11.88 GUARDIAN COMPLAINT PROTOCOL

1. Purpose: The protocol that follows is intended to provide a standardized complaint resolution procedure for complaints against guardians appointed pursuant to RCW 11.88 in Spokane County Superior Court. This protocol applies to **all** guardians, professional or otherwise, except where otherwise stated. All written complaints and subsequent correspondence shall be placed in the public portion of the legal file subject to General Rule 22 requirements.

2. Receiving Complaints: The court will not accept or act upon a telephonic complaint, other than to provide the address to which to deliver or mail a written complaint (on the standardized form) against a guardian. When the court receives the standardized complaint form against a guardian, it shall forthwith be routed to the Guardianship Monitoring Program Coordinator, who will assign it to the appropriate Superior Court Commissioner.

3. Processing Procedures:

A. The assigned commissioner shall, within ten (10) working days of his/her receipt of the complaint, have the Guardianship Monitoring Program Coordinator send a letter of receipt to the complainant.

B. The assigned commissioner shall review the guardianship file in its entirety in light of the complaint and within fifteen (15) working days of receipt of the complaint have the Guardianship Monitoring Program Coordinator:

(1) Send a letter to the complainant dismissing the complaint as unsubstantial/inconclusive/insufficient basis; or

(2) Send a copy of the complaint to the guardian and/or the attorney for the guardian to review and direct a response within 15 working days from the date of the commissioner's letter. If the guardian does not respond within 15 working days a show cause hearing will be set and the guardian must appear.

C. Upon a receipt of the guardian's response, the assigned commissioner shall review the response and forward a copy of the response to the Guardianship Monitoring Program Coordinator to send to the complainant within 10 working days:

(1) Resolve and/or dismiss the complaint by letter to all interested persons, or

(2) Set a show cause hearing, or

(3) Appoint an 11.88 Registry Guardian Ad Litem to investigate issues identified, in writing, by the assigned Commissioner. Notice of the appointment of a Guardian Ad Litem shall be mailed to the complainant, guardian, guardian's attorney and any other

interest persons of record. The report of the Guardian Ad Litem is due within 14 days of the appointment unless the time is extended by the assigned Commissioner for good cause.

D. In cases involving a CPG, the Guardianship Monitoring Program Coordinator shall notify the CPG Board that there is a complaint pending and the final disposition of the complaint.

4. Hearing to Review GAL Report: The assigned commissioner shall conduct a hearing to review the GAL's report and recommendations, and as a result of the hearing will enter written Findings of Fact and an Order:

A. Dismissing the complaint; or

B. Directing remedial or other relief actions to be taken by the guardian; and

C. Directing additional review dates for hearings as appropriate; and/or

D. Determining allocation or payment of GAL fees; and

E. Sanctions, as appropriate, which may include reimbursement to the incapacitated person, suspension from taking new cases (Professional Guardians only), removal from the case, referral for prosecution, and other appropriate sanctions.

F. If the guardian is a Certified Professional Guardian (CPG)
The commissioner may refer the case to the CPG Board for further action regarding GR 23 Standards of Practice (ethical) violations. Such referral is mandatory in the event that the CPG is removed from a case for cause. The assigned commissioner may refer the case to the CPG Board at any stage of the complaint process. However, the CPG Board will not act on a complaint regarding a CPG involving active guardianship cases until the local Superior Court has investigated the case. While the Board will act on **any** judicial referral, it generally will not act on a complaint pending action by the local Superior Court until receipt of Findings of Fact, Conclusions of Law and Order.

G. Final Resolution: The complaint is closed only upon entry of Findings of Fact and an Order directing same and the discharge and compensation of the GAL. All pleadings and orders regarding the complaint will be filed in the appropriate guardianship court file. In cases involving a CPG, the Guardianship Monitoring Program Coordinator shall forward the final pleadings to the CPG Board.