

# **ADMINISTRATIVE POLICY**

## **KING COUNTY SUPERIOR COURT GUARDIAN AD LITEM REGISTRIES**

(Adopted 3/21/96)

### **I. Registry Administration:**

1.1 The court shall maintain and administer Guardian ad Litem registries for Adoption, Family Law, Minor Settlement and Guardianship/Probate/Trusts. The registries may include sub-groupings, such as for parentage cases within the Family Law area, or Guardianship Delinquency calendar appointments for the Guardianship registry. These registries shall not include Juvenile Court volunteer Guardians ad Litem or CASAs, which shall continue to be administered independently by their respective programs. 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 shall maintain the application form and background information records pertaining to each person listed on a registry, as set forth in paragraphs 2.1 and 2.2. Persons listed on a registry or registries shall update information in paragraphs 2.1 and 2.2 annually on a date specified for each registry.

1.3 The application forms as described in paragraph 2.1, curriculum vitae, certificate of attendance at training and guardianship certificates of qualification under Title 11 shall be available for public review.

1.4 Persons shall be selected to serve on each registry at the discretion of the Court, giving due consideration to: (1) having a sufficient number of GALs 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 the given field. In some cases there may be more qualified applicants than will be needed or would benefit the program, so that not all persons applying will be selected.

1.5 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 county bar associations under the oversight of the court.

1.6 Each registry may be reconstituted periodically after an open application period has been publicly announced. The Court may allow additional applicants to be added to a registry periodically.

1.7 The court may impose an application-processing fee and/or charge a fee for the training programs.

## **II. Requirements for Listing on Registries:**

2.1 Each person requesting to be listed on any of the registries shall annually submit an application on the current form provided by the court, which shall include the following information:

- a. Identification of the person, name of registry or registries applied for, and a listing of the professional credentials, with license or professional enrollment number;
- b. Level of formal education;
- c. Training related to the Guardian ad Litem duties;
- d. Number of year's experience as Guardian ad Litem;
- e. Number of appointments as a Guardian ad Litem;
- f. Statement of criminal history, as defined in RCW 9.94A.030;
- g. Description of fees charged by the applicant and a statement of the applicant's willingness to accept cases on a reduced fee basis;
- h. Agreement to advise the court immediately in the event of any complaint, investigation or action being commenced which could lead to:
  1. Discipline of the applicant;
  2. The suspension or revocation of the applicant's professional license;
  3. The filing of criminal charges for a felony or a crime involving allegations of theft, dishonesty or moral turpitude.
- i. Certification that the applicant:
  1. Has met the education and experience requirements herein;
  2. Has completed the training requirements herein;
  3. Has read and has agreed to be bound by the Court Audit Committee policies in cases in which compensation is sought at public expense;
  4. Has read and agreed to be bound by the Code of Conduct for Guardians ad Litem.

2.2 Each application shall be accompanied by the following:

- a. Copy of the certificate from the training provider evidencing successful completion of the current training required for the area of Guardian ad Litem practice;
- b. Application and fee allowing the court to obtain a current Washington State Patrol Certificate regarding criminal history;
- c. Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of Guardian ad Litem duties;
- d. Signed release of information directed to all professional regulatory bodies, which have licensed or supervised the applicant within the last ten years;

- e. Certificate of Qualification for Guardians ad Litem seeking appointment under RCW Title 11;
- f. Description of the nature, status and outcome of any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims, and any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties;
- g. Description of any claims, or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct.

### 2.3 Education and Experience Requirements:

- a. Attorneys:
  - 1. Guardianship, Probate and Minor Settlement Registry: Member of the Washington State Bar Association in good standing.
  - 2. Family Law Registry:
    - a) Member of the Washington State Bar Association in good standing; AND
    - b) Five years of experience in the practice of law with at least 50% of that practice in Family Law or Dependency cases; OR
    - c) At the initial establishment of the registry only, two years of experience in the practice of law with at least 50% of that practice in Family Law or Dependency cases which shall include five Guardian ad Litem reports within the last two years.
  - 3. Adoption Registry:
    - a) Member of the Washington State Bar Association in good standing; AND
    - b) Two years of experience in the practice of law including at least five completed adoptions.

In RCW 26.33 actions involving the need for an out-of-state Guardian ad Litem, a non-registry Guardian ad Litem may be appointed so long as he or she complies with the requirements of RCW 26.12.175(3).

- b. Non-attorneys:
  1. Guardianship Registry: Five years experience in the following: needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.
  2. Family Law Registry:
    - a) Graduate level degree in any of the following fields: social work, psychology, counseling, nursing, medicine or equivalent field; and
    - b) 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; and
    - c) Two years full time (or equivalent part-time) experience for doctorate level or MD and five years full-time (or equivalent part-time) experience of master's level in providing counseling/psychotherapy to children, adolescents and/or families.
  3. Parentage Cases: In RCW 26.26 actions, a relative of the minor mother or father may be appointed who has complied with the requirements of RCW 26.12.175 and who is otherwise suitable.

- 2.4 A. The applicant should be of high moral character, and shall not have any of the following:
  1. Conviction of a felony or of a crime involving theft, dishonesty or moral turpitude;
  2. A professional certification or license suspension or revocation;
  3. Pending investigations or actions for any of the above.
- B. A person may be denied listing on, or may be temporarily suspended from, the registry for any other reason that places the suitability of the person to act as Guardian ad Litem in question.

2.5 A person requesting to be listed on a registry shall attend the training required by the court. Persons unable to attend such training may apply for a waiver of this requirement. The application for the waiver shall state why the person was unable to attend the training. The court may require the applicant to audit or view the current training tape and pay any appropriate fee.

2.6 The Court in its discretion may waive the education and experience requirements of 2.3 when the applicant has other substantial relevant educational or professional experience. (11/16/2000)

### **III. Appointment of Guardian ad Litem:**

- 3.1 When the need arises for the appointment of a Guardian ad Litem in a case involving a subject area 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 appointment of a person not listed on the registry.
- 3.2 Appointments from the registries shall be made in the exercise of the court's sound discretion. The court may, but is not obligated to, appoint a person whom all the parties have stipulated to serve as Guardian ad Litem. Agreement of all parties will not suffice when one or more parties is alleged to be under a legal disability.
- 3.3 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 .
- 3.4 Persons on each registry shall promptly inform the court of any temporary unavailability to serve, or of their intent to resign from the registry.

#### **IV. Retention on Registries:**

4.1 A person shall remain on the registry unless the person fails to maintain current application with attachments or the person is removed or suspended as set forth in paragraph 4.3.

4.2 A person's retention on the registry shall be reviewed upon the court's receipt of a complaint regarding performance in office, the notice of a professional complaint, or the court's receipt of adverse information regarding the suitability of a person to serve as a Guardian ad Litem. Complaints shall be delivered to the Guardian ad Litem registry manager.

4.3 The registry manager shall maintain the records regarding each Guardian ad Litem. If the registry manager:

- a. receives a written complaint alleging that a Guardian ad Litem:
  1. has violated the Guardian ad Litem Code of Conduct paragraphs 4, 6 or 12, or paragraph 2.1(f) or (h) of this policy regarding requirements for listing as a Guardian ad Litem; or
  2. has misrepresented his or her qualifications to be a Guardian ad Litem as set forth in paragraphs 2.3 or 2.4 herein; or
  3. has not met the annual update requirements set forth in paragraphs 2.1 and 2.2 herein; or
- b. becomes aware of any reason that would place the suitability of the person to act as Guardian ad Litem in question;

the manager shall promptly seek a written response from the Guardian ad Litem, and forward the complaint and response to the Presiding Judge or his or her designee(s). The Guardian ad Litem shall be notified of any decision to suspend or remove the Guardian ad Litem from a registry. A Guardian ad Litem seeking reconsideration of the decision shall do so in writing to the registry manager, who shall forward the request and other documents to the Presiding Judge or his or her designee(s). At the discretion of the Presiding Judge or his or her designee(s), the Guardian ad Litem's participation in the registry may be suspended pending resolution of the complaint. The Guardian ad Litem shall be notified in writing of the final decision of the court. Any conduct of a Guardian ad Litem pertaining to the performance of his or her duties in a specific case shall be addressed at hearings within that case.

4.4 A Guardian ad Litem who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the registry manager. The court shall reassign such cases.

## **V. Payment of Guardians ad Litem:**

5.1 The order appointing a Guardian ad Litem may include provision for a retainer fee to be paid prior to the Guardian ad Litem accepting the appointment. The retainer may be applied to the Guardian ad Litem's fees upon approval by the court.

5.2 All fee requests by the Guardian ad Litem shall be submitted to the court, with documentation and notice to all parties and are subject to court approval.

5.3 Guardian ad Litem fees shall be the responsibility of a party or parties unless the court has entered an order authorizing payment at public expense. Applications for payment at public expense shall be in conformity with the Court's Audit Committee policies and procedures.

5.4 There shall be no payment to a Guardian ad Litem by anyone, except as authorized by order of the court.

5.5 Each order appointing a Guardian ad Litem shall set forth the hourly rate of compensation for investigative/legal work; source of payment, if determined; and unless waived, shall require the Guardian ad Litem to seek court authorization to provide services in excess of twenty hours per case, not including court appearances. The Guardian ad Litem shall maintain time records distinguishing investigative/ legal, administrative/clerkical and travel time. Unless otherwise designated, the party who petitioned for a Guardian ad Litem shall obtain the acceptance of the Guardian ad Litem appointment from the nominee, who shall then file the Notice of Appearance and Oath of Guardian ad Litem within 14 days.