

---

Mason County Superior Court

---

LEGAL 7

Guardian ad Litem Grievance and Complaint Procedure

(a) Guardian ad Litem Committee. A Mason County Guardian ad Litem Committee (the Committee) is created to address grievances concerning conduct by guardians ad litem involved in Title 11 and 26 RCW cases. The Committee shall consist of three members: a representative of the Mason County Superior Court, selected by the Court Administrator and approved by the Presiding Judge; an active guardian ad litem, selected by the Court Administrator and approved by the Presiding Judge; and a member of the Mason County Bar Association, selected and approved by the Association. The guardian ad litem member shall be a member of the Mason County Guardian Ad Litem Registry who has not received any sanctions in the past three years. Service on the Committee is a voluntary service for the good of the community.

(b) Submitting a Grievance.

(1) Grievance in Ongoing Case.

(A) Format. In an ongoing case, a grievance concerning conduct by a guardian ad litem is hereinafter referred to as a "Complaint." It shall be brought before the Court as a written motion filed by a party to the case or his or her attorney and must be properly served and noted for hearing in compliance with court rules.

(B) Response by Guardian ad Litem. The guardian ad litem may respond as provided by court rules governing motion practice.

(C) Court's Decision. If the Court determines that the Complaint has merit, the Court may remove the guardian ad litem or require other action in the case. The Court may also refer the Complaint to the Court Administrator to be forwarded to the Committee in the form of a "Grievance."

(2) Grievance After Conclusion of Case. After the conclusion of a case, a grievance concerning conduct by a guardian ad litem is hereinafter referred to as a "Grievance." It shall be submitted in writing within 12 months after the conclusion of the case and signed by at least one individual with their address and telephone number. It shall be based upon personal knowledge and shall explain in clear and concise language the grounds for the grievance. Supplemental materials may be attached. It shall be submitted to the Superior Court Administrator at 419 N 4th Street, P.O. Box X, Shelton, WA 98584.

(3) Action Upon Receipt of Grievance. Upon receipt, the Court Administrator shall forward the Grievance and any supplemental materials to the Committee and to the guardian ad litem named in the Grievance.

(c) Action by Guardian Ad Litem Committee.

(1) Review Procedure. The following rules apply once a Grievance is forwarded to the Committee.

(A) Response to Grievance in Ongoing Case. For a Grievance in an ongoing case pursuant to (b)(1)(C), the Committee will consider any motion materials submitted to the Court by the guardian ad litem pursuant to (b)(1)(B). The guardian ad litem may submit additional responsive materials in writing within 10 days from the date the Grievance is forwarded by the Court Administrator.

(B) Response to Grievance After Conclusion of Case. For a Grievance after the conclusion of a case pursuant to (b)(2), the guardian ad litem shall respond in writing within 30 days from the date the Grievance is forwarded by the Court Administrator. Supplemental materials may be attached.

(C) Action Pending Resolution. The Committee may recommend to the Presiding Judge that a guardian ad litem's further participation on the registry be suspended pending resolution of the Grievance. The guardian ad litem shall be notified of any such recommendation and may respond in writing within 72 hours.

(D) Materials to Consider. The Committee shall consider written materials only, including the court file. No oral testimony or argument shall be allowed. If the Committee finds the Grievance has merit, the Committee may then consider prior Grievances which resulted in sanction.

(E) Time for Decision on Grievance in Ongoing Case. For Grievances pertaining to an ongoing case under section (b)(1)(C), the Committee shall issue a decision no later than 25 days from the date the Grievance is forwarded by the Court Administrator.

(F) Time for Decision on Grievance After Conclusion of Case. For Grievances after the conclusion of the case under section (b)(2), the Committee shall issue a decision no later than 60 days from the date the Grievance is forwarded by the Court Administrator.

(2) Decision.

(A) Basis. In determining whether the Grievance has merit, the Committee shall consider whether the guardian ad litem:

(i) Violated the guardian ad litem Code of Conduct;

(ii) Misrepresented his or her qualifications to serve as a guardian ad litem;

(iii) Failed to meet the annual training requirements set forth in the Registry requirements;

(iv) Breached the confidentiality of the parties;

(v) Falsified information in a report to the Court or in testimony before the Court;

(vi) Failed, when required, to report abuse of a child;

(vii) Communicated with a judicial officer ex parte concerning the case for which he or she is serving as a guardian ad litem, except as allowed (such as an emergency restraining order);

(viii) Violated state or local laws or rules in the person's capacity as a guardian ad litem;

(ix) Took or failed to take any other action which would reasonably place the suitability of the person to serve as guardian ad litem in question.

(B) Resolution by Committee. If the Committee determines the Grievance has merit, the Committee shall have the authority to issue a written admonishment or reprimand, impose additional reasonable requirements for continued service as a guardian ad litem, and/or require the guardian ad litem to take corrective action to remedy or mitigate matters. The Committee may also recommend to the Presiding Judge that the guardian ad litem be suspended or removed from the Court Registry.

(C) Notice of Decision. The guardian ad litem and any complaining party shall be notified of the decision on the Grievance. A copy of the decision of the Committee shall be placed in the guardian ad litem file maintained by the Superior Court Administrator.

(d) Review and Reconsideration of Decision.

(1) Time for Request. The guardian ad litem may seek review or reconsideration of a sanction by making a written request to the Court Administrator within 15 days of the date of decision.

(2) Review of Request. The Court Administrator shall forward the request and any supporting documents to the Presiding Judge. The Presiding Judge shall present the matter to the Superior Court judges to review and issue a final decision within 10 days. Prior Grievances which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry shall be taken into consideration.

(e) Removal from Registry. If the guardian ad litem is listed on more than one registry, at the discretion of the Presiding Judge, the suspension or removal may apply to each registry on which the guardian ad litem is listed. The Court Administrator shall notify the Administrative Office of the Courts of the name of any guardian ad litem removed from the registry after such removal becomes final.

(f) Confidentiality. A Grievance shall be confidential for all purposes unless the Committee has determined that it has merit. Any record of Grievances which are not found by the Committee to have merit shall be confidential and shall not be disclosed except by court order.

[Adopted 9-1-03; Amended 9-1-14]

---