

Guardianship Program Rules

510 Hearing Procedures

510.1 Complaint

510.1.1 Upon the SOPC's request that a complaint be filed, and upon approval of the Board, the AOC shall sign such a complaint that shall set forth the allegations regarding particular acts or omissions of the professional guardian in such detail as to enable the professional guardian to be informed of the allegations. The complaint shall be filed with the AOC.

510.1.2 Prior Board disciplinary action against the professional guardian may be set forth in a separate count of the complaint. Prior Board disciplinary action is a factor to be considered in determining any sanction imposed in a disciplinary action.

510.2 Hearing Officer: In the absence of a hearing officer hired by the AOC, the Board Chair shall appoint a Hearing Officer, but may fulfill the obligations of a Hearing Officer in the absence of such appointment. Any Board member may be appointed as the Hearing Officer, except for any member of the Standards of Practice Committee that investigated the grievance.

510.3 Commencement of Proceedings: A disciplinary action shall become public when the complaint has been filed with the AOC by counsel representing the Board. The complaint and all subsequent pleadings filed in the disciplinary action shall be open to public access.

510.4 Notice

510.4.1 A copy of the complaint with notice to answer, notice of the location of the Board's disciplinary regulations on the AOC website, and any pleadings, notices, or other documents shall be served on the professional guardian by registered or certified mail at the address on file with the AOC.

510.4.2 By applying to be certified, all professional guardians agree to accept personal service by registered or certified mail at the address provided by the professional guardian.

510.4.3 Service on the Board of any pleadings, notices, or other documents may be made by delivery or mailing to the Administrative Office of the Courts, 1112 Quince St SE, PO Box 41170, Olympia WA 98504-1170 during regular business hours. A copy of any document served on the Board shall be served by mail or personal delivery on the Board's attorney of record in the disciplinary proceeding.

510.4.4 Proof of service by affidavit or certificate of service, or mailing, sheriff's return of service, or a signed acknowledgment of service, shall be filed in the office of the AOC.

510.4.5 Electronic filing or service of documents upon the Board or the AOC is not permitted without the express written authorization of the Board or the AOC. Electronic service upon a party is not permitted without the express written authorization of the party. Electronic filing and service includes transmission by electronic mail and electronic facsimile transmission.

510.5 Response: The professional guardian may file a response to the complaint. Failure to timely respond or to keep the AOC advised of the professional guardian's current address for service during the pendency of the disciplinary hearing procedures may lead to an adverse decision as defined below.

510.6 Time to Respond: The professional guardian shall be allowed thirty (30) days from the date of service, exclusive of the date of service, to respond to the complaint.

510.7 Amendment and Extensions of Time: The Hearing Officer may at any time allow or require amendments to the complaint or to the answer. The Hearing Officer may extend the time for filing any pleading for good cause.

510.8 Procedural Irregularity: No technical or procedural irregularity shall affect the validity of a complaint or of any related proceedings.