

## **LGALR 7     GRIEVANCE PROCEDURES**

### **(k) General Terms.**

(1) *Complaint Review Board.* A Thurston County Complaint Review Board (the Board) is created. The Board shall consist of the Superior Court Administrator or designee, two Thurston County citizens, a member of the Thurston County Bar Association (selected by the County Bar), and one guardian ad litem who is active on the Thurston County Guardian ad Litem registry and who has not received any sanctions pursuant to a guardian ad litem complaint procedure in the past three years, selected by court administration. The guardian ad litem representative shall be from the applicable Title 11, Title 13 or Title 26, or GAL registry. Service on the board is a voluntary service for the good of the community, and is made without receipt of any additional compensation from this service on the board.

(2) *Application of Rules.* These rules shall apply to guardians ad litem and Dependency Guardians ad Litem (DGAL) appointed on any case heard by this court under Titles 11, 13, and 26 of the Revised Code of Washington (RCW).

(3) *Filing of Complaint.* Any person may file a complaint against a guardian ad litem or DGAL. The complaint must be submitted in writing and filed with the Superior Court Administrator under Titles 11, 13 and 26. The complaint must state the specific guardian ad litem or DGAL act or failure to act of concern to the complaining person and shall include the following information:

(A) The name, mailing address, telephone number, and e-mail address of the person filing the complaint.

(B) The status of any underlying case including the case number and case name.

(C) Whether the complaining person told the guardian ad litem or DGAL about the complaint.

(D) What action, if any, the guardian ad litem or DGAL has taken to address the complaint.

(E) Which section(s) of the Thurston County Superior Court Guardian ad Litem Code of Conduct was violated and the specific facts involved for each violation. A copy of the Code of Conduct is available from the Superior Court Administrator or the DGAL Program Coordinator.

(F) Which provision(s) in the Order of Appointment the complaining person feels the guardian ad litem or DGAL has violated and the specific facts supporting each alleged violation.

(G) What the complaining person would like done to fix the problem which is the

subject of the complaint.

The complaint shall not exceed ten pages in length without prior permission for an overlength complaint having been given by the Superior Court Administrator or designee. The complaint may be accompanied by exhibits and attachments without limitation on length.

(4) *Limitation on Filing Complaints.* Complaints filed under this rule must be filed within one year from the date of occurrence of the matters complained of.

(5) *Removal.* If the guardian ad litem or DGAL is removed from the court registry, the court shall enter findings of fact and an order of removal. Upon removing a guardian ad litem from the registry, the court shall forward a copy of the order to the Office for the Administrator of the Courts for circulation to other counties.

(6) *Confidentiality.* The complaint, the Board's meeting minutes and communications, and the Board's initial decision, shall be kept confidential from everyone but the complaining person, unless the Board finds cause to proceed with the complaint. Any requests to disclose information from complaint or guardian ad litem files or DGAL are subject to redaction of case identifying information, including party names and case numbers; any information that could endanger a victim of domestic violence; and any information prohibited by law from disclosure.

(A) No cause to proceed. If the Board finds no cause to proceed with the complaint, no record of the complaint will be kept in the guardian ad litem's or DGAL's file, although a copy may be kept in separate complaint files with safeguards for confidentiality. After three years, the complaint documents shall be destroyed, with a notation in the file including the names of the complaining person and guardian ad litem or DGAL, the filing date of the complaint, and that the Board found no cause to proceed with the complaint. However, if a complaining person discloses to a third party that a complaint has been filed, the guardian ad litem or DGAL may see a copy of the complaint and the Board's decision in the matter and may file a written response to be placed in the confidential file.

(B) Cause to Proceed. If the Board finds cause to proceed, the complaint and all relating documents shall be kept in a guardian ad litem or DGAL complaint file, including copies of the initial and final decisions, and any judicial decisions regarding the complaint.

(7) *Extension of Timelines.* Timelines stated herein can be extended by the Superior Court Administrator or by a judicial officer for good cause.

#### **(I) Grievance Procedure.**

(1) *Motion in Court.* At any time, a party may bring a motion in court to address the issues raised by a complaint pursuant to LGAL 7(a).

(A) Such a motion shall be heard by a judicial officer other than the one making rulings in the underlying case(s) at issue in the complaint. A judicial officer who has heard a motion regarding a guardian ad litem or DGAL complaint shall not make further rulings in the case except those necessary to resolve the issues raised in the complaint.

(B) If such a motion is brought by the complaining party during or after a complaint has been filed with the Board, the party shall disclose to the court the status of the Board's involvement. A decision by the Board is not binding on the judicial officer.

(2) *Initial Review by Board.* Within 10 court days after the Superior Court Administrator receives the written complaint, the Board shall review the complaint and make an initial determination of whether there is cause to proceed.

(A) The initial decision shall be in writing and state whether the Board finds cause to proceed with the complaint and the reasons for that decision.

(B) The Board shall mail the initial decision to the complaining person within 10 court days after receipt of the complaint.

(C) At its discretion, the Board may request additional information from the complaining person. The Board may also extend the time to respond if needed. The extension shall not be for more than a total of 10 additional court days. The failure of a complaining person to provide more information requested by the Board may be a factor in whether the Board finds cause to proceed.

(D) If the Superior Court Administrator determines that the complaint concerns a case currently pending before the court, the Superior Court Administrator shall refer the complaint to the Family Court Chief Judge in Title 11, 13 and 26 RCW cases, and shall so inform the complaining person in writing.

(3) *Review of Determination of No Cause to Proceed.* If the Board finds no cause to proceed, the complaining person may seek review of that decision by bringing a motion before a judicial officer consistent with the provisions of this rule.

(4) *Procedure Following Determination of Cause to Proceed.* If the Board finds there is cause to proceed, the Board shall notify the guardian ad litem or DGAL in writing at the same time the complaining person is notified of the Board's finding of cause to proceed. The notice to the guardian ad litem or DGAL shall include a copy of the complaint and a copy of the Board's initial decision.

(A) The guardian ad litem or DGAL shall respond in writing to the Board within 15 days of the mailing of the decision.

(B) The guardian ad litem or DGAL shall mail a copy of the guardian ad litem's response to the complaining person.

(5) *Board's Authority Following Determination of Cause to Proceed.* After reviewing the guardian ad litem's or DGAL's response, and any replies, the Board shall have the authority to do the following:

(A) find that, based on the information provided, the guardian ad litem or DGAL did not violate applicable laws, rules, or policies;

(B) issue a written reprimand;

(C) issue an advisory letter to the guardian ad litem or DGAL summarizing concerns and to take notice and/or address;

(D) refer the guardian ad litem or DGAL to additional training;

(E) require the guardian ad litem or DGAL to take corrective action to remedy the matters complained about or mitigate the harm caused by those matters;

(F) require the guardian ad litem or DGAL to bring or support a motion to add, seal, or remove information to/in/from the court file or to/in/from the report;

(G) recommend to the judicial officer hearing an underlying case that it remove the guardian ad litem or DGAL from the case; and/or

(H) recommend to the court that the guardian ad litem or DGAL be removed or suspended from the registry;

(6) *Decision.* Following consideration of all material submitted, the Board shall issue its final decision within 10 court days following receipt of the guardian ad litem's or DGAL's response or passage of the time allowed for response.

(A) The Board shall mail the final decision to the complaining person, the guardian ad litem or DGAL, and all parties in any underlying case.

(B) The court shall ensure that the final decision is placed in the guardian ad litem's or DGAL's file and the complaint file.

(7) *Judicial Review of Board Decisions.*

(A) *Two Methods of Review.* There shall be two methods for seeking judicial review of a Board decision.

(i) *Appeal.* The right to appeal a decision of the Board finding misconduct shall be available only to the guardian ad litem or DGAL, and only in cases where the decision of the Board recommends removal or suspension of the individual from the registry.

(ii) *Discretionary Review.* Decisions of the Board which do not recommend

suspension or removal from the registry are subject to review by the court only through discretionary review. Discretionary review will be accepted only in cases involving significant questions of law or allegations that there was no substantial evidence in the record to support a material finding of fact upon which the decision of the Board was based. Either a guardian ad litem or DGAL or a complaining person may seek discretionary review of a Board decision.

(B) Procedure on Filing Review.

(i) Filing and Service of Petition. Judicial review of a Board decision must be commenced by filing a petition for judicial review with the clerk of the court and serving the petition on the Superior Court Administrator, all parties to the underlying action, the complaining person, and the guardian ad litem or DGAL. Filing and service must be obtained within 20 days of the mailing date of the final decision by the Board. The Superior Court Administrator shall assign the petition for judicial review to a judicial officer who has not heard matters in any underlying case at issue in the complaint.

(ii) Costs. The person seeking judicial review shall be responsible for any filing fees, and costs associated with producing the record for review.

(C) Response and Argument.

(i) Appeal. Any response to an appeal of right shall be filed within 10 days of the filing and service of a notice of appeal of right. Oral arguments will be scheduled by the judicial officer.

(ii) Discretionary Review. No response is required, and no oral argument will be had unless otherwise directed by the judicial officer. If written response or oral argument is directed, the briefing schedule and the date for argument will be set by the judicial officer.

(D) Scope of Review. The judicial officer shall review the written record and any oral argument, if permitted, to determine whether the guardian ad litem or DGAL violated any applicable laws, rules, and/or policies and if so, the appropriate remedy. The judicial officer shall issue findings and a decision on the issues in the complaint based on an independent review of the record.

(E) Consideration of Prior Complaints. If the judicial officer determines that a violation occurred, the judicial officer may, in fashioning a remedy, consider any prior complaints against the guardian ad litem or DGAL where the Board found cause to proceed.

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