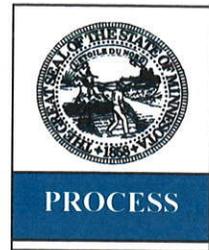


## Complaint Investigation and Appeals Process



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### Purpose

The following procedures shall be followed by the Guardian ad Litem Coordinator, Manager and/or Program Administrator upon receipt of a complaint made against a guardian ad litem.

### Definitions

**Complainant:** Any person who is a stakeholder or has standing on a case and is contacting the Guardian ad Litem Program.

**Informal Complaint:** A complaint that can easily be resolved with an explanation to the Complainant and does not require further action on the complaint.

**Formal Complaint:** If any type of an investigation needs to occur on either an oral or written complaint. Any Oral complaint deemed serious enough to warrant investigation must become written.

**Meritorious:** A complaint or portion of a complaint found to have merit.

**Non-Meritorious:** A complaint or portion of a complaint not found to have merit.

### Policy

All complaints received will be addressed in a manner to ensure that the Guardian ad Litem or an employee of the Guardian ad Litem Program receives due process and the Guardian ad Litem Program is accountable to the public.

Any complaint whether it is a verbal or written complaint must be submitted to the Guardian ad Litem Manager within (30) business days of the issuance of any Order which included consideration of the Guardian ad Litem's recommendation and report, or within (30) business days of the alleged activity, action or correspondence of the Guardian ad Litem.

Written complaints shall be submitted to the Guardian ad Litem Manager using the State Guardian ad Litem Board Complaint Form. Email submission will be accepted as long as all areas contained in the complaint form are identified and either filled in or voluntarily left blank.

## **Procedure**

### 1. When a verbal complaint is received, the receiving GAL Coordinator or Manager will:

- Attempt to resolve the complaint with the Complainant.
- If the Complainant is not satisfied with the explanation, provide the Complainant with the GAL Complaint Procedure.
- The complaint is informal if it can be resolved with an explanation to Complainant and no further action on the complaint is necessary.

### 2. Documentation of Complaints

- Each complaint whether formal or informal shall be documented on the GAL Complaint Log with the applicable data.
- Per the complaint policy, when the GAL Complaint Form is received, the Complainant shall receive communication no later than (10) business days acknowledging receipt of the complaint. A copy of the communication shall be kept.
- If the complaint received is of a serious nature, i.e. sexual harassment, reporting of a possible crime, etc., the Program Administrator and the HR Manager shall immediately be notified and determination made if any additional authority must be notified or crisis plan be instituted.

### 3. Investigation of Complaint

The Guardian ad Litem Manager may review the appointment order and/or any other relevant documents in the court file (to include but are not limited to) all Guardian ad Litem reports and correspondence, motions, additional court orders and reports from other professionals assigned to the case if the nature of the complaint so warrants such a review.

- If an investigation is warranted, the nature of the complaint shall be communicated to the Guardian ad Litem with a request for the Guardian ad Litem to furnish a written response within (10) business days unless additional time is authorized by the Manager.
- The response from the Guardian ad Litem shall be reviewed and the Guardian ad Litem may be contacted for additional follow up.
- Any other tasks necessary to finish the investigation which may include further contact with the complaining party if necessary.
- The investigation findings shall be sent in writing within (30) business days of receiving the written complaint to the Complainant and Guardian ad Litem stating the outcome of the complaint investigation. The Guardian ad Litem Manager may request, from the Program Administrator, an extension to the response time not to exceed an additional (10) business days in order to secure additional documentation to conclude the investigation, i.e. request for transcript/s, etc. The letter to the Complainant shall include the right to present detailed objections in writing to the Guardian ad Litem Manager. Said objection shall be forwarded to the Guardian ad Litem Manager no later than (10) business days after receipt of the written determination of the manager. Following review of the objections, the Guardian ad Litem Manager shall issue an amended response to the initial complaint incorporating the

reconsideration of the objections and making an appropriate determination-based on the additional information within (10) business days of receiving the objection.

- Following the issuance of the Second Report determination from the Guardian ad Litem Manager, the appeal procedure goes into effect.
- The Guardian ad Litem Manager shall inform the complainant, as part of the Second Report determination, that they can request an Appeal Panel review within (10) business days of receiving the manager's response.

#### 4. Appeal Process

- If the Complainant or the GAL is unsatisfied with the Guardian ad Litem Manager's Second Report determination, the Complainant or GAL can request an Appeal Panel review of the complaint to the Program Administrator within (10) business of receiving the manager's Second Report determination.
- The Appeal Panel will consist of three members including a Senior Judge, Guardian ad Litem who is not in the District of the complaint, and a Board member.
- The Panel shall request all of the pertinent information including interviews with or written statements from the Guardian ad Litem, the Complainant, the Guardian ad Litem Manager and/or Program Administrator.
- The panel shall have the ability to request further information, to schedule meetings with the GAL and complainant and if the panel meets with one they shall meet with both, or to issue its decision based on the information in front of it.
- The panel shall then issue a report with its findings and recommendations regarding further action, dismissal of the complaint, or upholding the recommendation of the Manager within (60) business days of receiving the request for an Appeal Panel review.
- As noted, the panel shall have the final say as to the findings and shall issue a written decision upon the conclusion of the appeal.
- The Complainant shall be notified that at no stage in the complaint/appeal process is the actual discipline (or lack of discipline) imposed upon the Guardian ad Litem available for input, review or recommendation by the Complainant or the review panel, pursuant to Access Rule 5, public employee contract, State Rules and State Law.
- 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.

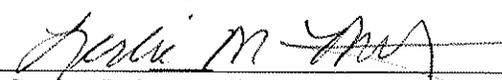
Rule 904 of the Rules of Guardian ad Litem Procedure provides that the complaints and complaint investigation reports shall not be received as evidence or used in any proceeding unless offered into evidence by the guardian ad litem or authorized by written order of the court following an in camera review by the court.

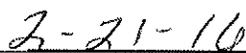
## **FORMS**

State Guardian ad Litem Board Complaint Form

GAL Complaint Log

Approval:

  
\_\_\_\_\_  
Senior Judge Leslie Metzen, Chair  
Guardian ad Litem Board

  
\_\_\_\_\_

Date