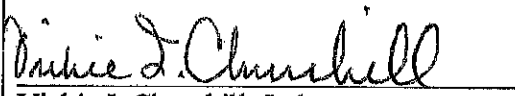





JUVENILE & FAMILY COURT SERVICES  
 Department Policies and Procedures

<b>Title</b>	<b>Document Code No.</b>
TITLE 26 Guardian Ad Litem Registry	ICJCS PP 100-43
<b>Department/Issuing Agency</b>	<b>Effective date</b>
Island County Juvenile and Family Court Superior Court/Juvenile Court Department Prosecuting Attorney Clerk	
<b>Approved</b>	
 Vickie I. Churchill, Judge	
 Alan R. Hancock, Judge	
<b>Affected Organizational Units/Positions</b>	
Superior Court Administration Juvenile and Family Court Administration	

- 1.0 SUBJECT TITLE:
- 1.1 EFFECTIVE DATE: July 25, 2004
- 1.2 TYPE OF ACTION: New
- 1.3 KEYWORDS: Title 26

2.0	PURPOSE	To delineate policies, procedures for the RCW 26 Guardian Ad Litem Registry
3.0	ORGANIZATIONS AFFECTED	Superior Court Administration Juvenile and Family Court Administration
4.0	REFERENCES	RCW 26.09.220 RCW 26.12.175 RCW 9.94A 030 Washington State Court Rules: Superior Court Guardian ad Litem Rules Local Court Rules for Superior Court of Island County (LCR)

**5.0 DEFINITIONS:**

<b>5.1</b>	<b><u>RCW</u></b>	Revised Code of Washington
<b>5.2</b>	<b><u>JCA</u></b>	Juvenile Court Administrator
<b>5.3</b>	<b><u>SCA</u></b>	Superior Court Administrator
<b>5.4</b>	<b><u>GAL</u></b>	Guardian Ad Litem

**6.0 ADMINISTRATIVE POLICY**

6.1	The Island County SCA shall be responsible for maintaining a registry of those qualified to serve as a GAL in family law proceedings as provided in RCW 26.09.220 and RCW 26.12.175.
6.2	All registry applicants must meet the qualifications set forth in RCW 26.09.220, RCW 26.12.175, RCW 9.94A.030, and all requirements for training and certification established by statute and/or Washington State Court Rules: Superior Court Guardian ad Litem Rules to be considered for placement or retention on the registry.
6.3	Applications for placement on the registry shall be reviewed by the Island County SCA to determine compliance with this policy. The SCA shall review all applications and periodic updates to determine compliance with these policies and all applicable State laws.
6.4	<b>The registry shall be open for new applications one time a year, between February 1 and June 1.</b> All required information must be received by the Island County SCA no later than June 1 of each year. The registry shall be defined by July 1 of each year.
6.5	Each applicant must submit the following documents to the Island County SCA: A. Completed application for Guardian ad Litem Registry which includes: 1. Statement certifying applicant has read and agrees to be bound by the Island 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 educational, 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

	<p>professional liability claims, and any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties.</p> <p>D. Description of any claim(s) or litigation that has been commenced involving allegations or improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct</p> <p>E. Copy of fee schedule</p> <p>F. Provide Criminal History background check consistent with the requirements of RCW 9.94A.030.</p> <p>G. Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years</p> <p>H. A Certification of Qualification/Training for Guardian ad Litem Title 26, <b>or</b> for those applicants currently on the registry, a Certificate of Updated Training completed within the last two years</p> <p>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</p>
6.6	<p><b>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.</b></p>
6.7	<p>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.</p>
6.8	<p>The SCA shall maintain separate files for each GAL that will be located in the SCA office. Files shall include the items listed in this policy specifically outlined in Section 6.5. The information contained in the files, excluding the criminal History background check, shall be open for public review during normal business hours. Criminal history background check shall be maintained separately in a secure location.</p>

**7.0 QUALIFICATIONS: Guardian ad Litem Registry**

7.1	<p>In addition to any qualifications required under RCW 26.09.220 and RCW 26.12.175, the following shall be the qualifications for the GAL Registry:</p> <p>A. All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW <u>2.56.030(15)</u>, prior to their appointment in cases under Title <u>26</u> RCW, except that volunteer guardians ad litem or court-appointed special</p>
-----	---

	<p>advocates may comply with alternative training requirements approved by the Office of the Administrator of the Courts that meet or exceed the statewide requirements.</p> <p><b>B. <u>All Applicants</u>:</b> Shall be of high moral character, and shall not have any:</p> <ul style="list-style-type: none"> <li>(1) Felony convictions or any convictions involving theft, dishonesty or moral turpitude</li> <li>(2) Professional certification or license suspension or revocation</li> <li>(3) Pending investigation or action for either (1) or (2)</li> </ul> <p><b>C. <u>All Applicants</u>:</b> Shall abide by the Superior Court GAL Rules and this Administrative Policy, adopted by the Island County Superior Court, and any and all updates to the policy.</p>
--	--

**8.0 APPOINTMENT OF GUARDIAN AD LITEM FROM REGISTRY**

8.1	<p>Application to the Court for appointment of a GAL in all family law proceedings shall be made by submitting an Order Appointing GAL 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 GAL from the registry, but the court is not required to accept any such joint recommendation.</p>
8.2	<p>In the event none of the three names provided according to the rotational registry are acceptable to the parties, for good cause, the appointing Judge or Commissioner shall appoint the next person on the random rotation list of approved registered GAL. 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 GAL pursuant to this paragraph shall have his/her name placed at the end of the rotational list.</p>
8.3	<p>If the parties stipulate to recommend the appointment of a particular GAL, 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 SCA Office for Registry data. The person appointed GAL pursuant to this paragraph shall have his/her name placed at the end of the rotational list.</p>
8.4	<p>In the event the person nominated as GAL 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.</p>

## 9.0 FEES

9.1	Fees paid by Island County from public funds, if available, shall not exceed \$600 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.
9.2	A copy of the order authorizing County paid fees and an affidavit of fees shall be submitted to the Island County SCA before payment will be made.

## 10.0 RETENTION ON GUARDIAN AD LITEM REGISTRY

10.1	A person shall remain on the registry unless the person fails to maintain the statutory certification court requirements for the registry, is removed by the person's own request, or has 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.
10.2	<p>To remain on the registry, Island County title 26 Guardians ad Litem must fulfill the following obligations on an <u>annual</u> basis:</p> <p>A. Registered Guardians ad Litem must attend yearly training sessions and provide proof of attendance in order to remain on the registry. Island County requires all Title 26 Guardians ad Litem to attend 6 hours of live presentations or moderated videos on subjects relevant to the work of a Title 26 GAL.</p> <p>B. Registered Guardians ad Litem must provide a yearly Criminal History background check consistent with the requirements of RCW 9.94A.030 and RCW 26.09.220.</p> <p>C. Registered Guardians ad Litem must provide updates to application information listed in section 6.5.</p>
10.3	<p>If the Court Administrator or the Court receives a written complaint alleging that:</p> <p>A. a GAL has violated this policy regarding requirements for Participation on the registry; or</p> <p>B. a GAL has misrepresented his or her qualifications to be a GAL; or</p> <p>C. a GAL is not suitable to act as a GAL; or</p> <p>D. a GAL's conduct is being questioned in the particular case, or</p> <p>E. a GAL has exhibited inappropriate conduct in a particular case;</p> <p>Refer to the Local Court Rule [SPR 98.045(e)] Grievance Procedures for Island County Superior Court.</p>
10.4	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 GAL.

	or party in a specific case heard before that Judge or Court Commissioner. Conduct of a GAL 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.
10.5	The Office of the Administrator of the Courts shall be notified of the names certified on the GAL Registry. The Office of the Administrator of the Courts shall be notified immediately of the name of any GAL removed from the registry as a result of a grievance or decision of the Superior Court Judges.

## 11.0 FORMS

11.1	Island County Superior Court GAL Application
11.2	Island County Superior Court Guardian ad Litem Code of Conduct
11.3	Island County Superior Court Guardian ad Litem Release of Information
11.4	Island County Superior Court Guardian ad Litem Rotation Registry for Guardianships

**APPLICATION FOR GUARDIAN AD LITEM REGISTRY**  
**Family Law -Title 26**

Mail or deliver the completed application, with all attachments (Code of Conduct, Release of Information) to:

**Island County Superior Court Administrator**  
**POB 5000**  
**Coupeville WA 98239**

Name: \_\_\_\_\_

Business Name or Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_

City and State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

Non-Attorney  Attorney WSBA or Washington State Certification No \_\_\_\_\_

I am willing to serve as a Guardian ad Litem at public expense.

I have no pending investigation or action against me involving criminal allegations, professional certification or license suspension and/or revocation.

I agree to advise the court immediately in the event of any complaint, investigation or action being commenced which could lead to professional discipline, or the suspension or revocation of my professional license, or to the filing of criminal charges for felony or crime involving allegations of theft, dishonesty or moral turpitude.

I have read and agree to be bound by the Island County Superior Court Guardian ad Litem Registry Code of Conduct.

Summary of my experiences as a GAL including years of experience and number of appointments.

---

---

---

---

Number of times serving as a Guardian ad Litem that I have been removed for failure to perform my duties as a Guardian ad Litem: \_\_\_\_\_

I include the following with my application (please check all applicable boxes)

- 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
- Copies of any professional complaints, investigations, or disciplinary actions, lawsuits or professional liability claims filed, whether pending or completed, including a statement for each setting out the current status and any applicable response to said claims.
- Copies of any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties
- Copy of fee schedule
- Conviction Criminal History Report as per RCW 9.94A.030 to be scheduled through Island County Juvenile Court Services Department.
- Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years
- Certificate of Qualification/training for Guardian ad Litem seeking appointment under RCW Title 26

*OR*

- I am currently on the Guardian ad Litem Registry and have included a certificate of updated training taken within the last two years

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: \_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
City Where Signed Printed Name



**ISLAND COUNTY SUPERIOR COURT  
GUARDIAN AD LITEM  
CODE OF CONDUCT**

**Adopted: SEPTEMBER 1, 2004**

1. The Guardian ad Litem shall represent, investigate and report to the court, the factors relevant to the best interest of the person for whom he or she is appointed.
2. The appointed Guardian ad Litem shall make a reasonable inquiry as to the facts and issues in dispute and shall decline the appointment if he or she is not qualified, competent, or able to complete the matter in a timely manner.
3. The Guardian ad Litem shall maintain the ethical principles of his or her own profession.
4. The Guardian ad Litem shall remain qualified for the registry to which he or she is appointed and shall promptly advise the court of any grounds for disqualification or unavailability to serve.
5. The Guardian ad Litem shall maintain independence and objectivity in his or her investigation.
6. The Guardian ad Litem shall avoid any actual or apparent conflict of interest or impropriety in the conduct of his or her duties. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as Guardian ad Litem. The Guardian ad Litem shall take action immediately to resolve any potential conflict or impropriety. The Guardian ad Litem shall advise the court and the parties of action taken, or resign from the matter, as may be necessary to resolve the conflict or impropriety.
7. The Guardian ad Litem shall treat the parties with respect, courtesy, fairness, and good faith regardless of race, color, religion, national origin, cultural heritage, gender, age, education, economic status, marital status, sexual orientation, or disability.
8. The Guardian ad Litem shall inform the court concerning all pertinent information disclosed or made available to him or her during the course of his or her appointment.
9. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that information gathered by the Guardian ad Litem must be reported to the court.

10. The Guardian ad Litem shall maintain the privacy of the parties, and shall make no disclosures about the case or investigation except in reports to the court, to the parties and their attorneys, or as necessary to perform the duties of the Guardian ad Litem.

11. The Guardian ad Litem shall perform his or her duties in a prompt and timely manner, and shall file any report as required by court order or statute.

12. The Guardian ad Litem shall maintain adequate documentation of the investigation conducted, to substantiate the reported facts, as well as any recommendations or conclusions.

13. The Guardian ad Litem shall keep complete and contemporaneous records of actions taken, time spent, and expense incurred during the investigation.

14. All records, including time and expense records, of the Guardian ad Litem shall promptly be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances which assure that the file remains complete, organized and intact.

15. The Guardian ad Litem shall not have ex parte contact with any judicial officer involved in a matter in which he or she are appointed or serving.

16. The Guardian ad Litem shall be available to testify if called by a party.

17. The Guardian ad Litem shall report to law enforcement and/or child protective services any child abuse or neglect as defined in RCW 26.44 as found by him or her.

Adopted this 1<sup>st</sup> day of September, 2004.

I have read and agree to be bound by the Island County Superior Court Guardian ad Litem Registry Code of Conduct.

---

Applicant Signature

---

Date

---

Printed name

### RELEASE OF INFORMATION

- TO:  Washington State Bar Association  
 Washington State Medical Association  
 Washington State Nursing Commission  
 Washington State Board of Psychology  
 Washington State Department of Licensing

I, \_\_\_\_\_ (Professional License No. \_\_\_\_\_)  
hereby authorize you, for the purpose of my application and/or work as an Island  
County Guardian ad Litem, to release information to and discuss such information with:

**Megan Frazier**  
**Superior / Juvenile Court Administrator**  
**POB 5000**  
**Coupeville WA 98239**  
**(360) 679-7325**

This RELEASE OF INFORMATION includes, but is not limited to, all records and  
information concerning any official disciplinary action or a pending active investigation  
you have with regard to me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City / State / Zip