

# **GUARDIAN AD LITEM PROGRAM CODE OF ETHICS ADMINISTRATIVE POLICY**

## **I. POLICY STATEMENT**

Ethical, courteous, and respectful conduct by employees and volunteers is critical to the advocacy for children and the public perception of the integrity of the Guardian ad Litem Program. A Code of Ethics for employees and volunteers in addition to law and other policies and guidelines will assist employees and volunteers in understanding Guardian ad Litem ethical expectations.

## **II. ABUSE OF POSITION AND CONFLICT OF INTEREST**

- A. Employees and volunteers shall not use or attempt to use their official positions to secure unwarranted privileges or exemptions for that employee, volunteer or any other person.
- B. Employees and volunteers shall not accept, agree to accept, dispense, or solicit any gift or favor based upon an understanding that the official actions of the employee and volunteer would be influenced thereby.
- C. Employees and volunteers shall act so that they are not unduly affected or appear to be affected by kinship, position, or influence of any party or person.
- D. Employees shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, employees may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code and as long as they have received approval of their supervisor for outside employment.
- E. Employees and volunteers shall use the resources, property, and funds under their control judiciously and solely in accordance with prescribed legal procedures.
- F. Employees and volunteers shall avoid conflicts of interest, or the appearance of conflicts, in the performance of their official duties. Examples include but

are not limited to: serving on cases involving family, friends, and self; using one's position to manipulate case processing; or influencing the outcome of a case whether positively or negatively for any persons, including yourself.

- G. With the exception of uncontested petty misdemeanor traffic citations, all employees and volunteers shall notify their supervisor or human resources once they become aware they are a party, victim, or a witness in any case before the court.
- H. Employees and volunteers shall report to their supervisor any offer of a bribe or gratuity.
- I. Employees and volunteers shall avoid initiating or repeating ex-parte communications from litigants, witnesses, attorneys or any other source to Judges or jury members unless necessary for legitimate procedural reasons associated with discharging official duties. Employees and volunteers shall not engage in communication regarding cases before the court unless necessary to discharge their official duties. This section does not preclude an employee of the program from reporting a violation of law or order to law enforcement or other appropriate authority. This section does not preclude an employee or volunteer from making a mandatory report of child abuse. Employees and volunteers are considered mandatory reporters.
- J. Employees and volunteers shall comply with the Guardian ad Litem Program Administrative Policy on Acceptance of Gifts or Favors.

### **III. CONFIDENTIALITY**

Definition: For the purpose of this rule, confidential information includes, but is not limited to, information that must be kept confidential pursuant to the Minnesota Statutes, federal law, court rule or court order, unless otherwise ordered by a court, or by a person authorized to release such information and any information that is the work product of any employee or volunteer within the Guardian ad Litem including, but not limited to notes, papers, memoranda and case file information.

- A. Employees and volunteers shall not disclose to any unauthorized person confidential information.
- B. Employees and volunteers shall also comply with the GALP Administrative Policy on Employee Confidentiality.

#### **IV.POLITICAL ACTIVITY**

Employees and volunteers shall comply with the GALP Administrative Policy on Political Activity.

#### **V. RELEASE OF NEWS INFORMATION**

No personnel rule is intended to restrict the rights of an individual employee or employee to comment as a private citizen on a public matter. However, all media requests for information on Guardian ad Litem business should be referred to a supervisor or an employee designated to respond to such requests.

#### **VI. PERFORMANCE OF DUTIES**

- A. Employees and volunteers shall carry out their responsibilities to the public in a timely, impartial, diligent, and courteous manner, strictly adhering to the principles embodied in this code.
- B. Employees and volunteers are solely responsible for acting appropriately in relationships with children, parties, participants stake holders and fellow colleagues.
- C. Employees shall create and maintain a respectful workplace. Intimidating, hostile, or offensive conduct will not be tolerated and will be subject to disciplinary action.
- D. Employees and volunteers shall not discriminate on the basis of, nor manifest by words or conduct, a bias or prejudice based upon race, color, religion, national origin, sex, gender identification or other groups protected by law, in the conduct of service to the program and public.
- E. Employees and volunteers shall maintain appropriate professional boundaries with children, parties, participants and service providers. An employee or volunteer shall not engage in practices that create an unacceptable risk of harm to the child or impair the employee or volunteer's objectivity or judgment. An employee or volunteer shall not act or fail to act in a way that, as judged by a reasonable person, encourages the child, party or participant to relate to the employee or volunteer outside of the boundaries of the professional relationship.

- F. Employees and volunteers shall enforce or otherwise carry out any properly issued rule or order of court and shall not exceed that authority except to perform other duties of their positions.
- G. Employees and volunteers shall promote ethical conduct as prescribed by this code and report any improper conduct by any persons to appropriate authorities.
- H. Employees and volunteers shall not intentionally alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee or volunteer's control, or give false information. This provision does not prohibit alteration or expungement of records or documents pursuant to law, court rule or court order.
- I. Employees and volunteers shall promote the growth and development by improving their work skills and supporting research and development in the field.
- J. Employees and volunteers shall avoid any activity that would reflect adversely on their position or program.
- K. Employees and volunteers shall immediately report to appropriate authorities any attempt to induce them to violate these standards.
- L. Employees and volunteers shall not practice law or give legal advice.
- M. Employees and volunteers cannot provide direct services to the child/ren and/or families.
- N. A Guardian ad Litem shall not diagnose or attempt to treat a child, party, participant, significant other or prospective caregiver. A Guardian ad Litem shall not administer any diagnostic test, survey, instrument or tool to any child, party, participant, significant other or prospective caregiver.
- O. Employees and volunteers have a duty to report suspicions, knowledge or evidence of theft, embezzlement, damage, misuse, or unlawful use of state property or public funds to their manager, supervisor or human resources. Employees and volunteers may report orally, in writing, in person or anonymously. Management personnel that receive a complaint and/or allegation shall report to the Judicial Branch Internal Audit Unit. Internal Audit will conduct a review of the complaint and/or allegation and report the necessary information to the Office of the Legislative Auditor (obligated under Minn. Stat. §609.456, subd. 2). Employees and volunteers are obligated to cooperate during this review. All information received by the auditor will be classified as non-public information, pursuant to the Rules to Public Access to Judicial Records Rule 5, Subd. 13, (b). Any employee or volunteer who intentionally fails to comply with the provision listed shall be subject to disciplinary action.

## **VII. DUTY TO REPORT**

- A. Employees and volunteers shall disclose to Human Resources any arrests<sup>1</sup>, criminal charges<sup>2</sup>, or criminal convictions<sup>3</sup> on the next business day following the arrest, criminal charge, or conviction; or as soon as practicable. Arrests, criminal charges, and convictions shall be evaluated to determine whether a violation of any GALP Administrative policies has occurred. Convictions shall be evaluated to determine if they relate to the position held in accordance with GALP Criminal Background Check Administrative Policy, GALP Criminal Background Check Procedures and Disqualifiers and Minnesota Statutes Ch. 364.
- B. Human Resources, in consultation with the supervising authority, will determine the appropriate response to arrests and convictions based on the following factors:
1. The nature and seriousness of the crime for which the employee or volunteer was convicted.
  2. The relationship of the crime to the ability, capacity, and fitness required to perform the duties of the position.

Employees and volunteers shall comply with the GALP Human Resources Rules and Administrative Policies and appropriate collective bargaining agreements.

The supervising authority reserves the right to take timely and appropriate disciplinary action for any violations of this Code. The supervisory authority may discipline or remove an employee or volunteer for conduct that violates the GALP Code of Ethics Administrative Policy.

## **VIII Applicability**

This policy applies to all employees and volunteers within the Guardian ad Litem Program.

## **VIII Consequence**

Employees or volunteers who violate this policy may be subject to disciplinary action, up to and including loss of position.

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<sup>1</sup> “Arrest” means that the employee has been taken into custody for the purpose of holding or detaining him or her to answer a criminal charge or complaint.

<sup>2</sup> A criminal charge is an accusation made by a governmental authority, in a charging document (complaint, indictment, citation, tab charge, or other lawful charging document), alleging a person has violated a law (statute, ordinance, rules or regulations) and committed an offense punishable by imprisonment, with or without a fine.

<sup>3</sup> “Conviction” means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere* (“no contest”), but does not include a final judgment that has been expunged by pardon, reversed, or set aside, or otherwise rendered nugatory. “Conviction” includes conviction of felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed.

**ORIGINATION DATE:** November 12, 2015

**LAST UPDATED:** November 20, 2018

October 1, 2020

April 7, 2021

**RELATED DOCUMENTS:**

Acceptance of Gifts and Favors Policy

Code of Conduct Policy

Confidentiality Policy

Conflict of Interest Policy

Criminal Background Check Policy

Criminal Background Procedures and Disqualifiers

Non-Discrimination and Harassment Policy

Rules of Public Access to Records of Guardian ad Litem Board