

APPLICATION FOR GUARDIAN AD LITEM REGISTRY
Guardianship -Title 11.88

Mail or deliver the completed application, with all attachments (Code of Conduct, Release of Information, Notice Pursuant to NCPA, Fingerprints, Criminal Background check) to:

Court Administrator
San Juan County Superior Court
350 Court Street # 7
Friday Harbor, WA 98250

Name: _____

Business Name or Firm: _____

Business Address: _____

City and State: _____ Zip Code: _____

Business Phone: (_____) _____ Fax: (_____) _____

Email Address: _____

Non-Attorney Attorney WSBA or Washington State Certification No _____

I am willing to serve as a Guardian ad Litem at public expense.

I have no pending investigation or action against me involving criminal allegations, professional certification or license suspension and/or revocation.

I agree to advise the court immediately in the event of any complaint, investigation or action being commenced which could lead to professional discipline, or the suspension or revocation of my professional license, or to the filing of criminal charges for felony or crime involving allegations of theft, dishonesty or moral turpitude.

I have read and signed the Application and Notice Pursuant to the National Child Protection Act of 1993 as Amended by the Volunteers for Children Act

I have read and agree to be bound by the San Juan County Superior Court Guardian ad Litem Registry Code of Conduct.

Summary of my experiences as a GAL including years of experience and number of appointments.

Summary of my experiences as a GAL including years of experience and number of appointments (con't)

Number of times serving as a Guardian ad Litem that I have been removed for failure to perform my duties as a Guardian ad Litem: _____

I include the following with my application (please check all applicable boxes)

- 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
- Copies of any professional complaints, investigations, or disciplinary actions, lawsuits or professional liability claims filed, whether pending or completed, including a statement for each setting out the current status and any applicable response to said claims.
- Copies of any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties
- Copy of fee schedule
- Conviction Criminal History Report as per RCW 9.94A.030 to be scheduled through San Juan County Superior Court Administration Department.
- Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years
- Certificate of Qualification/training for Guardian ad Litem seeking appointment under RCW Title 11.88

OR

- I am currently on the Guardian ad Litem Registry and have included a certificate of updated annual training taken within the last year

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: _____
Signature of Applicant

City Where Signed Printed Name

**SAN JUAN COUNTY SUPERIOR COURT
GUARDIAN AD LITEM
CODE OF CONDUCT**

Adopted: OCTOBER 14, 2008

1. The Guardian ad Litem shall represent, investigate and report to the court, the factors relevant to the best interest of the person for whom he or she is appointed.
2. The appointed Guardian ad Litem shall make a reasonable inquiry as to the facts and issues in dispute and shall decline the appointment if he or she is not qualified, competent, or able to complete the matter in a timely manner.
3. The Guardian ad Litem shall maintain the ethical principles of his or her own profession.
4. The Guardian ad Litem shall remain qualified for the registry to which he or she is appointed and shall promptly advise the court of any grounds for disqualification or unavailability to serve.
5. The Guardian ad Litem shall maintain independence and objectivity in his or her investigation.
6. The Guardian ad Litem shall avoid any actual or apparent conflict of interest or impropriety in the conduct of his or her duties. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as Guardian ad Litem. The Guardian ad Litem shall take action immediately to resolve any potential conflict or impropriety. The Guardian ad Litem shall advise the court and the parties of action taken, or resign from the matter, as may be necessary to resolve the conflict or impropriety.
7. The Guardian ad Litem shall treat the parties with respect, courtesy, fairness, and good faith regardless of race, color, religion, national origin, cultural heritage, gender, age, education, economic status, marital status, sexual orientation, or disability.
8. The Guardian ad Litem shall inform the court concerning all pertinent information disclosed or made available to him or her during the course of his or her appointment.
9. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that information gathered by the Guardian ad Litem must be reported to the court.

10. The Guardian ad Litem shall maintain the privacy of the parties, and shall make no disclosures about the case or investigation except in reports to the court, to the parties and their attorneys, or as necessary to perform the duties of the Guardian ad Litem.

11. The Guardian ad Litem shall perform his or her duties in a prompt and timely manner, and shall file any report as required by court order or statute.

12. The Guardian ad Litem shall maintain adequate documentation of the investigation conducted, to substantiate the reported facts, as well as any recommendations or conclusions.

13. The Guardian ad Litem shall keep complete and contemporaneous records of actions taken, time spent, and expense incurred during the investigation.

14. All records, including time and expense records, of the Guardian ad Litem shall promptly be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances which assure that the file remains complete, organized and intact.

15. The Guardian ad Litem shall not have ex parte contact with any judicial officer involved in a matter in which he or she are appointed or serving.

16. The Guardian ad Litem shall be available to testify if called by a party.

17. The Guardian ad Litem shall report to law enforcement and/or child protective services any child abuse or neglect as defined in RCW 26.44 as found by him or her.

Adopted this 14th day of October, 2008

I have read and agree to be bound by the San Juan County Superior Court Guardian ad Litem Registry Code of Conduct.

Applicant Signature

Date

Printed name

RELEASE OF INFORMATION

- TO: Washington State Bar Association
 Washington State Medical Association
 Washington State Nursing Commission
 Washington State Board of Psychology
 Washington State Department of Licensing

I, _____ (Professional License No. _____)
hereby authorize you, for the purpose of my application and/or work as a San Juan
County Guardian ad Litem, to release information to and discuss such information with:

**Jane Severin, Court Administrator
San Juan County Superior Court
350 Court Street # 7
Friday Harbor, WA 98250
(360) 370-7480**

This RELEASE OF INFORMATION includes, but is not limited to, all records and
information concerning any official disciplinary action or a pending active investigation
you have with regard to me.

Signature

Date

Printed Name

Street Address

City / State / Zip

**APPLICATION AND NOTICE PURSUANT TO THE NATIONAL CHILD PROTECTION
ACT OF 1993 AS AMENDED BY THE VOLUNTEERS FOR CHILDREN ACT**

To the applicant:

The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the Volunteers for Children Act (VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification Technology Act of 1998) codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a state and national criminal history background check to determine the fitness of an employee, or volunteer, or a person with unsupervised access to children, the elderly, or individuals with disabilities.

Pursuant to the VCA, the entity (a) to which you have applied for employment or to serve as a volunteer; (b) by which you are employed or serve as a volunteer; or (c) which provides care to someone to whom you have or may have unsupervised access, may request a background check. Your rights and responsibilities under the VCA are as follows:

1. Provide a set of fingerprints.
2. Provide your name, address, and date of birth as it appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(d)(2).
3. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must declare the crime and the particulars of the conviction, if any.
4. You are entitled to (a) obtain a copy of any background check report and (b) challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the state government agency performing the background check. Such request for a copy of your criminal history record and any challenge to the accuracy of such record should be addressed to

San Juan County Superior Court
Attn: Court Administrator
350 Court Street; No. 7
Friday Harbor, WA 98250

5. Prior to the completion of the background check, the entity may choose to deny you unsupervised access to a person to whom the entity provides care.

The governmental agency shall access and review State and Federal criminal history records and shall make reasonable efforts to make a determination whether you have been convicted of, or are under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the qualified entity. The government agency shall make reasonable efforts to respond to the inquiry within 15 business days.

Name: _____
First Middle Maiden Last

Date of Birth: _____

Address: _____
Street

_____ City State Zip

Document referenced: _____

I have been convicted of, or am under pending indictment for, the following crimes [include the dates, location/jurisdiction, circumstances and outcome]:

I have not been convicted of, nor am I under pending indictment for, any crimes.

I have been provided with a copy of this form. I have read and understood the foregoing and my certification is true and correct to the best of my knowledge and belief.

Date

Signature of Applicant

-Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose, such as an application for placement on the Guardian ad Litem Registry for Family Law Title 26 or the Registry for Guardianship Title 11.88, you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for placement on the Guardian ad Litem Registry for San Juan County Superior Court must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you will be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you placement on the Guardian ad Litem Registry based on information in the criminal history record.²

You have the right to expect that officials receiving the results of the criminal history record check will use it solely for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If you request a copy, the official will provide you with a copy of your FBI criminal history record for review and possible challenge. Also, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

I have read the foregoing notice and acknowledge receipt of a copy thereof on this _____ day of _____, 20____.

Printed Name: _____

¹ Written notification includes electronic notification, but excludes oral notification.

² See 5 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d)

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SAN JUAN COUNTY**

Donald E. Eaton
Judge

Jane M. Hutchison
Court Administrator

MEMORANDUM OF UNDERSTANDING
Court Appointed Guardians ad Litem
Policies and Procedures for County-Paid Services

Guardians ad Litem who accept County-Paid appointments by the court in Title 11 and Title 26 cases agree to comply with the following fee and expense payment policies and procedures:

The Guardian ad Litem shall be paid for services provided at the rate of \$55.00 per hour. Reimbursement for expenses are governed by the following standards.

1. Ordinary and usual costs of performing duties of Guardian ad Litem, such as, but not limited to telephone charges, postage and copies, shall be reimbursed at actual cost.
2. The cost of any expert witness, interpreter, investigator or other professional services must be approved in advance by the Superior Court Judge and shall be reimbursed at actual cost, unless paid directly to the expert witness, interpreter or investigator.
3. The Guardian ad Litem shall not be reimbursed for in-County travel. Any out-of-County travel, exclusive of time travelling on the Washington State ferries, will be paid at the rate of \$55.00 per hour, not to exceed three (3) hours. Travel expenses such as ferry fare or parking fees shall be reimbursed at actual cost. Mileage will not be paid.
4. The Guardian ad Litem expressly reserves and the County acknowledges the Guardian ad Litem's right to petition the Court for extraordinary relief for extraordinary circumstances.

The Guardian ad Litem's invoices for payment for services rendered and costs incurred during the preceding month shall be given to the Superior Court Administrator in the form, manner and detail specified by that office, including but not limited to the provisions and requirements stated below:

The Guardian ad Litem shall submit a signed original and one copy of any invoice, including thereon:

- a. Case number;
- b. Name of parties;
- c. Date, nature and duration of service expressed in hours and decimal equivalents of minutes expressed in 15-minute increments;
- d. Statement of total costs incurred during that billing period; and
- e. Documentation of costs billed in the invoice

Signature
Printed Name: _____

Date

CHECKLIST FOR APPROVED TITLE 11 GALS *Incapacitated
Person*

NAME: _____

DATE: _____

- Application for GAL Registry
- Resume (updated experience)
- Copy of Title 11 GAL certificate of training (initial)
- Copy of Title 11 GAL recertification training (annual)
- WSP criminal history background check
- Fingerprints
- Release of Information
- SJC Superior Court GAL Code of Conduct
- Notice Pursuant to the National Child Protection Act of 1993 (VCA Act) form completed
- Practicum required? Requirement to be determined by Judge Eaton

- approved by Judge Eaton _____
- added to GAL registry
- registry sent to Clerk
- registry sent to AOC
- comments: _____

CHECKLIST FOR APPROVED TITLE 26 (Family Law) GALS

NAME: _____

DATE: _____

- Application / letter requesting to be added to registry
- Resume (updated experience)
- Copy of Title 26 GAL certificate of training (initial)
- Copy of Title 26 GAL recertification training (annual) (6 hours)
- WSP criminal history background check
- Fingerprints
- Release of Information
- SJC Superior Court GAL Code of Conduct
- Notice Pursuant to National Child Protection Act of 1993 (VCA Act) form completed
- Practicum required? Requirement to be determined by Judge Eaton

- GAL approved by Judge Eaton _____
- added to GAL registry
- registry sent to Clerk
- registry sent to AOC
- comments: _____
