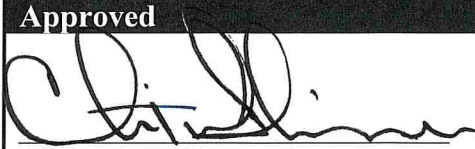





ISLAND COUNTY SUPERIOR COURT TITLE 11.130 GUARDIAN AD LITEM and COURT VISITOR REGISTRY POLICIES AND PROCEDURES

Title	Document Code No.
RCW 11.130 Uniform Guardianship Act (UGA) Guardian Ad Litem and Court Visitor Registry for Minors and Adults	ICJCS PP 100-44
Department/Issuing Agency	Effective date
Island County Superior Court	
Approved	
 Christon C. Skinner, Judge	 Carolyn L. Cliff, Judge
Affected Organization Units/Positions	
Superior Court Administration	

- 1.0 SUBJECT TITLE:** Guardian Ad Litem and Court Visitor Registry for Title 11 Minor and Adult Guardianships
- 1.1 EFFECTIVE DATE:** January 1, 2025
- 1.2 TYPE OF ACTION:** Update
- 1.3 KEYWORDS:** UGA Title 11.130

2.0	PURPOSE	To delineate policies and procedures for the RCW 11.130 Guardian Ad Litem and Court Visitor Registry for Minor and Adult Guardianships under the Uniform Guardianship Act (UGA)
3.0	ORGANIZATIONS AFFECTED	Superior Court Administration
4.0	REFERENCES	RCW 11.130; and 9.94A.030 Washington State Court Rules: Superior Court Guardian ad Litem Rules (GALR) Local Court Rules for Superior Court of Island County (GALR)

5.0 DEFINITIONS:

5.1	<u>RCW</u>	Revised Code of Washington
5.2	<u>SCA</u>	Superior Court Administrator
5.3	<u>GAL</u>	Guardian Ad Litem
5.4	<u>CV</u>	Court Visitor
5.5	<u>GALR</u>	Superior Court Guardian ad Litem Rules (State and Local)
5.6	<u>UGA</u>	Uniform Guardianship Act

6.0 ADMINISTRATIVE POLICY

6.1	The Island County SCA shall be responsible for maintaining a registry of those qualified to serve as a Guardian Ad Litem or Court Visitor in minor and adult guardianship proceedings as provided in RCW 11.130.
6.2	All registry applicants must meet the qualifications set forth in RCW 11.130, 9.94A.090 and all requirements for training and certification established by statute and/or Washington State Court Rules: Superior Court Guardian ad Litem Rules and Island Superior Court Guardian ad Litem and Court Visitor Code of Conduct.
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 applicable State Laws.
6.4	The registry shall be open for new applications throughout the year. To remain on the registry, all required yearly information must be received by the Island County SCA no later than February 1 of each year. The registry shall be defined by March 1 of each year.
6.5	<p>New applicants must submit the following documents to the Island County SCA:</p> <ul style="list-style-type: none"> A. Completed application for the Guardian ad Litem/Court Visitor Registry which includes: <ul style="list-style-type: none"> 1. Statement certifying applicant has read and agrees to be bound by the Island County Superior Court Guardian ad Litem/Court Visitor Code of Conduct. 2. Level of formal education. 3. Training related to the duties of a Guardian ad Litem or Court Visitor. 4. Number of years' experience as a Guardian ad Litem or Court Visitor.

	<p>5. Number of appointments as a Guardian ad Litem or Court Visitor and the county or counties of appointment.</p> <p>6. Criminal history background check, as defined in RCW 9.94.030</p> <p>7. Name of any county in which the Guardian ad Litem or Court Visitor has been removed from a registry pursuant to a grievance action, and the name of the court and cause number of any case in which the court has removed the Guardian ad Litem or Court Visitor for cause.</p>
	<p>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 or Court Visitor duties.</p> <p>C. Description of nature, status and outcome of any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims, and any order of removal of the Guardian ad Litem prior to completion of the Guardian ad Litem or Court Visitor'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. Signed release of information directed at all professional regulatory bodies that have licensed or supervised the applicant within the last ten years.</p> <p>G. A Certification of Qualification/Training for Guardian ad Litem or Court Visitor Title 11.130 for Minor and/or Adult Guardianships, or for those applicants currently on the registry, a Certificate of Updated Training completed within the last year. Updated training may also include 8 hours of seminars, workshops, classes or CLES that involve subject matter relevant to the performance of a Title 11.130 Guardian Ad Litem or Court Visitor.</p> <p>H. Any other required information and correspondence with reference to The person's service as a Guardian ad Litem or Court Visitor and any action thereon by the Court.</p>
6.6	<p>Persons applying will be notified 30 days after fingerprinting is completed of their placement on the registry and shall then be eligible for appointment as a Guardian ad Litem or Court Visitor</p>

6.7	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.
6.8	The SCA shall maintain separate files for each Guardian ad Litem or Court Visitor that will be located in the Superior Court Administration 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.

7.0 Qualifications Guardian ad Litem and Court Visitor Registry for Minor and Adult Guardianships

7.1	<p>In addition to any qualifications required under RCW 11.130 the following shall be the qualifications/responsibilities for individuals listed on the Guardian ad Litem and Court Visitor Registry:</p> <p><u>All Applicants:</u> Shall be of high moral character, and shall not have any:</p> <ul style="list-style-type: none"> (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) <p><u>All Applicants:</u> Shall abide by the Guardian ad Litem and Court Visitor Code of Conduct, this Administrative Policy, adopted by the Island County Superior Court, and any and all updates to the policy or Code of Conduct adopted.</p> <p><u>All Applicants:</u> Shall take at minimum of one county pay case per year.</p>
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8.0 Appointment of Guardian ad Litem or Court Visitor from Registry

8.1	Appointment of a Guardian ad Litem or Court Visitor shall be made according to RCW 11.130 and GALR 5.
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9.0 Fees

9.1	Fees paid by Island County 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
9.2	A copy of the order authorizing County paid fees and an affidavit of fees shall be submitted to the Office of the Island County SCA before payment will be made.

10.0 Retention on Guardian ad Litem or Court Visitor 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, and has not been removed as set forth in this Administrative Policy, or other controlling statute or court rule.
10.2	<p>To remain on the registry, Island County Guardians ad Litem and Court Visitors must fulfill the following obligations on an <u>annual</u> basis:</p> <p>A. Registered Guardians ad Litem and Court Visitors must attend yearly training or re-certification sessions if offered.</p> <p>B. Registered Guardians ad Litem and Court Visitors must provide a yearly Criminal History background check consistent with the requirements of RCW 9.94A.030 and RCW 11.130.155(2)(a)(v).</p> <p>C. Registered Guardians ad Litem and Court Visitors must provide updates to application information listed in section 6.5.</p>
10.3	<p>If the Superior Court Administrator or the Court receives a written complaint alleging that:</p> <p>A. a Guardian ad Litem or Court Visitor has violated this policy regarding requirements for participation on the registry; or</p> <p>B. a Guardian ad Litem or Court Visitor has misrepresented his or her qualifications to be a Guardian ad Litem or Court Visitor; or</p> <p>C. a Guardian ad Litem or Court Visitor is not suitable to act as a Guardian ad Litem or Court Visitor; or</p> <p>D. a Guardian ad Litem or Court Visitor's conduct is being questioned in a particular case, or</p> <p>E. a Guardian ad Litem or Court Visitor has exhibited inappropriate conduct in a particular case:</p> <p>Refer to Island County Superior Court Grievance Procedures GALR 7.</p>

10.4	The Guardian ad Litem or Court Visitor and any complaining party shall be notified of any action or decision on the complaint or grievance. A copy of the decision shall be placed in the Guardian ad Litem or Court Visitor's file maintained in the office of the SCA. A Guardian ad Litem, Court Visitor or party seeking reconsideration of a decision shall do so in writing to the SCA within ten (10) days of the date of decision.
10.5	The final decision of the Superior Court Judges shall be placed in the Guardian ad Litem or Court Visitor's file and the Guardian ad Litem, Court Visitor, and the person making the grievance shall be notified of any action taken
10.6	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, Court Visitor, or party in a specific case heard before that Judge or Court Commissioner. Conduct of a Guardian ad Litem or Court Visitor pertaining to the performance of his/her duties in a specific pending case shall be addressed in a properly noted hearing in the guardianship proceeding.
10.7	The Office of the Administrator of the Courts shall be notified of the names certified on the Guardian ad Litem and Court Visitor Registry. The Office of the Administrator of the Courts shall be notified immediately of the names of any Guardian ad Litem or Court Visitor 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 Guardian ad Litem and Court Visitor application
11.2	Island County Superior Court Guardian ad Litem and Court Visitor Code of Conduct
11.3	Island County Superior Court Guardian ad Litem Release of Information
11.4	Authorization for Initial or Annual Renewal Background Inquiry

**APPLICATION FOR TITLE 11.130 GUARDIAN AD LITEM
AND COURT VISITOR REGISTRY**

I am applying to the (mark all that apply):

- ☐ Minor Guardianship Guardian ad Litem and Court Visitor Registry
- ☐ Adult Guardianship Guardian ad Litem and Court Visitor Registry
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- ☐ I am willing to take the Training for the Title 26 Guardian ad Litem Registry.

Mail or deliver the completed application, with all attachments, to:

Island County Superior Court Administrator
1 NE 7th Street (mailing address)
101 NE 6th Street (physical address)
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 or Court Visitor 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 the Island County Superior Court Title 11.130 Guardian ad Litem and Court Visitor Registry Policies and Procedures and agree to be bound by the Island County Superior Court Guardian ad Litem and Court Visitor Code of Conduct.

Summary of my experiences as a GAL including years of experience, counties worked in, and number of appointments. (attach additional pages as needed).

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 or Court Visitor: _____

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 and/or Court Visitor duties
- ☐ 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.
- ☐ 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 or Court Visitor prior to completion of the Guardian ad Litem or Court Visitor's duties
- ☐ 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
- ☐ Copy of fee schedule
- ☐ Certificate(s) of Qualification/training for Guardian ad Litem and/or Court Visitor seeking appointment under RCW Title 11.030

OR

☐ I am currently on the Guardian ad Litem and Court Visitor Registry and have included a certificate of updated training taken within the last year.

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 AND COURT VISITOR
CODE OF CONDUCT**

Adopted: JANUARY 1, 2025

Guardian ad Litem and Court Visitors are officers of the court and in that capacity must:

1. Represent, investigate, and report to the court, the factors relevant to the best interest of the person for whom they are appointed.
2. Maintain independence, objectivity, and the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom.
3. Conduct themselves professionally and maintain the ethical principals of the rules of conduct as set forth herein.
4. Remain qualified for the registry at all times during appointment and promptly advise the court of any grounds for disqualification or unavailability to serve.
5. Avoid conflicts of interest, both actual and apparent, and take action immediately to resolve any potential conflict or appearance of impropriety. Avoid self-dealing or association from which they might directly or indirectly benefit, other than from compensation as Guardian ad Litem or Court Visitor.
6. Treat the parties with respect, courtesy, fairness, and good faith regardless of race, ethnicity, religion, national origin, cultural heritage, gender identity, age, education, economic status, marital status, sexual orientations, or abilities.
7. Make reasonable efforts to become informed about the facts of the case, contact all parties, and examine material information and sources of information, considering the positions of the parties, and decline the appointment if they are not qualified, competent, or able to complete the matter in a timely manner.
8. Not require any evaluations or tests of the parties except as authorized by statute or court order issued following notice and opportunity to be heard.
9. Inform the court concerning all pertinent information disclosed or made available to them during their appointment and file any report as required by court order or statute.
10. Limit duties to those outlined in the statute and as ordered by the court.
11. Identify themselves as a Guardian ad Litem or Court Visitor when contacting individuals, inform the individual of their role as Guardian ad Litem or Court

Visitor at the earliest practicable time, not guarantee or create the impression that any portion of the investigation will remain confidential, and inform all witnesses that information gathered by the Guardian ad Litem or Court Visitor must be reported to the court.

12. Appear at any hearing for which the duties of the Guardian ad Litem or Court Visitor or any issues substantially within their duties and scope of appointment are to be addressed.
13. Not have ex parte contact or communication with any judicial officer involved in a matter in which he or she are appointed or serving. RCW 11.130.150.
14. Maintain the parties' privacy 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 their duties.
15. Perform duties in a prompt and timely manner.
16. Maintain documentation to substantiate recommendations and conclusions and keep records of actions taken by them.
17. Keep accurate records of time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.
18. Promptly make available all records, including time and expense records, to the parties and/or their attorneys for review upon request, without formal discovery requests being made.
19. Be available to testify if called by a party or the court.
20. Report to law enforcement and/or child protective services any child abuse or neglect as defined in RCW 26.44 or adult abuse as defined in RCW 74.34 as found by him or her.

I have read and agree to be bound by the Island County Superior Court Guardian ad Litem and Court Visitor 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 or Court Visitor, to release information to and discuss such
 information with:

Megan Frazier
Superior Court Administrator
1 NE 7th Street (mailing address)
101 NE 6th Street (physical address)
Coupeville, WA 98239
(360) 678-7929

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

Pol/Proc -Title 11 Guardian ad Litem and Court Visitor Registry
Revised 01-10-2025