
Chelan Superior Court

LGALR 98.10 CHELAN 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 Administrator 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 Administrator 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 an 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. Family Law Registry (Title 26)

(1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine or equivalent field; or

(2) Certified by the State of Washington as a social worker, mental health therapist or marriage and family counselor, or licensed as a psychologist, nurse or physician, in good standing; or

(3) Proof of successful completion of guardian ad litem training as required by Title 26 and proof of four completed guardian ad litem assignments for any Washington State superior court within the past five years, or

Proof of successful completion of guardian ad litem training as required by Title 26 and proof of successful completion of two supervised guardian ad litem assignments as follows:

(i) One guardian ad litem assignment done in conjunction with a mentor guardian ad litem which shall include accompanying the mentor on all visits, attendance at all interviews, participation in preparation of a report, and attendance at all court hearings. The mentor is the guardian ad litem of record and this assignment is without compensation to the applicant.

(ii) One guardian ad litem assignment done under the supervision of the same mentor guardian ad litem which shall include more active participation on the part of the applicant, i.e., requesting documents, conducting interviews, preparing reports under the supervision of the mentor. The mentor is the guardian ad litem of record and this assignment is without compensation to the applicant.

b. Guardianship Registry (Title 11)

(1) Two (2) years of experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities/ and/or other areas relevant to the needs of incapacitated persons, and

(2) Successful completion of mandatory Title 11 training.

C. Application

Each person requesting to be listed on the Guardian Ad Litem Registry (or registries) shall submit an application on the current form provided by the court. The application form and requirements may be obtained from the Court Administrator's office.

D. Appointment of a Guardian ad Litem from Registry

4.1 When the need arises for the appointment of a guardian ad litem in a case involving a subject for which there is a registry, the court shall appoint a person from the registry, unless good cause is found and findings are entered supporting the appointment of a person not listed on the registry.

4.2 Appointments from the registries shall be made in the exercise of the court's sound discretion. In making appointments from a registry, among other factors, the court will consider the facts of the case, and the skills, experience and knowledge of persons on the registry.

4.3 Appointment Procedure

(a) Family Law Registry (Title 26)

1. Private Pay: If the parties agree on the appointment of a GAL, they may choose any GAL from the court registry for consideration by the Court. If the parties cannot agree, the Court Administrator or her/his designee shall appoint the next available GAL on the rotational list.

2. County Pay: The requesting attorney/party shall contact the Court Administrator or her/his designee who shall appoint the next available GAL on the county-pay rotation.

(b) Guardianship Registry (Title 11)

Except in cases where extraordinary circumstances exist, such as the need for particular expertise, the petitioning party shall contact the Court Administrator or her/his designee to request the appointment of the next GAL on the rotational registry (either private pay or county pay). In cases with extraordinary circumstances, the petitioning party may motion the court to deviate from the rotation to appoint a person who has particular expertise.

4.4 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 who files an annual update when the same is requested by the Registry Administrator shall remain on the registry unless 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 Court 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 Administrator at PO Box 880, Wenatchee, WA 98807-0880 or by hand delivery to 401 Washington Street, Level 15, Wenatchee, WA 98801. All complaints must bear the signature, name and address of the person filing the complaint.

6.3 Upon receipt of a written complaint, the Court Administrator 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 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 Committee 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 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.

d. 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 reasonable 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, extended 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 its 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.

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 those specifically approved in the order appointing GAL.

7.3 The order appointing a GAL may include a provision for a retainer fee, as evidenced by itemized accounting, shall be assessed 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/clerical, 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.

[Amended September 1, 2015; Amended September 1, 2016]
