

AMENDED ADMINISTRATIVE POLICY

Kitsap County Superior Court

RCW 26 Guardian Ad Litem Registry for Family Law Proceedings

Adopted: January 18, 2005

Revised: July 1, 2015

This Administrative Policy supersedes the previously adopted policies of March 8, 2000, November 4, 2002, and January 18, 2005.

1. Administration: Guardian ad Litem Registry for Guardianships

1.1 The Kitsap County Superior Court Administrator shall be responsible for maintaining a registry of those qualified to serve as a Guardian ad Litem in family law proceedings as provided in RCW 26.09.220 and RCW 26.12.175.

1.2 All registry applicants must meet the qualifications set forth in RCW 26.09.220 and RCW 26.12.175 and all requirements for training and certification established by statute and/or court rule to be considered for placement or retention on the registry.

1.3 Applications for placement on the registry shall be reviewed by the Kitsap County Superior Court Guardian ad Litem Committee to determine compliance with this policy. The committee shall review all applications and periodic updates to determine compliance with these policies and all applicable State laws.

1.4 The registry shall be open for new applications one time a year, between February 1 and June 1. All required information must be received by the Kitsap County Superior Court Administrator no later than June 1 of each year. The registry shall be defined by July 1 of each year.

1.5 Each applicant, including persons currently on the registry, must annually submit the following documents to the Kitsap County Superior Court Administrator:

- A. Completed application for Guardian ad Litem Registry which includes:
 - 1. Statement certifying applicant has read and agrees to be bound by the Kitsap County Superior Court Guardian ad Litem Registry Code of Conduct
 - 2. Summary of experiences as a Guardian ad Litem including years of experience and number of appointments
 - 3. Number of times the Guardian ad Litem has been removed for failure to

- perform his or her duties as a Guardian ad Litem
- B. Curriculum vitae documenting education, background qualifications, formal training, work, professional and/or personal experiences in or related to the field that would assist in the performance and completion of Guardian ad Litem duties
 - C. Description of 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
 - D. Description of any claim(s) 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
 - E. Copy of fee schedule
 - F. Washington State Patrol Conviction Criminal History Report
 - G. Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years
 - H. A Certification of Qualification/Training for Guardian ad Litem Title 26, or for those applicants currently on the registry, a Certificate of Updated Training completed within the last year
 - I. Any other required information and correspondence with reference to the person's service as a Guardian ad Litem and any action thereon by the Court

1.6 Persons applying will be notified of their placement on the registry by July 1 and shall then be eligible for appointment as a Guardian ad Litem.

1.7 A person, whose application for placement on the registry does not meet the court's requirements for placement on the registry, shall be notified of the apparent deficiency and be given an opportunity to correct the same. If after 30 days the applicant has not corrected the apparent deficiency, his or her name shall not be placed on the registry.

1.8 The Court Administrator shall maintain a separate file on each Guardian ad Litem that will be located in Superior Court Administration Office. Each file shall include the items listed within this policy specifically outlined in Section 1.5 (A-I). The information contained in the files

shall be open for public review during normal business hours.

2. Qualifications: Guardian ad Litem Registry for Guardianships

2.1 In addition to any qualifications required under RCW 26.09.220 and RCW 26.12.175, the following shall be the qualifications for the Guardian ad Litem Registry:

- A. *Attorneys*: Member of the Washington State Bar Association in good standing.
- B. *Non-Attorneys*: Five years experience in needs of children and families involved in disputes over parenting issues, dissolution or parentage determinations documented in the applicant's curriculum vitae
- C. *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) Professional certification or license suspension or revocation
 - (3) Pending investigation or action for either (1) or (2)
- D. *All Applicants*: Shall abide by the Guardian ad Litem Code of Conduct and this Administrative Policy, adopted by the Kitsap County Superior Court, and any and all updates to the policy or Code of Conduct adopted.

3. Appointment of Guardian ad Litem From Registry

3.1 Application to the Court for appointment of a Guardian ad Litem in all family law proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Office of the Superior Court Administrator. The Superior Court Administrator or designee shall provide three names that are next on the rotational list. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the Court shall appoint from the names on that list. The parties may make a joint recommendation for appointment of a Guardian ad Litem from the registry.

3.2 In the event none of the three names provided according to the rotational registry are acceptable to the parties, for good cause, the appointing Commissioner or Judge shall appoint the next person on the random rotation list of approved registered Guardians ad Litem. The Order shall then be submitted to a Judge or Commissioner for signature or such other action as may be appropriate and a copy delivered to the Superior Court Administrator's Office. The person appointed Guardian ad Litem pursuant to this paragraph shall have his/her name placed at the end of the rotational list.

3.3 Any Judge or Commissioner who does not appoint the person next on the rotational list, as supplied by the Superior Court Administrator, shall comply with the provisions of RCW 26.09.220, RCW 26.12.175, and RCW 26.12.177 for purposes of making an appropriate record of the reasons for said deviation. The Order, once signed, shall be presented to the Office of the Superior Court Administrator for Registry data. In the event a Judge or Commissioner approves a person who is not next on the rotation list, the appointed person's name shall go to the bottom of the rotation list.

3.4 If the parties stipulate to recommend the appointment of a particular Guardian ad Litem, who must be on the registry, the parties must present, prior to appointment, a written stipulation signed by both parties and their attorneys which specifies the amount of the retainer charged, the agreement between the parties regarding payment of the retainer and the fees, and the hourly rate charged by the recommended person. The Order, once signed, shall be presented to the Superior Court Administrator Office for Registry data. The person appointed Guardian ad Litem pursuant to this paragraph shall have his/her name placed at the end of the rotational list.

3.5 In the event the person nominated as Guardian ad Litem chooses not to serve, regardless of the reason, his/her name shall go to the end of the rotational list just as if he/she had served.

4. Fees

4.1 Fees paid by Kitsap County shall be at the hourly rate of \$50.00 per hour and shall not exceed \$1500 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.

4.2 A copy of the order authorizing County paid fees and an affidavit of fees shall be submitted to the Kitsap County Superior Court Administrator before payment will be made. (See Attachment A).

5. Retention on Guardian ad Litem Registry

5.1 A person shall remain on the registry in any given year unless the person fails to maintain the statutory certification, court requirements for the registry, is removed by the person's own request, and has not been removed as set forth in this Administrative Policy, RCW 26.09.220 and RCW 26.12.175, or other controlling statute or court rule.

5.2 If the Court Administrator or the Court receives a written complaint alleging that:

- A. a Guardian ad Litem has violated this policy regarding requirements for participation on the registry; or

- B. a Guardian ad Litem has misrepresented his or her qualifications to be a Guardian ad Litem; or
- C. a Guardian ad Litem is not suitable to act as a Guardian ad Litem; or
- D. a Guardian ad Litem's conduct is being questioned in the particular case, or
- E. a Guardian ad Litem has exhibited inappropriate conduct in a particular case;

the matter shall be referred to the Guardian ad Litem Committee. In addition if the Court Administrator or the Court in any other written manner becomes aware of any reason that would place the suitability of the person to act as Guardian ad Litem in question, the matter shall be referred to the Guardian ad Litem Committee. All information related to a grievance in a particular case and all information relating to issues of suitability to serve as a Guardian ad Litem shall be forwarded to the Guardian ad Litem Committee.

The Guardian ad Litem Committee may seek a written response from the Guardian ad Litem if the Court determines that the case is completed and the party or party's attorney making the grievance is a party to the case. A grievance concerning a pending case shall be directed to the judicial officer assigned the case, pursuant to paragraph 5.7 of this policy. All matters shall be submitted on written materials only. There shall be no oral testimony.

At the discretion of the Guardian ad Litem Committee, the Guardian ad Litem's further participation on the registry may be suspended or denied pending resolution of the complaints or grievance by the Judges. The Guardian ad Litem shall be notified of any decision to suspend or remove his or her name from the registry pending resolution of the complaint or grievance. The Guardian ad Litem Committee shall only consider grievances from or on behalf of the parties named in a case consistent with 5.2 of this policy.

5.3 The Presiding Judge shall present any recommendation to suspend or remove any Guardian ad Litem from the registry to the Superior Court Judges at their next regular meeting.

5.4 At the discretion of the Guardian ad Litem Committee, a person may have additional reasonable requirements imposed upon him or her which permit him or her to continue to serve as a Guardian ad Litem; s/he may be denied listing on the registry; or s/he may be removed from the registry for any other 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 RCW 26.09.220 and RCW 26.12.175, the Administrative Policy, the Code of Conduct, or other laws or court rules.

5.5 The Guardian ad Litem and any complaining party shall be notified of any action or decision on the complaint or grievance. A copy of the decision of the Guardian ad Litem

Committee shall be placed in the Guardian ad Litem file maintained in the office of the Court Administrator. However, any written complaint(s) that is pending against a Guardian ad Litem, and any associated documentation, shall remain confidential until the Guardian ad Litem Committee has rendered its decision.

5.6 A Guardian ad Litem or party seeking reconsideration of a decision shall do so in writing to the Court Administrator, within fifteen (15) days of the date of decision. The Court Administrator shall forward the request for reconsideration and other documents to the Presiding Judge. The Presiding Judge shall present the same to the Superior Court Judges at their next regular meeting. All matters shall be submitted on written materials only. There shall be no live testimony or oral argument.

5.7 The decision of the Superior Court Judges shall be placed in the Guardian ad Litem's file and the Guardian ad Litem and the person making the grievance shall be notified of any action taken.

5.8 Nothing herein is intended to limit the discretion of the assigned Judge or Court Commissioner in a pending case to remove, retain, or sanction a Guardian ad Litem or party in a specific case heard before that Judge or Court Commissioner. Conduct of a Guardian ad Litem pertaining to the performance of his/her duties in a specific pending case shall be addressed in a properly noted hearing in the family law proceeding.

5.9 Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, shall be directed to the Guardian ad Litem Committee. The source of the information and its content shall be communicated to the Guardian ad Litem for a written response.

5.10 The Office of the Administrator of the Courts shall be notified of the names certified on the Guardian ad Litem Registry. The Office of the Administrator of the Courts shall be notified immediately of the name of any Guardian ad Litem removed from the rotational registry as a result of a grievance or decision of the Superior Court Judges.

Adopted this 18th day of January, 2005.

/s/

Judge Leonard W. Costello

/s/

Judge Jay B. Roof

/s/

Judge Leila Mills

/s/

Judge Russell W. Hartman

/s/

Judge Anna M. Laurie

/s/

Judge M. Karlynn Haberly

/s/

Judge Theodore F. Spearman

/s/

Judge Sally F. Olsen