

GALP FORMAL COMPLAINT PROCEDURE

What Constitutes a Formal Complaint:

A formal complaint must allege that a staff member violated a statutory duty or engaged in improper conduct as defined by the Guardian ad Litem Program's Code of Conduct and Code of Ethics policies.

Minnesota Rule 905 and Statutes 260C.163 and 518.165 state the statutory responsibilities of a guardian ad litem are as follows:

1. Conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case.
2. Advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary.
3. Maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child.
4. Monitor the child's best interests throughout the judicial proceeding; and
5. Present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

Who May File a Formal Complaint:

Any person who is a party or participant to the proceeding to which the GAL is assigned.

Party: Parent or other legal guardian/custodian of a child; social service agency; an Indian child's tribal social service agency or Tribal Representative; or a person that has been granted Party status in the court proceeding.

Participant: A non-custodial biological parent; the child named in the case; or a foster parent/relative the child is or has resided with.

In an effort to address concerns, the complainant should first try to resolve any issues with the GAL Supervisor, then the GAL Manager and if unresolved, then file a formal complaint through this complaint process.

No one is excluded from bringing their concerns to the GAL Supervisor, Manager, or HR. Persons not listed above do not have standing in filing a formal complaint.

Timeframe in which a Formal Complaint may be Filed:

Complaints must be submitted within thirty (30) calendar days of the issuance of the Guardian ad Litem's recommendation and report, or within thirty (30) calendar days of the alleged activity, action or correspondence of the Guardian ad Litem that is at issue, *whichever is later*.

Any complaint received more than thirty (30) calendar days after the order or activity occurred will be deemed untimely and will be dismissed without further investigation or action.

Previously investigated complaints on the same case brought by the same complainant will not be investigated.

How to File a Formal Complaint:

A complaint must be submitted in writing via the program's [Online Complaint Form](#)

Your complaint will be routed to the Manager responsible for the District/Division where the file is located..

Alternatively, you may download and complete the [State Guardian ad Litem Board Complaint Form](#).

A complainant who requires the use of a reasonable accommodation or faces a barrier to the use of the above methods will be assisted in accessing the reasonable accommodation for the purpose of accessing and completing the complaint process. Please [contact one of our central office staff](#) if assistance is needed.

When a Formal Complaint is Received:

The Manager in the Division/District where the file resides will review the complaint. The Complainant will be notified in writing within fourteen (14) calendar days that the complaint has been received and whether or not it will proceed to investigation.

The assigned Manager shall notify the Program Administrator and HR Director immediately upon the receipt of a complaint that alleges circumstances of a serious nature, such as sexual harassment, reporting or failing to report a crime, etc. The Program Administrator and HR Director shall determine if any additional authorities must be notified, or crisis plan be instituted.

When a complaint is determined to be warranted for investigation, the assigned Manager **shall** collect and review information from the following sources:

- The complainant's initial complaint form and any supporting documents that outline the issues to be investigated;
- The staff member's written response to the complaint; and
- Information collected from the Court file (MGA).

The assigned Manager may collect and review information from the following additional sources or others they deem appropriate:

- Information obtained from interviews with the complainant, Guardian ad Litem, and other collateral sources identified and deemed relevant by the Manager; and/or
- Information collected from the Guardian ad Litem file.

Formal Complaint Findings:

The complainant has a right to a written determination of the investigation findings. The Manager shall send the findings to the complainant via certified mail within forty-five (45) calendar days unless an extension of no more than fourteen (14) calendar days has been granted by the Program Administrator or designee.

The written findings shall outline clearly to the complainant the information that was collected and reviewed throughout investigation.

Appeal Process:

If the Complainant or the GAL is unsatisfied with the Guardian ad Litem Manager's Complaint Findings, the Complainant or GAL can request an Appeal Panel review of the complaint to the Program Administrator or designee within fourteen (14) calendar days of receiving the *Complaint Findings*. The appeal panel may only rule on whether the Guardian ad Litem violated the standards imposed by the Rules, Statutes, Court Orders, and Policies of the Guardian ad Litem Program. No further documentation or information will be accepted for review. If there are new allegations, a new complaint should be initiated.

- The Appeal Panel will consist of three panelists including a GALB central office representative, a GAL staff attorney that is/was not directly involved in the case, and a Board member.
- The Panel shall be provided all pertinent information by the Program Administrator and/or designee.
- The Panel shall have the ability to question the GAL and/or complainant.
- The Panel shall issue *GALP Appeal Panel Report and Findings* within sixty (60) calendar days of receiving the request for an Appeal Panel review.
- The Panel's report and findings are final.

The complaint or determination is not admissible in court, absent a court order, pursuant to Rule 904 of the Minnesota Rules of Guardian ad Litem Procedure.