

LRGAL 3.
REVIEW OF COMPLAINT.

Upon receipt of a written complaint, the court administrator shall convene the complaint review committee within ten (10) business days to review the complaint. Upon review of the complaint, the committee shall either:

- (a) Make a finding that the complaint concerns a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by motion 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. In such cases, the committee and its members shall perform their roles in such a manner as to assure that the trial judge or court commissioner remains uninformed as to the complaint; or
- (b) Make a finding that the complaint has no merit on its face, and decline to review it and so inform the complaining party; or
- (c) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem within ten (10) business days detailing the specific issues in the complaint to which the committee desires a response. The committee shall provide the guardian ad litem with a copy of the original complaint. A guardian ad litem's failure to respond within the required ten (10) business days shall result in the immediate suspension of the guardian ad litem from all registries. In considering whether the complaint has merit, the committee shall consider whether the complaint alleges the guardian ad litem has:
 - (1) Violated the Rules of Professional Conduct;
 - (2) Misrepresented his or her qualifications to serve as a guardian ad litem;
 - (3) Not met the annual training requirements set forth in the registry requirements;
 - (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 judge/commissioner ex parte, except as allowed by law (such as in obtaining an emergency restraining order);
 - (8) Purported to represent the court in a public forum without prior approval of the presiding judge;
 - (9) Violated state or local laws, or court rules in the person's capacity as guardian ad litem;
 - (10) Taken or failed to take any other action which would reasonably call the suitability of the person to serve as guardian ad litem into question;
 - (11) Failed to keep information confidential from non-parties or disclosed protected information to a party;
 - (12) Intentionally lied or presented information in a false light to the court, another party or a third party; or
 - (13) Talked about a case for which the guardian ad litem was appointed to the media or public

without the permission of all parties and/or
the court.

[Adopted effective September 1, 2004.]
