

## SPOKANE COUNTY SUPERIOR COURT

Statement of Policies and Procedures regarding Guardians Ad Litem in RCW Title 11.88 matters

### I. General Policy

Any individual who wants to serve as a Guardian Ad Litem (GAL) in any matter under RCW Title 11.88 must be a member of the Guardianship Guardian Ad Litem Registry (Registry).

### II. Qualifications

In addition to any qualifications required by statute, the following shall be the qualifications for the Spokane County Registry:

a. Attorneys: A resident of the state of Washington, a member of a State and/or District of Columbia Bar Association in good standing and three years experience in the practice of law.

b. Non-attorneys:

1. Graduate level degree in any of the following fields: social work, law, psychology, nursing, counseling, psychiatry or equivalent field; and current license or certification by the State of Washington in the following areas: social worker, mental health therapist, marriage and family counselor, nurse, psychologist, psychiatrist or medical physician in good standing; and
2. Must have professional experience in dealing with disabled individuals.

c. All applicants: Shall be of high moral character, and shall not have any:

1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude;
2. A professional certification or license suspension or revocation;
3. A pending investigation or action for either (1) or (2).

### III. Administration

The Spokane County Superior Guardianship Monitoring Program shall maintain a registry of those qualified to serve as a GAL. The Registry will be updated as new applications are received and approved, upon review by the Committee at the next quarterly meeting.

Applications for initial placement on the Registry shall be reviewed by the Guardianship Registry Committee of the Superior Court at the next quarterly meeting. The Committee shall

review initial applications and annual updates to determine compliance with the Registry policies and statutory requirements.

The Registry shall be continuously open for new applications. Spokane County will offer training for new applicants once a year if four persons, or more, preregister for the session. Spokane County will also consider new applicants who have successfully completed training in counties where the local Bar Association is hosting the training and follows statute. If a private party is hosting the training, this committee would need to review the training agenda. Successful applicants will be notified of their placement on the Registry and the date thereof. Newly approved applicants will be placed at the bottom of the Registry.

The Guardianship Monitoring Program Coordinator shall maintain a separate file for each person on the Registry. The file shall include the statement of background information and qualifications required under RCW 11.88.090, verification of completion of training, together with all correspondence (including evaluations) with reference to the person's service as a GAL and any action thereon by the Court.

The information contained in the file maintained under subsection 2.4 shall be open for public inspection. Review of the file shall occur in the Guardianship Monitoring Program office.

#### IV. Appointment of GAL from registry:

##### Uncontested Appointment

Where the alleged incapacitated person is not represented by counsel, attorneys or pro se litigants shall contact the Coordinator to receive the first three available GAL names on the Registry list and shall select one to serve as GAL. The GAL selected shall be named in the Petition for Guardianship and Order Appointing Guardian ad Litem. The Coordinator shall initial the original Order Appointing Guardian ad Litem prior to its presentation to the Court.

Under extraordinary circumstances the attorney or pro se litigant may move for the appointment of a specific GAL with particular expertise pursuant to RCW 11.88.090(4)(a). The motion shall specifically address the particular qualifications which are needed. In the event that the motion is granted by the court, the attorney or pro se litigant shall provide a copy of the Order Appointing Guardian ad Litem to the Coordinator following entry.

##### Contested Appointment

Attorneys/pro se litigants shall schedule a Motion to Appoint a Guardian Ad Litem (GAL) on the Guardianship calendar. The parties must have contacted the Guardianship Monitoring Program prior to scheduling the hearing to obtain the next 3 GAL names.

After the attorneys/pro se litigants receive notification of the three available GALs, each attorney/pro se litigant has the right to reject one of the names on the list and if they do not reject any of the proposed GALs, the Court shall select the first GAL available on the list.

If the attorneys/pro se litigants each reject a different name from the three available names given, the third GAL not rejected shall be appointed. If the attorneys/pro se litigants reject the same GAL, the Court will decide the GAL appointment from the remaining two names. If the attorneys/pro se litigants reject all three names, the next GAL available on the Registry shall be appointed.

Under extraordinary circumstances the attorney/pro se litigant may move for the appointment of a GAL with a particular expertise pursuant to RCW 11.88.090(4)(a). In the event the court grants the motion and the GAL selected is not one of the three names originally given, the attorney/pro se litigant shall prepare findings and an order outlining the reasons for the appointment of a GAL with particular expertise.

The attorneys/pro se litigants shall have three judicial days to decide on a GAL and present the Order. If the Order is not presented within three judicial days, the Court will release the GAL names to be considered for other cases.

If two different parties approach the GMP for GAL names on the same individual, all inquiries shall be given the same 3 GAL names.

The attorneys/pro se litigants may request the background information and hourly rate of the GALs from the Guardianship Monitoring Program at the time the attorneys/pro se litigants receive the three names.

The Order Appointing GAL must be initialed by the Guardianship Monitoring Program before being submitted to the Guardianship commissioner or full time Court Commissioner. Once the Order is signed, the GAL appointed shall be moved to the bottom of the Registry. The two names not chosen shall remain at the top of the Registry list.

Generally, a GAL will be required to accept county pay cases. If a GAL declines the appointment, he/she will be placed at the bottom of the Registry. If the GAL has previously accepted two county pay cases within the last 12 months, the GAL may decline the appointment and will remain in the same position of the Registry.

#### V. Retention on the Registry

A GAL shall remain on the Registry unless he or she fails to comply with the policies and procedures set forth herein or the person is removed or suspended as set forth in section VIII below.

Each GAL must submit the update of background information statement annually due January 2nd or date set in the reminder letter or email. The Coordinator will send out one reminder letter or email a month or so before deadline. If the GAL does not prepare an annual update and WSP

background check by the deadline, he/she will be suspended from the Registry. Once the required documents are submitted the Coordinator will forward to the Committee at the next quarterly meeting and it shall be determined if the GAL should be reinstated on the Registry or other action is required.

Each GAL must attend all required training otherwise, the GAL will be removed from the Registry immediately. He/She will be suspended from the Registry until training is obtained. The training certificate shall be submitted and the Coordinator will forward to the Committee at the next quarterly meeting if the GAL should be reinstated on the Registry or other action is required.

If a GAL requests to be removed from the Registry, he/she shall do so in writing and submit the letter or email to the Coordinator.

- VI. Evaluation Procedure - See LSPR 98.22
- VII. Complaint Procedure - See LSPR 98.22
- VIII. Discipline Procedure - See LSPR 98.22