

# **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.

[Amended effective June 6, 2016]