

**AMENDED
ADMINISTRATIVE POLICY**

Kitsap County Superior Court

RCW 11.130 Adult Guardianships / Court Visitors / Attorneys

Adopted: September 20, 2011

Revised: September 1, 2017

Revised: July 1, 2022

This Administrative Policy supersedes the previously adopted policies of March 8, 2000; November 4, 2002; January 18, 2005; September 20, 2011; and, September 1, 2017.

1. Administration: Registry for Adult Guardianships and Court Visitors

1.1 The Kitsap County Superior Court Administrator shall be responsible for maintaining a registry of those qualified to serve as court visitors in adult guardianship proceedings as provided in RCW 11.130.155. The registry will also be used to make appointments for special agents, emergency guardians, and attorneys to represent respondents and persons subject to adult guardianships and conservatorships under RCW 11.130.

1.2 All registry applicants must meet the qualifications set forth in RCW 11.130.155 and all requirements for training and certification established by statute and/or court rule to be considered for placement or retention on the registry.

1.3 Applications for placement on the registry shall be reviewed by the Kitsap County Superior Court Guardian ad Litem/Court Visitor Committee to determine compliance with this policy and all applicable State laws.

1.4 The registry shall be open for new applications one time per year between February 1 and June 1. All required information must be received by the Kitsap County Superior Court Administrator no later than June 1 of each year. The registry shall be defined by July 1 of each year.

1.5 Each applicant, including persons currently on the registry, must annually submit the following documents to the Kitsap County Superior Court Administrator:

A. Completed Application/Reapplication for Title 11.130 Adult Guardianship/Court Visitor Registry which includes:

1. Statement certifying the applicant has read and agrees to be bound by

- the Kitsap County Superior Court Guardian ad Litem Registry Code of Conduct;
2. Summary of experiences as a Guardian ad Litem/Court Visitor including years of experience and number of appointments; and,
 3. Number of times the Guardian ad Litem/Court Visitor has been removed for failure to perform his or her duties as a Guardian ad Litem or Court Visitor.
- B. Curriculum vitae documenting education, 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/Court Visitor duties
- C. Description of 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/Court Visitor prior to completion of the Guardian ad Litem's/Court Visitor's duties
- D. Description of any claim(s) 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
- E. Copy of fee schedule which complies with private pay limits established under KCLGALR 5(f)(3)
- F. Washington State Patrol Conviction Criminal History Report
- G. Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten (10) years
- H. A Certification of Qualification/Training for Guardian ad Litem/Court Visitor per Title 11.130.155(5);
- Or, for those applicants currently on the registry, a Certificate of Updated Training completed within the last year, and
- I. Any other required information and correspondence with reference to the person's service as a Guardian ad Litem/Court Visitor and any action thereon by the Court.

1.6 Persons applying will be notified by July 1 of their placement on the registry and shall then be eligible for appointment as a Guardian ad Litem/Court Visitor.

1.7 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, the applicant's name shall not be placed on the registry.

1.8 An applicant may be denied placement on the registry, or removed there from, at the discretion of a majority of the Kitsap County Superior Court Guardian ad Litem Committee/Court Visitor or a majority of the Kitsap County Superior Court judges. Such discretion may be exercised for any reason that places into question the suitability of the person to serve as a Guardian ad Litem/Court Visitor, including, without limitation, the person's failure to comply with this Administrative Policy, pertinent State and local court rules, or State law.

1.9 The Court Administrator shall maintain a separate file on each Guardian ad Litem/Court Visitor which will be located in Superior Court Administration Office. Each file shall include the items listed within this policy specifically outlined in Section 1.5 (A-I). The information contained in the files shall be open for public review during normal business hours except (F) Washington State Patrol Conviction Criminal History Report.

2. Qualifications: Guardian ad Litem/Court Visitor Registry for Adult Guardianships

2.1 In addition to any qualifications required under RCW 11.88.090(3) the following shall be the qualifications for the Guardian ad Litem/Court Visitor Registry:

- A. *Attorneys*: Member of the Washington State Bar Association in good standing.
- B. *Non-Attorneys*: Five years' experience in needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of RCW 11.130 as documented in the applicant's curriculum vitae.
- 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. Professional certification or license suspension or revocation; or,
3. Pending investigation or action for either (1) or (2)

D. *All Applicants*: Shall abide by the Guardian ad Litem Code of Conduct and this Administrative Policy, adopted by the Kitsap County Superior Court, and any and all updates to the policy, Code of Conduct and RCW 11.130.

3. Appointment of Guardian ad Litem/Court Visitor from Registry

3.1 Application to the Court for appointment of a Guardian ad Litem/Court Visitor in all guardianship and conservatorship proceedings shall be made by contacting Superior Court Administration at (360) 337-7140 or via email at SuperiorCourt@kitsap.gov and requesting the name of the next available court visitor, guardian ad litem, or attorney. This name should be clearly entered in any pleadings and proposed Order before submitting to the Court for consideration. The Order may be submitted ex parte to a Judge or Commissioner for signature or such other action as may be appropriate.

3.2 Any Judge or Commissioner who does not appoint the person next on the rotational list, as supplied by the Superior Court Administrator or designee, shall comply with the provisions of RCW 11.130.155(1) for purposes of making an appropriate record of the reasons for said deviation. The Order, once signed, shall be presented to the Office of the Superior Court Administrator for Registry data.

3.3 In the event a Judge or Commissioner approves a person who is not next on the rotation list, the appointed person's name shall go to the bottom of the rotation list.

3.4 In the event the person nominated as Guardian ad Litem/Court Visitor chooses not to serve, regardless of the reason, his/her name shall go to the end of the rotational list as if s/he had served.

4. Fees

4.1 Fees paid to Guardians ad Litem and Court Visitors by Kitsap County shall be at the hourly rate of \$75.00 per hour and shall not exceed \$750.00 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.

4.2 Fees paid to attorneys appointed to represent respondents by Kitsap County shall be at the hourly rate of \$135.00 per hour and shall not exceed \$2,700.00 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.

4.3 A copy of the order authorizing County paid fees and an affidavit of fees shall be submitted to the Office of the Kitsap County Superior Court Administrator before payment will be made. (See Attachment A).

4.4 Guardian ad Litem and Court Visitor fees paid privately shall be set at the hourly rate and maximum expense established in Kitsap County Superior Court Guardian ad Litem Rule 5(f)(3). [See KCLGALR 5(f)(3)].

5. Retention on Guardian ad Litem/Court Visitor Registry

5.1 A person shall remain on the annual registry within any given year 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, RCW 11.130, or other controlling statute or court rule.

5.2 If the Court Administrator or the Court receives a written complaint alleging that a Guardian ad Litem or Court Visitor has:

- A. violated this policy regarding requirements for participation on the registry; or
- B. has misrepresented his or her qualifications to be a Guardian ad Litem/Court Visitor; or
- C. is not suitable to act as a Guardian ad Litem/Court Visitor; or
- D. is being questioned in a particular case; or
- E. has exhibited inappropriate conduct in a particular case;

the matter shall be referred to the Guardian ad Litem/Court Visitor Committee. In addition, if the Court Administrator or the Court in any other written manner becomes aware of any reason that would place the suitability of the person to act as Guardian ad Litem or Court Visitor in question, the matter shall be referred to the Guardian ad Litem/Court Visitor Committee. All information related to a grievance in a particular case and all information relating to issues of suitability to serve as a Guardian ad Litem/Court Visitor shall be forwarded to the Guardian ad Litem/Court Visitor Committee.

The Guardian ad Litem/Court Visitor Committee may seek a written response from the Guardian ad Litem/Court Visitor if the Court determines that the case is completed and the party or party's attorney making the grievance is a party to the case. A grievance concerning a

pending case shall be directed to the judicial officer assigned the case, pursuant to paragraph 5.8 of this policy. All matters shall be submitted on written materials only. There shall be no oral testimony.

At the discretion of the Guardian ad Litem/Court Visitor Committee, the Guardian ad Litem's or Court Visitor's further participation on the registry may be suspended or denied pending resolution by the Committee of the complaints or grievance(s). The Guardian ad Litem/Court Visitor shall be notified of any decision to suspend or remove his or her name from the registry pending resolution of the complaint or grievance. The Guardian ad Litem/Court Visitor Committee shall only consider grievances from or on behalf of the parties named in a case consistent with 5.2 of this policy.

5.3 The Presiding Judge shall present any recommendation to suspend or remove any Guardian ad Litem/Court Visitor from the registry to the Superior Court Judges at their next regular meeting.

5.4 In the discretion of the Guardian ad Litem/Court Visitor Committee, a person may have additional reasonable requirements imposed upon him or her which permit him or her to continue to serve as a Guardian ad Litem or Court Visitor; s/he may be denied listing on the registry; or s/he may be removed from the registry for any other reason that places the suitability of the person to serve in question, including but not limited to failure to comply with the applicable requirements of RCW 11.130, the Administrative Policy, the Code of Conduct, or other laws or court rules.

5.5 The Guardian ad Litem/Court Visitor and any complaining party shall be notified of any action or decision on the complaint or grievance. A copy of the decision of the Guardian ad Litem/Court Visitor Committee shall be placed in the Guardian ad Litem/Court Visitor file maintained in Superior Court Administration. However, any written complaint(s) that is pending against a Guardian ad Litem, and any associated documentation, shall remain confidential until merit has been found by the Committee.

5.6 A Guardian ad Litem/Court Visitor or party seeking reconsideration of a decision shall do so in writing to the Court Administrator within fifteen (15) days of the date of decision. The Court Administrator shall forward the request for reconsideration and other documents to the Presiding Judge. The Presiding Judge shall present the same to the Superior Court Judges at

their next regular meeting. All matters shall be submitted on written materials only. There shall be no live testimony or oral argument.

5.7 The decision of the Superior Court Judges shall be placed in the Guardian ad Litem's/Court Visitor's file; and, the Guardian ad Litem/Court Visitor and the person making the grievance shall be notified of any action taken.

5.8 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/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.

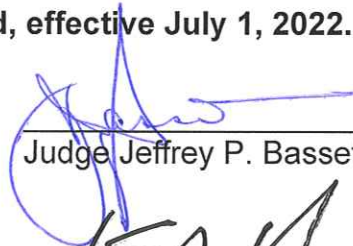
5.9 Information regarding suitability to serve as a Guardian ad Litem or Court Visitor which does not relate to a particular case shall be directed to the Guardian Ad Litem/Court Visitor Committee. The source of the information and its content shall be communicated to the Guardian ad Litem/Court Visitor for a written response.

5.10 The Administrative Office of the Courts shall be notified of the names certified on the Guardian ad Litem/Court Visitor Registry; and, shall be notified immediately of the name of any Guardian ad Litem or Court Visitor removed from the rotational registry as a result of a grievance or decision of the Superior Court Judges.

Adopted this 21st day of June, 2022; and, effective July 1, 2022.



Judge Tina Robinson



Judge Jeffrey P. Bassett



Judge Michelle Adams



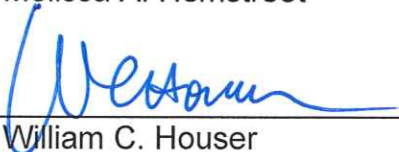
Judge Kevin D. Hull




Judge Melissa A. Hemstreet



Judge Jennifer A. Forbes



Judge William C. Houser



Judge Sally F. Olsen