

VI. LOCAL GUARDIAN AD LITEM RULES (LGALR)

Local Guardian ad Litem Rule 5 APPOINTMENTS OF GUARDIAN AD LITEM/COURT VISITOR

A. Title 11 Adult Guardianship/Conservatorship Registry.

1. *Request for Appointment/Adult Guardianships.* A party needing an appointment for Guardian ad Litem (GAL) from the Guardian ad Litem/Court Visitor registry shall provide a written request.
 - a. Written Request must be submitted to the Guardianship Monitoring Program at: GMP.Registry@co.benton.wa.us.
 - b. The requesting party will receive a Notice of GAL/CV Rotation with three (3) Guardians ad Litem whose names appear next on the Registry and meet the requirements of RCW 11.130.155.
 - c. Court Visitors are appointed using the next name on the Registry as described above.
2. *Selection.* The requesting party shall contact the GALS/CVS in the order listed to determine their availability and suitability to the appointment.
 - a. Once a GAL/CV has accepted the appointment, the requesting party shall return the Notice of GAL/CV Rotation form to the Judicial Assistant with the name of the selected GAL/CV indicated clearly on the form.
 - b. The requestor shall present the Order of Appointment to the court. The order can be presented at ex parte.
 - c. The requestor shall have an Order of Appointment approved by the Court and parties served per statute.
3. *Statement of Qualifications.* A Court Visitor appointed shall file with the Court & serve upon the parties a Statement of Qualifications in conformance with RCW 11.130.280 and RCW 11.130.380 on Minor conservatorships.
4. *Compensation.* Guardians' ad Litem/Court Visitors appointed pursuant to RCW Title 11 shall be compensated in accordance with the law. In the event that the county should be responsible for such costs, the fees shall not exceed the case cap set by the Court.
 - a. If additional fees beyond the case cap are requested, such request shall be by a separate motion supported by appropriate affidavits and shall be made before fees beyond the case cap are incurred.
 - b. Failure to get pre-approval shall result in waiver of all such fees exceeding the case cap. The order authorizing disbursement of County funds shall provide that those fees shall be reimbursed to the county in the event the estate obtains, within a reasonable period of time, sufficient assets.

5. *Registry Requirement.* Should any person appointed herein fail to accept such appointment more than twice in a calendar year or fail to accept a County pay appointment if the Guardian ad Litem/Court Visitor is selected on the rotational registry, such person's name may be deleted from the registry at the Court's discretion.
6. *Declinations.* Any declination of appointments will require a declaration outlining the reason for the declination.

B. Title 11 Minor Guardianship Court Visitor.

1. *Selection Process.* The Court will appoint a Court Visitor as required in RCW 11.130.195. The Court Visitor will be appointed using the next name on the Registry as described above.
 - a. The court will enter an Order appointing upon the Judicial Assistant providing the next name.
 - b. The Court Visitor will be provided a copy of the order within 2 days of entry. The Judicial Assistant will also provide party information for the Court Visitor's review.
 - c. The Court Visitor shall notify the Judicial Assistant immediately of any conflicts with the appointment. The Judicial Assistant will select the next name on the list and present an Amended Order Appointing to the Judicial Officer.
 - d. See LGALR 5 for all requirements.

C. Title 26 Family Law Registry.

1. *Selection Process.* Upon either the motion of the court or motion by the party/parties, and subsequent decision by the court to appoint a Guardian ad Litem (GAL), each party shall request a strike list using the Title 26-GAL Strike List Request form available on the Benton County website.
 - a. Each party will receive a list of three randomly selected GALs plus one alternate (required background information pursuant to RCW 26.12.175(3) and hourly rates can be found on the court's website).
 - b. Each party may strike one name within seven judicial days. If one or more names remain, the Court will appoint the first GAL not stricken. In the event all three are stricken, the Court will appoint the alternate.
 - c. Parties must file the Order Appointing Guardian ad Litem within 30 days of selection. Retainer fees and intake packets must be submitted to the GAL prior to filing the order.
 - d. The GAL shall immediately begin their work upon filing of the Order Appointing Guardian ad Litem.
 - e. Parties may stipulate to a GAL only after reaching out to the GAL to make sure there are no conflicts and if the GAL accept the case. The GAL shall

sign the Order of Appointment. The judicial officer shall determine if the stipulated appointment is appropriate.

- f. A copy of the signed order must be provided to the GAL immediately.
2. *Good Cause Appointment.* For good cause shown and with written findings, the Court may appoint a specific GAL upon the parties' recommendation. Good cause may include specialized expertise or prior involvement in the case. A GAL's hourly rate does not constitute good cause.
 3. *County-Paid Appointments.* All Title 26 Guardians ad Litem (GALs) listed on the registry must accept up to two county-paid abuse or neglect appointments per calendar year. Appointments shall be made in alphabetical rotation. Failure to accept two county-paid appointments in a row may result in removal from the GAL registry. Any declination of appointments will require a declaration outlining the reason for the declination.
 - a. The court shall limit the scope of work in the Order Appointing a County-Paid GAL for abuse or neglect cases.
 - b. A GAL shall not provide or require services beyond the scope authorized by the court unless authorized by motion and adequate notice consistent with GALR 2(j).
 - c. County-Paid GALs shall file a preliminary report and shall attend the status hearing as required in the Order Appointing County-Paid Guardian ad Litem.
 - d. The preliminary report shall assist the judicial officer in making temporary placement decisions.
 - e. The judicial officer shall determine whether supplemental or final reports are necessary and require prior judicial approval before investigation or filing, unless immediate communication of relevant or emergent information is necessary pursuant to GALR 2(i).
 - f. A GAL shall not exceed the County Pay Rates posted on the court's website. Prior court authorization is required for any additional hours, and such authorization must be obtained before additional work is performed. Failure to obtain prior authorization may result in denial of additional fees.

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Local Guardian ad Litem Rule 7 GRIEVANCE PROCEDURES

A. Purpose Statement. The procedures for handling grievances and/or imposing discipline against a Guardian ad Litem (GAL) or Court Visitor provided herein are intended to facilitate a process that is fair, expedited, and protective of all participants, as well as respectful of judicial time and resources.

B. Filing the Grievance (Complaint).

1. *Who May File.* Only a party to a case may file a grievance (complaint) against a GAL or Court Visitor.
2. *Form.* Grievances shall be made in writing, signed under penalty of perjury, and addressed to the Superior Court Administrator. Neither the grievance nor any documentation related to the grievance, including any decision on the grievance, shall be filed in the court case file.
3. *Method of Submission;* In addition to any electronic submission allowed by Superior Court Administration, the filing party must deliver one hard copy of the grievance to Superior Court Administration for the correct county in which the case is filed.
 - a. Delivery may be made in person or by mail delivery. The envelope or package shall be prominently labeled “Confidential. GAL Grievance.”
 - b. Items mailed shall be deemed received three (3) days after the date of mailing.
4. *Required Contents.* The grievance must include:
 - a. The name, mailing address, telephone number, and e mail address of the party filing the grievance;
 - b. The case number and case name;
 - c. The name of the Judge or Court Commissioner hearing the case;
 - d. The trial date;
 - e. Whether the party filing the grievance has discussed the grievance with the GAL/Court Visitor;
 - f. What action the GAL/Court Visitor has taken to address the grievance;
 - g. Which provision(s) of the Order Appointing GAL/Court Visitor or these policies the party claims were violated;
 - h. A complete statement of the specific facts underlying each alleged violation;
 - i. What corrective action is requested and why.
5. *Grounds for the Grievance.* The grievance must specify the acts or failures to act related to grounds which are also grounds for denial of listing on, removal from, or temporary suspension of the GAL/Court Visitor registry, including:
 - a. Violation of the GAL/Court Visitor Code of Conduct;
 - b. Misrepresentation of qualifications;
 - c. Failure to meet annual update requirements; and/or
 - d. Any reason questioning suitability to serve, including but not limited to:
 - e. Breach of confidentiality;
 - f. Falsifying information on the application;
 - g. Falsifying information in a court report;
 - h. Failure to report abuse of a child;
 - i. Ex parte communication;
 - j. Representing the court in a public forum without prior approval;
 - k. Violations of state or local laws or court rules while serving;
 - l. Dissemination of any bi-county police information.

6. *Initial Screening of Grievance.* The Court Administrator shall forward the grievance to the Administrative Presiding Judge for initial screening. If it is clear on the face of the grievance that it is without merit, the Administrative Presiding Judge shall dismiss it and provide copies of the dismissal to the complaining party and to the GAL/Court Visitor. The Administrative Presiding Judge shall endeavor to complete initial screening within fourteen (14) days. Dismissed grievances shall be retained as a confidential, sealed record unless merit has been found.
7. *Grievances Filed During the Pendency of a Case.* If a grievance is not dismissed as outlined above and pertains to a pending case or a case in trial, the Court Administrator shall forward it within three (3) business days to the Administrative Presiding Judge or, if trial is underway, to the judicial officer hearing the trial.
 - a. A copy shall be sent to the GAL/Court Visitor.
 - b. If assigned to the Administrative Presiding Judge, he/she may assign the matter to another judicial officer or to a committee of three judicial officers.
 - c. The GAL/Court Visitor may file a response within fourteen (14) days, providing a copy to the complaining party and sending the original to the Court Administrator for delivery to the judicial officer handling the grievance. An investigation may include interviews with relevant persons.
 - d. Upon receipt of the response, or upon expiration of the response period, the judicial officer shall review the matter, complete the investigation, and issue a final written or oral disposition. The judicial officer will endeavor to issue the final decision no later than forty-five (45) days after filing. The original disposition shall be placed in the confidential grievance file, with copies provided to the parties.
8. *Dismissal.* If found frivolous or not brought in good faith, sanctions or costs may be imposed against the grieving party.
9. *Founded.* If the grievance is well founded by a preponderance of the evidence, discipline may include:
 - a. Verbal or written reprimand;
 - b. Removal from the pending case;
 - c. Suspension from the registry for up to one year;
 - d. Suspension pending completion of additional training;
 - e. Monetary sanctions or terms;
 - f. Permanent removal from the registry for Title 11, 13, and/or 26 cases.
10. *Removal.* If permanent removal occurs, notice shall be sent to the Office of the Administrator for the Courts for statewide circulation. The file shall be retained at least six (6) years.
11. *Reassignment.* GAL/Court Visitor who ceases to be on the registry and has active or incomplete cases shall immediately notify the Court Administrator for reassignment.

12. *Grievances Filed After Conclusion of the Case or After Discharge.* If the grievance pertains to a concluded case or to a discharged GAL/Court Visitor, the Court Administrator shall forward it within three (3) business days to the judicial officer who presided over the trial or signed the final orders.
13. *Interim Suspension.* For grievances handled under Sections D and E, the Administrative Presiding Judge or judicial officer for the grievance may suspend the GAL/Court Visitor's participation in the registry pending resolution. The GAL/Court Visitor must immediately notify the Court Administrator of any active or incomplete cases, which may then be reassigned.
14. *Reconsideration.* A GAL/Court Visitor may seek reconsideration by submitting a written request to the Superior Court Administrator, who will forward it and supporting documents to the judicial officer for final decision. Written notice of the decision will be provided.
15. *Timelines.* Receipt by Mail. Timelines may be modified for good cause by the Administrative Presiding Judge or judicial officer for the grievance.
16. *Confidentiality.* All grievance materials and dispositions are confidential administrative records maintained by the Court Administrator and shall not be filed in the court case file.

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