of any complaint, investigation, or action being commenced related to the applicants duties as a GAL in the instant or any other case which could lead to:

1. Discipline of the applicant;

2. The suspension or revocation of the applicant's professional license(s).

3.11 Agreement to advise the court immediately upon the filing of criminal charges for a felony or a crime involving allegations of theft, dishonesty, or moral turpitude.

D. Appointment of a Guardian ad Litem from Registry

4.1 A party needing an appointment from a GAL registry shall serve a written request upon the Registry Administrator, who shall appoint as GAL that person whose name next appears on the registry on a rotational basis, subject to that person's acceptance of the appointment.

4.2 The person appointed by the Registry Administrator shall serve upon the parties a notice of appointment.

E. Retention on Registry

5.1 Persons on the registry shall promptly inform the court of any temporary unavailability to serve, or of their intent to resign from the registry.

5.2 A person shall remain on the registry unless the person fails to maintain a current application with attachments or the person is removed or suspended as set forth in Section F.

5.3 A person may be denied listing on, or may be temporarily suspended from, the registry for any reason that places the suitability of the person to act as GAL in question.

5.4 A GAL who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Registry Administrator, who shall reassign such cases.

5.5 A person's retention on the registry shall be reviewed upon the court's receipt of a complaint regarding performance in office or the court's receipt of adverse information regarding the suitability of a person to serve as a GAL. Complaints shall be reviewed in accordance with Section F.

F. Complaint Procedure

6.1 There shall be a complaint review committee consisting of the Superior Court Presiding Judge, the Juvenile Court Administrator and a representative of the Chelan/Douglas Counties Bar Association.

6.2 All complaints must be in writing and must be submitted to the Superior Court Presiding Judge.

6.3 Upon receipt of a written complaint, the Presiding Judge shall convene the Complaint Review Committee within 10 business days to review the complaint. Upon review of the complaint, the complaint Review Committee shall either:

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

b. Make a finding that the complaint does appear to have merit and request a written response from the GAL within 10 business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the GAL with a copy of the original complaint. A GAL's failure to respond within the required 10 business days will result in the immediate suspension of the GAL from all registries.

c. In considering whether the complaint has merit, the Complaint Review Committee shall consider whether the complaint alleges the GAL has:

1. Violated the code of conduct;
2. Misrepresented his or her qualifications to serve as GAL;
3. Not met the annual update requirements set forth in Paragraph 1.2 of this policy;
4. Breached the confidentiality of the parties;
5. Falsified information in a report to the court or in testimony before the court;
6. Failed to report abuse of a child;
7. Communicated with a judicial officer ex-parte;
8. Represented the court in a public forum without prior approval of the court;
9. Violated state or local laws, rules, or this policy in the person's capacity as a GAL; or,
10. Taken or failed to take any other action which would reasonably place the suitability of the person to serve as GAL in question.

6.4 Upon receipt of a written response to a complaint from the GAL, the Complaint Review Committee shall, within 10 business days, make a finding as to each of the issues delineated in the Committee's letter to the GAL that either there is no merit to the issues based upon the GAL's response or that there is merit to the issue. The Review Committee may, at their discretion, extend the time for entering findings to conduct additional investigation if necessary, however, in no case shall that extension be for more than 20 business days and the GAL shall be notified.

6.5 The Complaint Review Committee shall have the authority to issue a written admonishment, a written reprimand, refer the GAL to additional training, recommend to the court, upon it's own motion to remove the GAL from the instant case, or suspend or remove the GAL from the registry. In considering a response, the Committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the GAL from a particular case, or suspension or removal from a registry. If a GAL is listed on more than one registry, the suspension or removal may apply to each registry the GAL is listed on at the discretion of the Committee.

6.6 The complainant and the GAL shall be notified in writing of the Committee's decision within 10 business days of receipt of the GAL response.

6.7 A GAL may, within 5 business days of receipt of notification that they have been suspended or review the Committee's decision. The court shall designate a hearing officer. The sole purpose of the hearing shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant case and any prior complaints upon which the Committee relied and hear oral arguments from the GAL and a representative of the Committee. Said hearing shall be conducted within 20 days of the receipt of the request for the hearing.

G. Payment of Guardian ad Litem

7.1 There shall be no payment of a GAL by anyone, except as authorized by order of the court.

7.2 Each order appointing GAL shall set forth the hourly rate of compensation for the investigative/legal work; source of payment, if determined; and unless waived, shall require the GAL to seek court authorization to provide services in excess of fifty hours per case, not including court appearances.

7.3 The order appointing a GAL may include a provision for a retainer fee, as evidenced by itemized accounting, shall be returned to the parties according to their proportionate responsibility for payment of the GAL.

7.4 All fee requests by the GAL submitted to the court shall contain time records, which distinguished investigative/legal, administrative/clerkical, and travel time and shall also be served upon the parties.

7.5 GAL fees shall be the responsibility of a party or parties unless the court has entered and order authorizing payment at public expense.

H. Appointment Procedures

8.1 Requesting Attorney - Send a letter to the registry administrator requesting the appointment of a GAL. The letter should state the name of the case the GAL is for, the

case number, and a brief outlining of the case. The outline should provide sufficient information for the prospective GAL to make a determination as to whether or not he or she will accept the case.

8.2 Registry Administrator - The registry administrator will select the next available GAL appearing on the registry and fax or mail a Notice of Appointment to the GAL along with the letter received from the requesting attorney.

a. Check the GAL Rotational Assignments list and determine who is to receive the next appointment.

b. Check the GAL Appointment Summaries to determine the last appointment number assigned.

c. Write in the next Appointment Number to the GAL to receive the assignment on the Rotational Assignment List.

d. Complete a Notice of Appointment form and fax it to the GAL.

e. Prepare and Assignment Summary Sheet.

8.3 Guardian Ad Litem - The GAL may contact the requesting attorney for more information. The GAL will return the Notice of Appointment to the Registry Administrator. If the GAL rejects the appointment or a conflict exists, the process goes back to step two. If the GAL accepts the appointment, the GAL shall comply with all the provisions of the appropriate RCW.

8.4 Registry Administrator - Upon return receipt of a Notice of Appointment, which has been accepted, the Registry Administrator shall forward a copy of the acceptance to the requesting attorney.

8.5 Requesting Attorney - Upon receipt of a Notice of Appointment that has been accepted, the requesting attorney shall see that an Order of Appointment is filed with the Court. A copy of the Order of Appointment shall be provided to the Registry Administrator.

Adopted Effective September 1, 2002
