

ADMINISTRATIVE POLICY
KING COUNTY SUPERIOR COURT
GUARDIAN AD LITEM REGISTRIES

(Adopted 3/21/96)
(Amendments 02/27/2012)

This policy is supplemental to Statutes and Court Rules governing Guardians ad Litem
RCW 11.88; RCW 26.33.070; RCW 26.12.175; LCR 98.16; SPR 98.16W

I. Registry Administration:

- 1.1 The Court shall maintain and administer Guardian ad Litem registries for Adoption, Family Law, Minor Settlement and Guardianship cases. 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 Court shall make available for public review application forms, curriculum vitae, certificate of attendance at training and guardianship certificates of qualification under RCW Title 11.
- 1.4 The Court in its discretion shall select persons 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; not all persons applying will be selected.
- 1.5 The Court shall periodically sponsor or approve required training programs for applicants. GALs shall be required to attend mandatory training programs to maintain

and improve their levels 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 The Court may reconstitute each registry periodically after a publicly announced open application period. The Court may also open the registry to additional applicants periodically.

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

1.8 Probate/Trust and Title 4 GAL's are assigned at the discretion of the judicial officers.

II. Requirements for Listing on Registries:

2.1 Each person requesting to be listed on any of the registries shall submit annually an application on the current form provided by the Court. The application 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 years' 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 applicants willingness to accept cases on a reduced fee basis;
- h. Agreement to advise the Court immediately in the event of any complaint, investigation or other action which could lead to:
 1. Discipline of the applicant;
 2. Suspension or revocation of the applicants professional license;
 3. Filing of criminal charges for a felony or a crime involving allegations of theft, dishonesty, or moral turpitude.
- i. Certification that the applicant has:
 1. Met the education and experience requirements in this Policy;
 2. Completed the training requirements herein;
 3. Read and has agreed to be bound by the Court Audit Committee policies in cases in which he or she seeks compensation at public expense;
 4. 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 documentation:

- 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 duties assigned to the Guardian ad Litem;
- g. Description of any claims made, or litigation commenced, involving allegations of improper fee charges, fraud, theft or other forms of dishonesty or professional malpractice or misconduct.

2.3 Education and Experience Requirements:

- a. Attorneys:
 1. **Guardianship Registry:**
 - (a) Member of the Washington State Bar Association in good standing; AND
 - (b) Five years' experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons.
 2. **Minor Settlement Registry:** Member of the Washington State Bar Association in good standing.
 3. **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~~

4. **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 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;
- 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 for masters 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. Suspension or revocation of a professional certification or license;

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.

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 on a rotational basis. In exceptional circumstances where the Court finds a need for specialized skills or training, the Court may appoint a GAL out of rotational order or may appoint a person not listed on the registry. The Court shall make written findings supporting such an appointment.
- 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 a current application with attachments or the person is removed or suspended as set forth in paragraph 4.3.

- 4.2 the Court will review a person's retention on the registry 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. Persons making any complaint against a GAL shall deliver the complaint in writing 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 has:
 1. 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. Misrepresented his or her qualifications to be a Guardian ad Litem as set forth in paragraphs 2.3 or 2.4 herein; or
 3. Failed to meet 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 registry manager shall promptly forward the complaint to the Presiding Judge or his or her designee(s). The registry manager shall notify the Guardian ad Litem 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), participation by the Guardian ad in the registry may be suspended pending resolution of the complaint. The Presiding Judge shall notify the Guardian ad Litem 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 in a Family Law case 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 fees charged by the Guardian ad Litem upon approval by the Court.

- 5.2 The Guardian ad Litem shall submit all fee requests to the Court, with documentation and notice to all parties. All fees 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 No one shall make payment to a Guardian ad Litem, 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; the source of payment, if determined; and unless waived, shall require the Guardian ad Litem to seek Court authorization before providing services in excess of twenty hours per case, not including Court appearances. The Guardian ad Litem shall maintain time records distinguishing investigative/ legal, administrative/clerical, and travel time. Unless the Court designates otherwise in the order of appointment, the party who petitioned for a Guardian ad Litem shall obtain the nominee's acceptance of the Guardian ad Litem appointment . The nominee shall then file a Notice of Appearance and Oath of Guardian ad Litem within 14 days of the order of appointment.