

## **PCLGR 31.1 ACCESS TO ADMINISTRATIVE RECORDS**

See [GR 31.1](#) and [Policy 6](#), Pierce County Superior Court Policies and Procedures for Administrative Records Requests. [Policy 6 can be found on the Pierce County Superior Court website \(add link here\).](#)

[Effective September 1, 2017]

## **PCLSPR 94.04 FAMILY LAW PROCEEDINGS**

### **(e) Guardian ad Litem in Parenting/Custody Cases: Limitations on Appointments, Hours, and Fees.**

**(1) Appointment of Guardian ad Litem.** The appointment of a guardian ad litem in cases involving the residential placement of minor children shall be made by court order. The guardian ad litem shall be provided a copy of the Order Setting Case Schedule, and any amendments thereto entered throughout the course of the case. If there are less than 90 days to the date of trial, any Order for Appointment of a Guardian ad Litem shall include the trial date and shall only be signed by the assigned judicial department.

### **(2) Hours and Fees.**

**(A) Retainer/Additional Fees.** When an order authorizing appointment of a guardian ad litem from the [RCW 26.09](#) Certified Registry is signed, an \$1,875.00 initial retainer fee shall be paid to the Clerk of the Court, unless for good cause shown a greater amount is ordered by the Court at the time of the appointment of a guardian ad litem and is reflected in the order.

The guardian ad litem's time shall be paid from this retainer at the rate of \$125.00 per hour. When the retainer is exhausted, it is the responsibility of the parties, not the guardian ad litem, to properly file, serve, and note a motion requesting additional fees before the assigned Family Court Judge. No additional fees shall be allowed without prior authorization of the assigned Family Court Judge.

**(B) State Parentage Actions.** Section (2)(A) does not apply to State-initiated parentage contract cases.

**(3) Administrative Policy.** Pierce County Superior Court's current Administrative Policy [1](#) re: [Guardian ad Litem Registry for Pierce County Family Law Proceedings](#) and [Administrative Policy 2 Pierce County Superior Court RCW 26.09.220 and RCW 26.12.175 Guardian Ad Litem Code of Conduct](#) ~~are set forth in Part VI, Administrative Policies, Policies 1 and 2. Found at: [www.co.pierce.wa.us/superiorcourt](http://www.co.pierce.wa.us/superiorcourt) and by clicking on "Local Rules."~~ [can be found on the Pierce County Superior Court website \(add link here\).](#)

## **PCLSPR 94.05 MANDATORY SEMINAR: IMPACT ON CHILDREN**

**(a) Applicable Cases.** This rule shall apply to all cases filed under [Ch. 26.09](#), [Ch. 26.10](#), or [Ch. 26.26 RCW](#) which require a parenting plan or residential schedule for minor children. This rule does not apply to modification cases based solely upon relocation.

**(b) Mandatory Attendance.** In all cases governed by this rule, all parties shall complete an approved parenting seminar. Each party shall attach a copy of the Certificate of Completion to the final parenting plan. Standards for parenting seminars shall be established by the court and providers shall be approved by the court. The court may approve a seminar upon a showing of functional equivalency regarding course content and instructor qualifications. In no case shall opposing parties be required to attend a seminar together.

**(c) Timing.** Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days after service of the petition or motion initiating the action which is subject to this rule. In the case of paternity actions, the parenting seminar shall be required only when paternity is established or acknowledged and a residential schedule is requested.

**(d) Fees.** Each party attending a seminar shall pay a fee charged by the approved providers and sanctioned by the court. The court or an approved provider may waive the fee for indigent parties.

**(e) Seminar Content/Instructor Qualifications.** The Impact on Children Seminar shall provide information concerning the impact family restructuring has on children. Superior Court (or a committee designated by the Judges) shall adopt guidelines governing the content of the seminar, the number of approved providers and the minimum

credentials and experience required of seminar instructors. The provider shall e-file each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion.

**(f) Waiver.** The court may waive the seminar requirement for good cause shown.

**(g) Failure to Comply.** Willful refusal to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings or denial of affirmative parenting plan relief, to a party not in compliance with this rule. Non-participation, or default, by one party does not excuse participation by the other.

**(h) Administrative Policy.** ~~Pierce County Superior Court's current Administrative Policy re: Impact on Children Seminar is set forth in Part VI, Administrative Policies. It may also can be found at: [www.co.pierce.wa.us/superiorcourt](http://www.co.pierce.wa.us/superiorcourt) and by clicking on "Local Rules." on the Pierce County Superior Court website (add link here).~~

## ADMINISTRATIVE POLICIES

### Policy 1: Pierce County Superior Court Administrative Policy Re: Guardian Ad Litem Registry for Pierce County -- FAMILY LAW PROCEEDINGS

#### 1. Authority

~~1.1 Adopted by the judges in 1997.~~

~~1.2 Various revisions.~~

~~1.3 Current revision adopted by the judges on June 6, 2016.~~

#### 2. Application

~~2.1 This policy applies to all Guardians ad Litem appointed to family law matters as a Title 26 GAL to investigate parenting matters.~~

#### 3. Purpose

~~3.1 The purpose of this policy is to detail how individuals are appointed to the GAL Registry, how GALs are authorized and appointed to family law cases, various procedures during the investigation, and how complaints regarding a GAL are handled.~~

#### 4. Policy

##### 4.1 Qualifications: Registry for Guardians Ad Litem in Family Law Proceedings.

~~A. The Pierce County Superior Court Administrator or designee, shall be responsible for maintaining a Registry of those qualified to serve as Guardians ad Litem for parenting matters as provided in **RCW 26.09.220** and **RCW 26.12.175**.~~

~~B. The Registry shall be open for new applications at least once each year. The Judges' Family Law Committee (Committee) shall review applications prior to the creation of the updated Registry. The new Registry shall be created by July 1 of each year.~~

~~C. Applicants to the Pierce County Guardian ad Litem Registry must successfully complete training requirements of the Administrative Office of the Courts (AOC).~~

~~i. **Attorneys:** Must be a member of the Washington State Bar Association in good standing with five years of family law experience. Other expertise working with children and families in dispute may be considered if applicant has less than the five years family law experience.~~

~~ii. **Non-Attorneys:** Must have five years' experience working with children and families involved in disputes over parenting issues, dissolution or parentage determinations. A Bachelor's Degree in a related academic discipline is required and a Master's Degree in related academic discipline is preferred.~~

- iii. ~~All Applicants:~~ Shall be of high moral character, and shall not have any:
  - a) ~~Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.~~
  - b) ~~Suspension or revocation of professional certification or license.~~
  - c) ~~Pending investigation or action for either 1 or 2 above.~~
  - d) ~~Agree to abide by the Guardian ad Litem Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.~~
- D. ~~Persons applying for the Registry for the first time, or after a substantial break in service on the Pierce County Superior Court Registry, shall:~~
  - i. ~~Complete and file the following documents with the Court Administrator during the open application period as published by Superior Court Administration:~~
    - a) ~~Application;~~
    - b) ~~Code of Conduct;~~
    - c) ~~Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials.~~
  - ii. ~~After review by the Committee the applicant will be notified of their provisional placement on the Registry and shall then be eligible for appointment as a Guardian ad Litem.~~
  - iii. ~~The applicant shall complete their required mentoring and have on file, with Superior Court Administration, the Declaration of Mentoring Completion before they are added to the Registry rotation. This must be done before they may reapply for the following year's Registry. Special authorization to reapply and continue provisional placement in the second year may be granted by the Committee.~~
  - iv. ~~"Substantial break in service" is defined as two (2) or more consecutive years.~~
- E. ~~Persons currently on the registry must reapply every three years and annually file the following documents with the Court Administrator during the open application period as published by Superior Court Administration:~~
  - i. ~~Updated Contact information Sheet and Background form as required by RCW 26.12.176 (3) (j);~~
  - ii. ~~Code of Conduct;~~
  - iii. ~~Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials;~~
  - iv. ~~Completion of the Application form is required every three years.~~

#### **4.2 Placement on Registry:**

- A. ~~Once placed on the registry, a person shall remain on the registry for three years unless:~~
  - i. ~~The person fails to maintain current information required by law or PCLR;~~
  - ii. ~~The person is removed by his or her own request; or~~
  - iii. ~~The person is removed pursuant to action by the Superior Court Judges under Section 4.7 below.~~
- B. ~~All registry members shall attend continuing education as required by Pierce County Superior Court, and annually provide proof of compliance as required by Pierce County Superior Court.~~
- C. ~~The Court Administrator or designee shall maintain a separate file for each person on the registry. Each file shall include an applicant's Certificate of Completion of training. In addition, the file will include all application materials and all formal complaints or grievances related to an applicant's service as a Guardian ad Litem. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.~~

- ~~D. Placement on the registry does not guarantee appointment as a guardian.~~
- ~~E. In the discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the registry or may be removed from the registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, and Guardian ad Litem Rules (GALR).~~
- ~~F. A GAL may request to be placed on “Inactive — Do Not Select” status by sending written, including email, notice to the Superior Court Administration GAL Program Coordinator. Request should include the expected return date. The GAL will not be included in the rotation selection and cannot be appointed to any new cases, even if their name was on a prior selection list.~~

#### **4.3 Appointment from Registry.**

- ~~A. Request for appointment of a Guardian ad Litem shall be made to a Superior Court Commissioner or Judge, who shall generate an Order for Selection of a Guardian ad Litem. This Order contains randomly selected names from the registry and an apportionment of responsibility for payment of the retainer. Each party shall strike one person from this randomly selected set of names within 3 days. Upon payment of the retainer in full, the Petitioner is responsible for obtaining the Order Appointing Guardian ad Litem and the timely presentation of the Order to the Ex Parte Commissioner for approval and signature. If the judicial officer determines from the financial affidavits that a Staff or County pay Guardian ad Litem is required, the parties will be directed to contact the Family Court Case coordinator for the Staff/County Pay GAL Intake packet. Parties may also properly file, serve and note a motion before the assigned Family Court Judge requesting appointment of a Staff or County Pay GAL. Resources are limited and there is no guarantee a Staff or County pay GAL will be appointed.~~
- ~~B. In the event the person appointed Guardian ad Litem chooses not to serve, regardless of the reason, the Judicial Officer shall generate a new Order for Selection of a Guardian ad Litem. A new selection list will be provided to the parties if the GAL they selected is in Inactive status at the time appointment order is presented. If an appointment order is filed with an inactive GAL, the Family Court Case Coordinator will send a letter and new selection list to the parties.~~
- ~~C. If the parties stipulate to recommend the appointment of a particular Guardian ad Litem, who shall be on the registry and “Active” status, but not on the Court generated Selection list, the parties must properly file, serve, and note a motion before the assigned Family Court Judge and must present, prior to appointment, a written stipulation, signed by both parties and their attorneys, and the GAL, which specifies:
  - ~~i. The amount of the retainer charged;~~
  - ~~ii. The agreement between the parties regarding payment of the retainer and all fees;~~
  - ~~iii. The hourly rate charged by the recommended Guardian ad Litem; and~~
  - ~~iv. The statutory reasons for a non-rotational appointment.~~~~
- ~~D. Any Judicial Officer who deviates from the statutory rotational order shall make an appropriate written record. The current workload count of registry GALs is to be reviewed prior to deviating from the rotational order.~~
- ~~E. A stipulation alone is not a basis for a non-rotational appointment if the Judicial Officer finds the statutory factors for a non-rotational appointment are not present.~~

#### **4.4 GAL Retainers and Additional Fees**

- ~~A. All retainers and additional fees shall be paid into the Clerk of the Court and disbursed pursuant to Court Order.~~
- ~~B. The initial retainer authorized is the maximum the Guardian ad Litem may charge without additional court review and approval.~~
- ~~C. Any additional time and fees are to be authorized by the Family Court judge prior to the GAL expending the time and fees. If not pre-authorized, anything over the authorized amount may not be paid.~~
- ~~D. It is the responsibility of the parties, not the Guardian ad litem, to properly file, serve and note a motion requesting additional fees before the assigned Family Court Judge.~~

#### **4.5 GAL Attendance at Hearings and Trial**

- ~~A. Parties are required to give the GAL reasonable notice if they want the GAL to attend any court hearings, including trial.~~
- ~~B. If the GAL retainer is expended and additional time and fees have not been pre-authorized, parties must deposit into the Court registry a sum sufficient to cover the cost of such Court appearance~~
- ~~C. The Guardian ad Litem shall be available to testify if called by a party. Reasonable notice is required and funds deposited in the registry for preparation and time at trial.~~
- ~~D. Deposition of the GAL is not included in the initial retainer and any party requesting deposition of the GAL is required to deposit funds in the registry for the estimated length prior to the scheduled deposition.~~

#### **4.6 Request for Review of GAL Investigative File**

- ~~A. Attorneys of record and parties may review the information contained in the GAL file when a legal action is pending. If there is no legal action pending, the parties cannot review the GAL files unless all parties to the case sign releases, or the Court directs the GAL to release the information.~~
- ~~B. All records of the Guardian ad Litem, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, shall timely be made available to the parties and their attorneys for review with (10) court business days written notice, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.~~
- ~~C. GAL has the choice to provide the specifically requested copies or may arrange the location for copying. The GAL may charge their hourly rate for the arrangements made for viewing and copying, and reasonable copy costs if copies are provided.~~
- ~~D. CONFIDENTIAL INFORMATION: "Confidential Information" in a GAL file includes, but is not limited to, the following:
  - ~~i. Any records related to drug/alcohol treatment or assessment (see RCW 70.96A.150 and CFR 42 Part 2);~~
  - ~~ii. CPS records;~~
  - ~~iii. Police records;~~
  - ~~iv. Medical records (see RCW 70.02 et seq.);~~
  - ~~v. Counseling/therapy and psychologist records (see RCW 18.19.180 and 18.83.100);~~
  - ~~vi. Domestic violence treatment records (see RCW 70.123.075);~~
  - ~~vii. Evaluations and assessments performed by third parties other than the Staff GAL;~~
  - ~~viii. JIS records;~~~~

- ix. ~~Mental health records;~~
  - x. ~~Documents sealed by the court;~~
  - xi. ~~Other documents/records protected by state law;~~
  - xii. ~~LINX records;~~
  - xiii. ~~Information deemed by the Staff GAL office to pose a risk of physical, sexual or emotional harm to a child, a party to the dispute, or potential witnesses.~~
- E. ~~An attorney or party requesting release of confidential information in the GAL file must request the assigned Family Court Judge to enter an Order Releasing the Information.~~
- F. ~~If directed by the Court, the GAL will release the confidential information to the person(s) as ordered by the Court.~~

#### **4.7 Complaint Procedures:**

- A. ~~Complaints against a Guardian ad Litem during the case.~~
- i. ~~Complaints shall be by written motion properly served and noted, pursuant to Pierce County Local Rules. The motion shall be made directly to the assigned trial department or the Presiding Judge. Complaints may be made by any party to the case or his or her attorney.~~
  - ii. ~~The Judge may decide to remove, retain, substitute, or stay the work or appointment of the Guardian ad Litem in the active case. Any such decision shall be documented by a written order. The Grievance Committee shall be notified of any remedial action.~~
  - iii. ~~Complaints by a party to the case or his or her attorney, or the judicial officer, may be referred for remedial action after the completion of the case, and according to the processes specified in section B below.~~
- B. ~~Complaints against Guardian ad Litem after the case is complete.~~
- i. ~~Complaints on cases that are completed shall be referred to and timely addressed by the Grievance Committee appointed, as needed, by Presiding Judge, consisting of three judges, who are not currently serving in Family Court.~~
  - ii. ~~Complaints shall be delivered to the Court Administrator,~~
    - a) ~~In writing, based upon personal knowledge, alleging that a Guardian ad Litem:~~
      - 1. ~~has violated this policy regarding the requirements for participation on the registry;~~
      - or
      - 2. ~~has misrepresented his or her qualifications to be on the registry; or~~
      - 3. ~~is not suitable to act as a Guardian ad Litem, or raises questions about the conduct of the Guardian ad Litem in a particular case;—OR~~
    - b) ~~In any manner, which makes the Court Administrator aware of a reason that would place the suitability of the Guardian ad Litem in question.~~
  - iii. ~~The Court Administrator will forward the complaint to the Grievance Committee for review. The Grievance Committee shall seek a written response from the Guardian ad Litem. Such response shall be due within 30 days.~~
  - iv. ~~All matters/materials shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem shall be sent to the person initiating the complaint.~~
  - v. ~~The Guardian ad Litem may be suspended by the Grievance Committee pending resolution of the complaint. The Guardian ad Litem and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem, pending resolution or otherwise.~~

- ~~vi. The Grievance Committee shall forward any recommendation to remove a Guardian ad Litem from the Registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.~~
- ~~vii. In addition to recommending removal, the Grievance Committee may order remedial measures, including but not limited to, further education, additional training and mentoring, and/or suspension, as a condition to remain on the registry or receive new cases. The Grievance Committee shall regularly make a report of all such remedial actions.~~
- ~~viii. Any person filing a complaint against the Guardian ad Litem shall be notified in writing of the final decision of the Superior Court Judges within 60 days of the response to the complaint being received.~~
- ~~C. Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, may be directed to the Grievance Committee. The source of the information and its content may be communicated to the Guardian ad Litem for a written response.~~
- ~~D. Administrative Office of the Court Reporting Requirements. As required, the Administrative Office of the Court shall be timely notified of the names on the Guardian ad Litem registry. The Administrative Office of the Court shall be notified immediately of the name of any Guardian ad Litem removed from the rotational registry as a result of a decision of the Superior Court Judges.~~

[Amended effective June 6, 2016]

## **~~Policy 2: Pierce County Superior Court RCW 26.09.220 and RCW 26.12.175 Guardian Ad Litem Code of Conduct~~**

~~All Guardians ad Litem shall fully comply with this Code of Conduct and the requirements of Superior Court GALR.~~

- ~~1. The appointed Guardian ad Litem shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.~~
- ~~2. The Guardian ad Litem shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.~~
- ~~3. The Guardian ad Litem shall promptly advise the court of any grounds for disqualification or unavailability to serve.~~
- ~~4. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as a Guardian ad Litem.~~
- ~~5. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem must be reported to the court.~~
- ~~6. All records, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, of the Guardian ad Litem shall be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.~~

7. ~~The Guardian ad Litem shall be available to testify if called by a party. Reasonable notice is required and funds deposited in the registry for preparation and time at trial.~~
8. ~~Once admitted to the **RCW 26.09** Certified Registry, all Guardians ad Litem shall fully comply with all continuing education requirements established by Pierce County and GALR.~~
9. ~~The Guardian ad Litem shall report to D.S.H.S. and the court, any child abuse as defined in **RCW 26.44.030, RCW 26.12.175** and **RCW 26.12.177**.~~
10. ~~The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.~~

\_\_\_\_\_  
 \_\_\_\_\_  
 Date Signature

[Amended effective June 6, 2016]

### **~~Policy 3: Pierce County Superior Court Administrative Policy Re: Guardian Ad Litem Registry for Pierce County -- GUARDIANSHIP PROCEEDINGS~~**

#### **~~1. Authority~~**

- ~~1.1 Adopted by the Judges in 2012.~~
- ~~1.2 Current revision adopted by the Judges on June 6, 2016.~~

#### **~~2. Application~~**

- ~~2.1 This policy applies to all Guardians ad Litem appointed to guardianship matters as a Title 11 GAL to represent the best interests of an alleged incapacitated person, including conducting interviews and writing reports as outlined in RCW chapter 11.88.~~
- ~~2.2 The purpose of this policy is to detail how individuals are appointed to the GAL registry, how GALs are authorized and appointed to guardianship cases, various procedures during the case investigation, and how complaints regarding a GAL are handled.~~

#### **~~3. Policy~~**

##### **~~3.1 Qualifications: Registry for Guardians Ad Litem in Guardianship Proceedings:~~**

- ~~A. The Pierce County Superior Court Administrator, or designee, shall be responsible for maintaining a registry of those qualified to serve as Guardians ad Litem for guardianship matters as provided in **RCW 11.88.090**.~~
- ~~B. The registry shall be open for renewal applications annually. The registry shall be open for new applications periodically, as set by the Superior Court Judges. Individuals with a substantial break in service as a Title 11 Guardian ad Litem, shall be required to complete a new application when the registry is open to new applicants. A substantial break in service is defined as two (2) or more consecutive years; however the Judges' Guardianship Committee ("Committee") may waive the requirement to complete a new application for good cause.~~
- ~~C. The Committee shall review applications prior to the creation of the updated Registry. The new registry shall be created by July 1 of each year.~~
- ~~D. Applicants to the Pierce County Guardian ad Litem registry must successfully complete training requirements of the Administrative Office of the Courts (AOC).~~
- ~~E. Minimum Requirements:~~

~~**Attorneys:** Must be a member of the Washington State Bar Association in good standing and demonstrate relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding "abuse and neglect" of the elderly, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the Guardian ad Litem requirements of **RCW 11.88**.~~

~~**Non-Attorneys:** Must have five years relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding "abuse and neglect" of the elderly, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the Guardian ad Litem requirements of **RCW 11.88**.~~

~~**All Applicants:** Shall be of high moral character, and shall not have any:~~

- ~~1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.~~
- ~~2. Suspension or revocation of professional certification or license.~~
- ~~3. Pending investigation or action for either a) or b) above.~~
- ~~4. Agree to abide by the Guardian ad Litem Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.~~

~~F. Persons applying for the registry shall complete and file the following documents with the Court Administrator, or designee, during the open application period as published by Superior Court Administration:~~

- ~~1. Application for Pierce County Superior Court Guardian ad Litem registry Title 11 (for all new applicants) or a Renewal Application (for all current registry participants);~~
- ~~2. Code of Conduct;~~
- ~~3. Signed agreement to abide by PCLR Administrative Policy 4, Code of Conduct;~~
- ~~4. Current Certificate of Attendance at applicable mandatory training;~~
- ~~5. Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials; and~~
- ~~6. Disciplinary notices and/or findings by Washington State Bar Association and Washington State Certified Professional Guardian Board.~~

~~G. Persons currently on the registry must reapply every year and annually file the following documents with the Court Administrator during the open application period as published by Superior Court Administration.~~

~~H. Each applicant will be notified of the decision regarding placement on the registry. Only those applicants approved for placement on the Registry shall be eligible for appointment as a Guardian ad Litem. Placement on the Registry does not guarantee appointment as a Guardian ad Litem.~~

### **3.2 Placement on Registry.**

~~A. Once placed on the registry, a person shall remain on the registry for the year unless:~~

- ~~1. The person fails to maintain current information required by law or PCLR;~~
- ~~2. The person is removed by his or her own request; or~~
- ~~3. The person is removed pursuant to action by the Superior Court Judges under Section 3.4 below.~~

- ~~B. All registry members shall attend continuing education as required by Pierce County Superior Court, and annually provide proof of compliance as required by Pierce County Superior Court.~~
- ~~C. The Court Administrator, or designee, shall maintain a separate file for each person on the registry. Each file shall include all application materials and all formal complaints or grievances related to an applicant's service as a Guardian ad Litem. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.~~
- ~~D. As required, the Administrative Office of the Court shall be timely notified of the names on the Guardian ad Litem registry.~~
- ~~E. In the discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the registry or may be removed from the Registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, Guardian ad Litem Rules (GALR), and, if applicable, the standards of practice established by Washington State Bar Association and Washington State Certified Professional Guardian Board.~~
- ~~F. GAL may request to be placed on "Inactive — Do Not Select" status by sending written, including email, notice to the Superior Court Administration GAL Program Coordinator. Request should include the expected return date.~~

**3.3 Appointment from Registry.**

- ~~A. Request for appointment of a Guardian ad Litem in all guardianship proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Superior Court Ex Parte Commissioner. The clerk on the Ex Parte Commissioner docket shall write in the name which is next on the applicable rotational list and initial the same. The order shall then be submitted to the Ex Parte Commissioner for signature or such other action as may be appropriate. An Order Appointing a Guardian ad Litem for an indigent person shall only be made from the rotational list of contracted **RCW 11.88** Guardians ad Litem for indigent persons.~~
- ~~B. Any judicial officer who deviates from the rotational order established for the registry shall fully comply with the provisions of **RCW 11.88** for the purposes of making an appropriate written record pursuant to statute for said deviation. In the event a person who is not next on the rotation list is approved by the Court, the appointed person's name shall go to the bottom of the rotation list.~~
- ~~C. In the event the person appointed Guardian ad Litem chooses not to serve, regardless of the reason, that person's name shall go to the bottom of the rotational list just as if they had served.~~

**3.4 Complaint Procedures.**

- ~~A. Complaints against a Guardian ad Litem during the case:
 
  - ~~1. Complaints shall be by written motion properly served and noted, pursuant to Pierce County Local Rules. The motion shall be made directly to the assigned trial department, or the Presiding Judge. Complaints may be made by any party to the case or his or her attorney.~~~~

2. ~~The Judge may decide, to remove, retain, substitute, or stay the work or appointment of the Guardian ad Litem in the active case. Any such decision shall be documented by a written order. The Committee, shall be notified of any remedial action.~~
  3. ~~Complaints by a party to the case or his or her attorney, or the judicial officer, may be referred for remedial action after the completion of the case, and according to the processes specified in sections C—J below.~~
- ~~B. Complaints against Guardian ad Litem after the case is complete: If the Court Administrator:~~
1. ~~Receives a written complaint, based upon personal knowledge, alleging that a Guardian ad Litem:
    - a) has violated this policy regarding the requirements for participation on the registry; or
    - b) has misrepresented his or her qualifications to be on the registry; or
    - c) is not suitable to act as a Guardian ad Litem, or raises questions about the conduct of the Guardian ad Litem in a particular case;
    - d) exceeds the authority of the Order Appointing Guardian ad Litem; or~~
  2. ~~Becomes aware of a reason that would place the suitability of the Guardian ad Litem in question, the matter shall be referred to the Committee. All complaints shall be investigated by only the judges on the Committee, and any other judges appointed by the Presiding Judge.~~
- ~~C. If it is determined that the case is completed and that the complaint was submitted upon personal knowledge, the Committee shall seek a written response from the Guardian ad Litem. Such response shall be due within 30 days.~~
- ~~D. All matters/materials shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem shall be sent to the person initiating the complaint.~~
- ~~E. The Guardian ad Litem may be suspended by the Committee pending resolution of the complaint. The Guardian ad Litem and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem, pending resolution or otherwise.~~
- ~~F. Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, may be directed to the Committee. The source of the information and its content may be communicated to the Guardian ad Litem for a written response.~~
- ~~G. The Committee shall forward any recommendation to remove a Guardian ad Litem from the registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.~~
- ~~H. In lieu of recommending removal, the Committee may order remedial measures, including but not limited to, further education, additional training and mentoring, and/or suspension, as a condition to remain on the registry or receive new cases. The Committee shall regularly make a report of all such remedial actions.~~
- ~~I. The Guardian ad Litem and any person filing a complaint shall be notified in writing of the final decision of the Superior Court Judges within 60 days of the response to the complaint being received.~~
- ~~J. Administrative Office of the Court Reporting Requirements. The Administrative Office of the Court shall be notified immediately of the name of any Guardian ad Litem removed from the rotational registry as a result of a decision of the Superior Court Judges.~~

## ~~Policy 4: Pierce County Superior Court RCW 11.88 Guardian Ad Litem Code Of Conduct~~

All Guardians ad Litem shall fully comply with this Code of Conduct and the requirements of Superior Court GALR.

- ~~1. The appointed Guardian ad Litem shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.~~
- ~~2. The Guardian ad Litem shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.~~
- ~~3. The Guardian ad Litem shall promptly advise the court of any grounds for disqualification or unavailability to serve.~~
- ~~4. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as a Guardian ad Litem.~~
- ~~5. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem must be reported to the court.~~
- ~~6. All records, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, of the Guardian ad Litem shall be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.~~
- ~~7. Once admitted to the **RCW 11.88** Certified Registry, all Guardians ad Litem shall fully comply with all continuing education requirements established under Pierce County Local Rules and GALR.~~
- ~~8. The Guardian ad Litem shall report to D.S.H.S. and the court, any adult abuse as defined in **RCW 74.34.020(2)**.~~
- ~~9. The Guardian ad Litem shall immediately advise the court if the guardianship case qualifies for a guardian ad litem at public expense. Before significant work is performed or time elapsed the guardian ad litem shall return the case for reassignment.~~

The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

[Amended effective June 6, 2016]

## ~~POLICY 5: Pierce County Superior Court Administrative Policy Re: Impact on Children Seminar~~

Pierce County Local Rule for Special Proceedings SPR 94.05 mandates the parties' attendance at a seminar designed to address the impact family restructuring has on children.

~~This Administrative Policy contains the guidelines governing the content of the seminar, the minimum credentials and experience required of seminar instructors and administrative requirements of an acceptable program. The Superior Court Impact on Children Sub-Committee ("Committee") will review submitted proposals and approve those programs, which meet the outlined criteria.~~

### **I. Seminar Content:**

~~The purpose of the seminar is to try to diffuse conflict between adults who are engaged in a court action regarding custody and visitation of children. The emphasis should be on the "impact" of conflict on children and to describe skills necessary to resolve disputes amicably. It is recommended that portions of the seminar content be interactive with attendees, such as some form of role playing or video clips with discussion to follow.~~

~~The seminar must contain these minimum elements:~~

- ~~(A) Developmental stages of childhood and age appropriate expectations of children;~~
- ~~(B) Stress indicators in children;~~
- ~~(C) The impact of parents not residing together on children;~~
- ~~(D) The long term impact of parental conflict on children;~~
- ~~(E) The impact on children when step parents and blended families enter their lives;~~
- ~~(F) Reducing stress for children through amicable resolution of disputes;~~
- ~~(G) Communication skills, including proper use of electronic media, for parties caring for children; and~~
- ~~(H) Practical skills for working together.~~

### **Qualifications of Instructors**

~~A team of not less than two instructors, one male and one female shall conduct the Impact on Children Seminar. Instructors should be familiar with the required statutory provisions of parenting plans and residential schedules, and have the following minimum credentials and experience:~~

- ~~(A) A Master's Degree in Social Work, Psychology or other related behavioral science;~~
- ~~(B) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;~~
- ~~(C) Significant experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;~~
- ~~(D) Extensive and relevant knowledge of child development, age appropriate expectations for children, and positive parenting;~~
- ~~(E) Substantial knowledge of the impact on children of alcohol/drug abuse by family members;~~
- ~~(F) An ability to work with other agencies as part of a collaborative program; and~~
- ~~(G) Strong oral communications skills.~~

### **Administration of Program**

~~(A) Fees: Each party attending a seminar shall pay a fee charged by the approved provider. The fees charged shall be approved by the Court and shall be no greater than the maximum amount set by the Committee from time to time. Collection of the fees is the responsibility of the approved provider. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.~~

~~(B) Sliding Fee Scale and Waiver:~~ The Court shall develop a sliding fee scale and waiver for individuals unable to pay.

~~(C) Certificate of Completion:~~ The provider shall e-file each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion. The certificate shall include the name of the person attending the seminar, the location and date of attendance, the Superior Court cause number, and the date of filing with the court. The certificate must be on 8.5 inch, white paper; must have a 3-inch top margin, 1 inch side margins (nothing should be in the top margin area) and the case number should be just below the top margin on the right side of the document.

~~(D) Attendance at Seminar:~~ In no case shall opposing parties be required to attend a seminar together.

~~(E) Number of and Length of Seminars:~~ The provider shall develop a schedule of seminars, including weekends, that will accommodate individuals who work during the day and those who work during the evenings.

~~(F) Number of Participants:~~ The provider shall propose a minimum and maximum number of participants for each seminar.

~~(G) Location of Seminars:~~ The provider shall propose the location(s) of seminars to accommodate seminar attendees who will come from all areas of Pierce County.

~~(H) Evaluations:~~ The provider shall conduct anonymous written evaluations at the end of each seminar. A report, in the format developed by the Court, summarizing the responses shall be given to the Committee monthly.

~~(I) Instructors:~~ Changes in instructors shall not occur without approval by the Committee. Instructors shall not solicit business during the seminar.

[Amended effective June 26, 2017]

## ~~POLICY 6: Pierce County Superior Court Policies and Procedures for Administrative Records Requests~~

### ~~PIERCE COUNTY SUPERIOR COURT Policies and Procedures for Administrative Records Requests~~

#### ~~I. Policy~~

~~The Court will respond promptly to all administrative records requests submitted in accordance with this policy. This will be done in accordance with the letter and spirit of General Rule 31.1 (GR 31.1 Access to Administrative Records) and case law related to the disclosure of judicial records. The Court may from time to time amend this policy governing access to administrative records.~~

~~Case files may be obtained from the Clerk of the Court for Pierce County, Room 110 County City Building, 930 Tacoma Avenue South, Tacoma, WA 98402. Most juvenile case files are exempt from public disclosure. *Juvenile Court Services are located at 5501 6<sup>th</sup> Avenue, Tacoma, WA 98406.*~~

#### ~~II. Procedures~~

~~A. Written Request Form: Requests for inspection or copies of Administrative Records must be submitted to the Public Records Officer on the provided form with all information completed. A copy of the form and related materials are available on the Pierce County Superior Court website.~~

~~B. Submit to the applicable Public Records Officer by US Mail, delivery or facsimile to:~~

<del>Public Records Officer</del>	<del>or</del>	<del>Public Records Officer</del>
<del>Pierce County Superior Court</del>		<del>Pierce County Juvenile Court</del>
<del>930 Tacoma Avenue South, Suite 334</del>		<del>5501 6<sup>th</sup> Avenue</del>
<del>Tacoma, WA 98402</del>		<del>Tacoma, WA 98406</del>
<del>(253) 798-2991</del>		<del>(253) 798-7994</del>
<del>FAX: 253-798-2361</del>		<del>FAX: 253-798-7878</del>
<del>Email: PCSup_PRO@co.pierce.wa.us</del>		<del>Email: PCJuv_PRO@co.pierce.wa.us</del>

~~C. Response: The Public Records Officer will provide an initial response to a written request for access to an administrative records within five working days (days that the court is open) of receipt. The response will acknowledge receipt of the request and provide a good faith estimate of the time needed to respond to the request, including time needed to notify affected persons. The estimate may be revised later, if the Public Records Officer deems it necessary.~~

~~D. Communication: The Public Records Officer will communicate with the requester as necessary to clarify the records being requested. The Public Records Officer may also communicate with the requester in an effort to determine if the requester's need would be better served with a response other than the one actually requested. The requester must engage in an interactive communication process with the Public Records Officer or the response may be delayed or denied.~~

~~E. Substantive Response: The Public Records Officer will respond to the substance of the records request within the timeframe specified in the initial response or any extension, subject to exemptions. If the Public Records Officer is unable to fully comply in this timeframe, then the Public Records Officer will comply to the extent practicable and provide a new good faith estimate for responding to the remainder of the request. If the Public Records Officer does not fully satisfy the records request in the manner requested, a letter will be provided, justifying any deviation from the terms of the request.~~

~~F. Limitations: If a particular request is of a magnitude that the Public Records Officer cannot fully comply within a reasonable time due to constraints on the court's time, resources, and personnel, the Public Records Officer will communicate this information to the requester. The Public Records Officer will attempt to reach agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the court's response, which may include a schedule of installment responses. If the Public Records Officer cannot reach agreement with the requester, s/he shall respond to the extent practicable and inform the requester that the court has completed its response.~~

~~G. Denials: The Public Records Officer may deny a request if s/he determines that the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the safety or security of the court; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members, or any other person; fulfilling the request may assist criminal activity; or the requester has failed to communicate with the Public Records Officer as needed, has not paid costs as required, or appears to have abandoned the request.~~

### ~~III. Review of Records Decision~~

#### ~~A. Internal Review~~

- ~~1. Deadline: A record requester may petition for internal review of the Public Records Officer's decision by submitting a written request on the provided form within 90 calendar days of the Public Records Officer's decision.~~
- ~~2. Internal Review Form: Requester must complete and submit the provided form by delivery or US Mail to "Public Records Appeal" at the address on the form.~~
- ~~3. Internal Review: Appeals of the Public Records Officer's decision will be reviewed by the Presiding Judge or designee. The Presiding Judge or designee will complete the internal review and provide a written response to the requester within five business days of the date the request was received.~~

#### ~~B. External Review — If the requester is not satisfied after the Internal Review, there are two alternatives available.~~

- ~~1. Civil Action in Court: After exhaustion of the Internal Review process, the requester may file a civil action in superior court to challenge the records decision. **GR 31.1.d(4)(i) REVIEW VIA CIVIL ACTION IN COURT.**~~
- ~~2. Informal Review by Visiting Judge: Unless objected to pursuant to **GR 31.1(f)(3)**, the requester may ask for an informal review by a visiting judge. The review proceeding shall be informal and summary and the visiting judge's decision is part of the judicial function. **GR 31.1.d(4)(ii).**~~
- ~~3. Deadline: A request for external review must be submitted within 30 days of the issuance of the final decision following Internal Review.~~

#### ~~C. Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded.~~

### ~~IV. Fees~~

#### ~~A. A fee will not be charged to view administrative records, except the court charges for research to locate, obtain, or prepare the records at the rates provided in **GR 31.1**, which are currently the following:~~

<del>Photocopying:</del>	<del>_____</del>	<del>\$.15 per page</del>
<del>Scanning, including for preparation:</del>	<del>_____</del>	<del>\$.15 per page</del>
<del>Staff time:</del>	<del>_____</del>	<del>\$30.00 per hour after the first hour (which is free)</del>
<del>Materials (DVDs, USB drives, etc.):</del>	<del>_____</del>	<del>at cost</del>
<del>Mailing:</del>	<del>_____</del>	<del>at cost</del>
<del>Fee for particular type of record:</del>	<del>_____</del>	<del>per specific court rule or statute</del>

#### ~~B. Deposits & Installments: If the Public Records Officer expects to incur costs in connection with responding to a records request, the requester will be notified. A deposit in an amount not to exceed the estimated cost of responding to the request will be required. If the request will be~~

~~responded to on a partial or installment basis, the Public Records Officer will charge for each part of the request as it is provided. If an installment of records is not claimed or reviewed within 30 days, the Public Records Officer is not obligated to fulfill the balance of the request.~~

~~C. Advance Payment: Payment by exact cash, cashier's check, or money order is required before a request or an installment of a request will be completed.~~

~~Adopted by Order of Superior Court January 4, 2016.~~