

Policy 3: Pierce County Superior Court Administrative Policy Re: Court Visitor Registry for Pierce County – ADULT GUARDIANSHIP, CONSERVATORSHIP, AND/OR OTHER PROTECTIVE ARRANGEMENT PROCEEDINGS

1. Authority

- 1.1** Adopted by the Judges in 2012.
- 1.2** Revision adopted by the Judges on June 6, 2016.
- 1.3** Current revision adopted by the Judges on June 6, 2022.

2. Application

- 2.1** This policy applies to all Court Visitors appointed to guardianship, conservatorship, and/or other protective arrangement matters as a Title 11 GAL to represent the best interests of a protected person, including conducting interviews and writing reports as outlined in RCW chapter 11.130. This policy does not apply to Article 2 Minor Guardianship Court Visitors.
- 2.2** The purpose of this policy is to detail how individuals are appointed to the Court Visitor registry, how Court Visitors are authorized and appointed to guardianship, conservatorship, and/or other protective arrangement cases, various procedures during the case investigation, and how complaints regarding a GAL are handled.

3. Policy

3.1 Qualifications: Registry for Court Visitors in Guardianship, Conservatorship, and/or Other Protective Arrangement Proceedings.

- A. The Pierce County Superior Court Administrator, or designee, shall be responsible for maintaining a registry of those qualified to serve as Court Visitors for matters as provided in **RCW 11.130**.
- 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 Court Visitor, 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/Conservatorship 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 Court Visitor registry must successfully complete training requirements as required under RCW 11.130.155.
- 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 protected parties, 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 individuals subject to guardianship/conservatorship, legal procedure, and the Court Visitor requirements of **RCW 11.130**.

Non-Attorneys: Must have five years relevant experience working in the needs of protected parties, 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 individuals subject to guardianship/conservatorship, legal procedure, and the Court Visitor requirements of **RCW 11.130**.

All Applicants: Be of high moral character, and:

1. Shall not have any felony convictions or any convictions involving theft, dishonesty, or moral turpitude.
 2. Shall disclose any suspension or revocation of professional certification or license.
 3. Shall not have any pending investigations or actions on a professional certification or license.
 4. Agree to abide by the Court Visitor Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.
 5. Shall affirmatively disclose all information requested during the application process and any known basis for disqualification from service.
- 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 to serve as a Court Visitor for Pierce County Superior Court 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/Conservator Board or any Agency or Board monitoring fiduciary duties.
- 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 Court Visitor. Placement on the Registry does not guarantee appointment as a Court Visitor.

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. Any person placed on the registry has an ongoing duty to meet minimum requirements and make all disclosures as set forth in Policy 3.1, and to immediately notify the Court Administrator, in writing, of any required disclosures or failures to meet minimum requirements. The Court Administrator shall immediately forward this information to the chair of the Guardianship Committee for consideration by the Guardianship Committee. The Committee Chair shall forward any recommendation of the Committee to the Presiding Judge, who shall present the recommendation to the Superior Court Judges for approval at their next meeting. The Presiding Judge may suspend the Court Visitor pending consideration by the Superior Court Judges.
- C. 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.
- D. 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 Court Visitor. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.

- E. As required, the Administrative Office of the Court shall be timely notified of the names on the Court Visitor registry.
- F. 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 Court Visitor 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.
- G. A Court Visitor may request to be placed on "Inactive – Do Not Select" status by sending written, including email, notice to the Superior Court Administration Court Visitor Program Coordinator. Request should include the expected return date.

3.3 Appointment from Registry.

- A. Request for appointment of a Court Visitor in all guardianship, conservatorship, and other protective arrangement proceedings shall be made by submitting an Order Appointing Court Visitor 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 Court Visitor for an indigent person shall be made from the registry rotational list of **RCW 11.130** Court Visitor for indigent persons equally distributing the workload amongst all court visitors.
- B. Any judicial officer who deviates from the rotational order established for the registry shall fully comply with the provisions of **RCW 11.130** 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 Court Visitor 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 Court Visitor 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 Court Visitor 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 Court Visitor after the case is complete: If the Court Administrator:
 - 1. Receives a written complaint, based upon personal knowledge, alleging that a Court Visitor:
 - 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 Court Visitor, or raises questions about the conduct of the Court Visitor in a particular case; or
 - d) exceeds the authority of the Order Appointing Court Visitor;

2. Becomes aware of a reason that would place the suitability of the Court Visitor 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 Court Visitor. 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 Court Visitor shall be sent to the person initiating the complaint.
- E. The Court Visitor may be suspended by the Committee pending resolution of the complaint. The Court Visitor and complaining person shall be notified in writing of any decision to suspend the Court Visitor, pending resolution or otherwise.
- F. Information regarding suitability to serve as a Court Visitor, 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 Court Visitor for a written response.
- G. The Committee shall forward any recommendation to remove a Court Visitor 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 Court Visitor 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 Court Visitor removed from the rotational registry as a result of a decision of the Superior Court Judges.

[Amended effective 11/14/2022]