

**YAKIMA COUNTY SUPERIOR COURT
LOCAL FAMILY LAW RULE 8
Effective December 15, 2021**

**LFLR 8
GUARDIANS AD LITEM AND COURT VISITORS**

(a) Registry Administration

- (1) The court shall maintain and administer guardian ad litem registries for Family Law and Guardianship/Probate/Trusts and two separate court visitor registries for Minor Guardianships/Conservatorships/Protective Arrangements and Adult Guardianships/Conservatorships/Protective Arrangements. These registries shall not include Juvenile Court volunteer guardians ad litem or Court Appointed Special Advocates (CASAs), which shall continue to be administered independently by their respective programs.
- (2) The court shall maintain the application form and background information records pertaining to each person listed on a registry. Persons listed on a registry or registries shall update information annually on a date specified for each registry.
- (3) The application forms as described in section (b), curriculum vitae, certificate of attendance at training, and guardianship certificates of qualification under [Title 11 RCW](#) shall be available for public review.
- (4) All guardians ad litem and court visitors on the registry shall be required to complete mandatory training. The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency.
- (5) Each registry shall be continuously open for new applications and persons applying shall be notified of their placement on the registry and the date thereof.
- (6) The court may impose an application processing fee and/or charge a fee for the training programs.

(b) Requirements for Listing on Registries.

(1) *Education and experience requirements.*

(A) Attorneys

- (1) Guardian ad litem Guardianship, Probate Registry, and court visitor Guardianship/Conservatorship/Protective Arrangement Registry: Member of the Washington State Bar Association in good standing and five years of relevant experience in the practice of law.
- (2) Family Law Registry: Member of the Washington State Bar Association in good standing and five years of experience in the practice of law, with at least 50 percent of that practice in family law or dependency cases.

(B) Non-attorneys

- (1) Guardianship guardian ad litem and court visitor Registries: Bachelor's degree in relevant subject area and five years' experience in the following: 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 minimum of a Bachelor's degree in a relevant field and a minimum of five years' experience working with families and children.

(3) Parentage Cases: In [chapter 26.26A RCW](#) 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.

(4) Individuals without a bachelor's degree or without five years' experience may be approved for these registries after application to and approval of the Presiding Judge or designee. To be considered, the individual shall submit all required application paperwork and provide a letter requesting an interview explaining why an exception to either the Bachelor's degree or years of experience should be allowed.

(2) *Application Process.* Each application shall be accompanied by the following:

(A) Copy of the certificate evidencing successful completion of the current training required for the area of guardian ad litem practice or court visitor;

(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 and level of formal education;

(D) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last 10 years;

(E) Certificate of Qualification for guardians ad litem seeking appointment under [Title 11 RCW](#);

(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 guardian ad litem's duties;

(G) 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.

(H) Description of fees charged.

(I) If the applicant has previously been admitted to a registry in this or any other county, the applicant shall provide:

(1) The number of appointments as a guardian ad litem and the county or counties of appointment.

(2) The number of years' experience as a guardian ad litem or court visitor.

(3) The names of any counties in which the person was removed from a guardian ad litem or court visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court removed the person for cause.

(3) The applicant shall be of high moral character, and shall not have any of the following:

(A) Conviction of a felony or of a crime involving theft, dishonesty or moral turpitude;

(B) A professional certification or license suspension or revocation; or

(C) Pending investigations or actions for any of the above.

(c) Appointment of Guardian ad Litem

- (1) When the need arises for the appointment of a guardian ad litem or court visitor in a case involving a subject area for which there is a registry, the court shall appoint a person from the registry unless exceptional circumstances are found and findings are entered supporting appointment of a person not listed on the registry.
- (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 or court visitor. Agreement of all parties will not suffice when one or more parties is alleged to be under a legal disability.
- (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.
- (4) Guardians ad litem and court visitors shall be appointed from the registry in a manner which, to the extent possible, equalizes the workload among persons on the registry. Guardians ad litem and court visitors shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.
- (5) Guardians ad litem and court visitors may temporarily decline appointments due to their workloads. However, each guardian ad litem and court visitor must accept a minimum of one appointment annually. Any guardian ad litem or court visitor suspended for failure to accept a minimum of one annual appointment may be reinstated by the Presiding Judge.

(d) Retention on Registry/Grievance Procedures

- (1) A person shall remain on the registry unless the person fails to maintain current application and training requirements, the person notifies the registry of his/her desire to be removed from the registry, or the person is removed or suspended as provided herein.
- (2) Complaints regarding a guardian ad litem or court visitor shall be directed to the Court Administrator. All complaints shall be in writing on a form prescribed by the court and shall bear the name, signature, and address of the complainant. A complaint must be filed within one year from the date of the acts complained of.
- (3) Complaints shall be forwarded to the presiding judge or his/her designee(s) and shall be processed as follows:
 - (A) If the complaint related to an on-going case, the complainant shall be advised that the complaint may be addressed only in the case at bar, either by seeking the removal of the guardian ad litem/court visitor or by contesting the information contained in the guardian ad litem's or court visitor's report or testimony. Such complaints shall be processed in a manner which assures that the trial judge remains uninformed of the complaint. This process shall be completed in 25 days.
 - (B) If the complaint relates to a case in which final orders have been entered, the presiding judge or his/her designee(s), shall review the complaint and either:
 - (1) make a finding that the complaint has no merit on its face and so inform the complainant in writing; or
 - (2) make a finding that the complaint may have merit and require the guardian ad litem or court visitor to provide a written response within 10 business days. The guardian ad litem or court visitor shall be provided with a copy of the complaint. The guardian ad litem's or court visitor's response to the complaint shall be reviewed and such additional investigation as deemed necessary shall be conducted. Findings shall be made as to whether and on what basis the complaint has merit, and such findings shall be forwarded to the guardian ad litem/court visitor and

complainant. If a complaint is found to have merit, the guardian ad litem or court visitor may be admonished, reprimanded, referred for additional training, or suspended or removed from the registry. This process shall be completed within 60 days. If the guardian ad litem or court visitor is removed or suspended, an order shall be signed.

(4) Complaints shall be confidential unless they are deemed to have merit. Findings regarding complaints determined to have merit shall be made part of the guardian ad litem's or court visitor's file and shall be made available upon request, provided, however, confidential information regarding the parties shall not be made available.

(5) If a guardian ad litem or court visitor is removed from the registry pursuant to disposition of a grievance under this rule, the registry manager shall send notice of such removal to the Administrative Office of the Courts (AOC).

(e) Payment of Guardians ad Litem and Court Visitor.

(1) In Family Law cases, the order appointing a guardian ad litem shall provide for payment of the guardian ad litem's fees. The court may order either or both parents to pay for the guardian ad litem's fees based upon their ability to pay. The guardian ad litem shall provide a monthly accounting of his/her time and billing for services to the parties. The order appointing the guardian ad litem shall provide that the guardian ad litem may charge up to \$3,000.00 without further court approval. Additional fees may be charged only with court approval.

(2) In [Title 11 RCW](#) matters, the court shall set the hourly rate and maximum amount in the order appointing the guardian ad litem or court visitor. The fee shall be charged to the individual subject to conservatorship or individual subject to guardianship unless the court finds such payment would result in financial hardship, in which case, the county shall be responsible for such costs. In matters where no guardian or conservator is appointed, the fee may be charged to the petitioner, the individual subject to conservatorship/guardianship or apportioned. If the petition is found to be brought in bad faith, the fee shall be charged to the petitioner.

(3) Guardians ad litem and court visitors paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.

(f) Application of Washington's Superior Court Guardian ad Litem Rules to Court Visitors.

(1) Unless otherwise provided by statute, this court's local court rules, or orders entered in individual cases, Rules 2, 3, and 4(a) through 4(g) of the [Superior Court Guardian ad Litem Rules \(GALR\)](#) shall apply to court visitors.

[Adopted effective September 1, 2020; Amended effective September 1, 2021. Amended as an emergency rule effective December 15, 2021.]