



STATE OF MAINE  
SUPREME JUDICIAL COURT

October 1, 2012

LEIGH INGALLS SAUFLEY  
CHIEF JUSTICE

The Honorable David R. Hastings III, Chair  
The Honorable Joan M. Nass, Chair  
Joint Standing Committee on Judiciary  
c/o Legislative Information  
100 State House Station  
Augusta, ME 04333

MAILING ADDRESS:  
Cumberland County Courthouse  
205 Newbury Street, Room 139  
Portland, ME 04101-4125  
Tel. (207) 822-4286  
Fax (207) 822-4202

Maine Judicial Center  
65 Stone Street  
Augusta, ME 04330  
Tel. (207) 287-6950  
Fax (207) 287-4641

E-MAIL:  
chiefjustice@courts.maine.gov

Dear Senator Hastings, Representative Nass, and  
Honorable Members of the Joint Standing Committee on Judiciary:

Thank you, again, for the opportunity to speak with you last spring regarding Guardian ad Litem oversight and complaint processes. Both Chief Judge LaVerdiere and I appreciated the opportunity to discuss this issue of importance to Maine's families and children.

Last spring, we acknowledged that there is a need for a professional oversight body to independently receive and investigate complaints against GALs. As promised, this past summer the Court formed a stakeholder group, led by Justice Warren Silver, to make recommendations for an improved process for complaints regarding GALs. The stakeholder group recently completed its work and forwarded the enclosed report, *Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem, September 21, 2012*, to the Supreme Judicial Court. I enclose the report for your consideration, along with the minority report submitted by one member of the Task Force.

The Task Force recommends the creation of a Guardian Ad Litem Review Board to handle investigations and complaints concerning guardians ad litem. The Review Board would be administered as an independent unit of the Board of Overseers of the Bar, and would have the benefit of an existing administrative structure and staffing by the Board of Overseers of the Bar.

Among the next steps in the process are the Supreme Judicial Court's evaluation of the recommendations in the report, an assessment of costs, and the development of thorough standards and procedures for any such GAL Board. I would be happy to meet at the convenience of the Committee, when the 126<sup>th</sup> Legislature begins work in January.

Thank you, again, for your attention to this matter. We look forward to working with the Legislature to improve access to justice in Maine, by developing an independent complaint process that will be responsive and fair to Maine families, children, and GALs.

Sincerely,

Leigh I. Saufley  
Chief Justice

LIS:ajm  
Enc.

cc: Members of Joint Standing Committee on Judiciary



# Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem

Report to the Supreme Judicial Court by the  
Judicial Branch Guardians Ad Litem Task Force

September 21, 2012

## I. TASK FORCE CHARGE

On August 7, 2012, Chief Justice Saufley appointed a Guardian Ad Litem Task Force “to assist the Supreme Judicial Court in designing and presenting to the 126<sup>th</sup> Maine Legislature, a transparent, accessible and credible system for resolving complaints against Guardians ad Litem who are appointed in the State Courts.” The complete charge to the Task Force is included in Appendix A.

In Maine, Guardians *ad litem* (“guardians”) were created by statute in 1977.<sup>1</sup> At that time, no programmatic infrastructure was established for the effort.<sup>2</sup> It was not anticipated that the role of the guardians would expand to include a broad range of tasks, such as making specific recommendations about placement of children.<sup>3</sup> Today, guardians in Maine are called upon to assess parenting abilities in situations where families are under extreme stress and in high conflict.

As the scope of responsibilities of guardians increased, so too has the volume of cases they handle. In 2011, guardians were appointed in 673 family matter cases.

There are currently 286 guardians in Maine. Most (81%) are attorneys.

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<sup>1</sup> 22 M.R.S. § 4005 (See P.L. 1977, ch. 118 and P.L. 1977, ch. 511); *See also* 19 M.R.S. § 752-A(1), P.L. 1993, ch. 629.

<sup>2</sup> 19-A M.R.S. § 1507. In contested proceedings in which a minor child is involved, the court may appoint a guardian ad litem for the child. 19-A M.R.S. §§ 904, 1653, 1803. The appointment may be made at any time, but the court shall make every effort to make the appointment as soon as possible after the commencement of the proceeding. *Id.* The court may appoint a guardian ad litem when the court has reason for special concern as to the welfare of a minor child. *Id.* *See also* 22 M.R.S. § 4005.

<sup>3</sup> 22 M.R.S. § 4005. The guardian ad litem shall make a written report of the investigation, findings and recommendations and shall provide a copy of the report to each of the parties reasonably in advance of the hearing and to the court, except that the guardian ad litem need not provide a written report prior to a hearing on a preliminary protection order. The court may admit the written report into evidence. *See also* 19-A M.R.S. § 1507. The guardian ad litem shall make a report of investigations, findings and recommendations as ordered by the court, with copies of the report to each party and the court.

Approximately 15% of rostered guardians are licensed mental health providers. A small number of guardians (4%) do not possess either of these professional licensures.

In 2011, the Office of the Chief Judge of the District Court received fourteen complaints about guardians. Currently, Maine Rules for Guardians Ad Litem designate the Chief Judge for ongoing evaluations and oversight of Maine guardians. The Chief Judge may conduct a review of a guardian in response to a complaint, or on his or her own motion. The Chief Judge appoints a three-person review panel to investigate and issue a written decision.

The current process for resolving complaints against guardians does not adequately separate the complaint process from the litigation process. Parties who are dissatisfied with a guardian's performance while a case is still proceeding are instructed to file motions with, or to otherwise notify, the presiding judge. Once a case is closed, parties may file complaints with the Chief Judge of the District Court.<sup>4</sup> This bifurcated process is confusing to litigants and leaves the Chief Judge with limited ability to address emergency situations during the life of the case.

For many years, the Judicial Branch and outside entities have shared a concern that a better system is needed to ensure that parties have access to an effective and efficient complaint process that inspires public trust and confidence.<sup>5</sup> This year, the

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<sup>4</sup> M.R.G.A.L. II(4).

<sup>5</sup> Office of Program Evaluation and Government Accountability. Report No. SR-GAL-05, (Maine, July 2006) and The Judicial Branch Advisory Committee on Children and Families: Recommendations for a Guardian ad Litem Program for the State of Maine, Winter 2008.

Legislature “sought the input of the Judicial Branch in the creation of such a system.”<sup>6</sup>

On May 31, 2012, the Supreme Judicial Court invited the public, interested parties, and stakeholders to a meeting regarding improving the Guardian Ad Litem complaint process and the Court solicited written public comment.<sup>7</sup> In August, Chief Justice Saufley convened the Guardian Ad Litem Task Force<sup>8</sup> and charged the group to complete work and make recommendations to the Supreme Judicial Court by the end of September 2012.

The Judicial Branch plans to report recommendations for improving the complaint process to the Legislature in October of 2012.<sup>9</sup>

## **II. TASK FORCE PROCESS**

The Guardian Ad Litem Task Force included twenty members from a variety of stakeholder groups: judicial officers, attorneys in the practice of family law, mental health professionals, legislators, a guardian representative and a public member. A list of Task Force members is included in Appendix B.

Supreme Court Justice Warren M. Silver chaired the Task Force, with extraordinary assistance from member Kirsten Skorpen, Family Division Resource Coordinator, and Brandon Rubenstein, University of Maine Law Student. Additional staff

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<sup>6</sup> See Charter in Appendix A.

<sup>7</sup> By July 24, 2012, the Court received over 25 comments. See [www.courts.state.me.us/maine\\_courts/supreme/gal\\_comments.shtml](http://www.courts.state.me.us/maine_courts/supreme/gal_comments.shtml)

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

support was provided by Laura M. O’Hanlon, Chief of Court Management, and Elizabeth Maddaus, Family Division Program Coordinator.

Three Task Force meetings (August 10, August 24, and September 4) were held at the Maine Judicial Center in Augusta. Guests attending and presenting information at these meetings included Chief Justice of the Maine Supreme Court, Leigh I. Saufley; Chief Judge of the District Court, Charles C. LaVerdiere; Deputy Chief Judge of the Maine District Court, Robert E. Mullen; Executive Director of the Maine Board of Bar Overseers, Jacqueline L. Rogers; Commissioner of the Department of Professional and Financial Regulation, Anne Head; and Chief of Court Management, Laura M. O’Hanlon.

The Task Force examined the current complaint process and determined that it was not widely understood, was difficult for the public to navigate, and was not well-suited to handle complaints that arise during an open case. Members of the public have difficulty learning about the proper place to file complaints; there is no simple explanation of the process that makes clear the parameters and requirements; and there is no mechanism for the Chief Judge to do any investigative work during the pendency of a case. Currently, the Chief Judge has limited ability to respond to emergencies during litigation.

In addition to hearing presentations about the current process for resolving complaints about guardians, as well as current processes for handling complaints about attorneys and many other licensed professionals in Maine, the Task Force examined complaint processes in several other states. Wyoming, Washington, New Hampshire and Colorado have recently evaluated and modified procedures for filing complaints against

guardians.<sup>10</sup> Task Force members agreed that the New Hampshire system provides an effective model for Maine. In New Hampshire, complaints against guardians are handled by an administrative body charged with certifying and, if necessary, disciplining guardians.<sup>11</sup>

### **III. TASK FORCE RECOMMENDATIONS**

The Task Force proposes an effective, yet economical, model for resolving complaints against guardians that uses infrastructure and resources already available to the Supreme Judicial Court. The proposed process calls for the creation of a new, volunteer Guardian Ad Litem Review Board (“Review Board”). This twelve-member group, appointed by the Supreme Judicial Court, would include ten rostered guardians and two members of the public. Every effort will be made to include mental health professionals as well as attorneys on this Board.

The proposed Review Board would be administered as a unit of the Board of Overseers of the Bar, thus minimizing the need for additional resources and capitalizing on the expertise of those who currently resolve complaints about attorneys. A current legal position within the Board of Overseers of the Bar would be partially assigned as Counsel to the Review Board.

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<sup>10</sup> See e.g., New Hampshire: <http://www.nh.gov/gal/complaints.htm>; Washington: [http://www.courts.wa.gov/committee/?fa=committee.display&item\\_id=319&committee\\_id=10](http://www.courts.wa.gov/committee/?fa=committee.display&item_id=319&committee_id=10); and Wyoming: <http://gal.state.wy.us/index.php?page=complaint-procedure>.

<sup>11</sup> See New Hampshire Guardian ad Litem Board, Complaint Process 2011: <http://www.nh.gov/gal/>; New Hampshire Guardian ad litem Board. See also, Complaint Process. 2011. <http://www.nh.gov/gal/documents/gal-form33.pdf>

The guardian complaint process would be similar to the process currently used by the Board of Overseers of the Bar.<sup>12</sup> Counsel to the new Review Board would investigate complaints of guardian misconduct. Any party to a case or a judicial officer may submit a signed complaint alleging misconduct by the guardian appointed to their case. There would be no statute of limitations on the filing of complaints. Assistance would be available to complainants throughout the process.

The Guardian Ad Litem Counsel could dismiss any complaint, with or without investigation, if the matter did not constitute misconduct subject to sanction under the *Maine Rules for Guardians Ad Litem*.<sup>13</sup> Counsel would notify the complainant and the guardian of the dismissal in writing. The notification would state the reason for the dismissal and the complainant would have fourteen days to appeal the Counsel's decision to dismiss the complaint to a three-member panel of the Review Board ("Panel").

If Counsel does not dismiss a complaint, it would be referred to the Panel for investigation. This Panel would include at least one member of the public and one guardian with the same professional background as the subject of the complaint. The subject of the complaint would be given a copy of the complaint and the opportunity to submit a response to the Review Panel. Counsel will share the guardian's response with the complainant, who may submit a rebuttal.

At the conclusion of the investigation, the Panel would issue a written decision: dismissal of the complaint, a remedial disposition (for example, dismissal with warning,

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<sup>12</sup> See M. Bar. R. 71.

<sup>13</sup> A separate Guardian *ad litem* task force studying the guardian ad litem rules is being held concurrently and the standards that are ultimately established will be the standards that any complaint resolution process will use when dealing with a guardian complaint.



public reprimand, monitoring, temporary or on-going suspension), or permanent removal of the guardian from the roster. A guardian could appeal the Panel's decision, most likely to a single Justice of the Supreme Judicial Court.

The Task Force discussed the broad outlines of the complaint and appeal process, recognizing that the Supreme Judicial Court would issue detailed rules should these broad recommendations be accepted. The following summarizes Task Force deliberations in several procedural areas that need further clarification from the Supreme Judicial Court.

### Standing to file complaints

The Task Force discussed whether the Review Board would rely on traditional notions of standing when reviewing complaints. Some members believe that only parties or the presiding Judge should be permitted to file complaints against guardians. Others favor a broader notion of standing, including those interviewed by guardians, school personnel, and other individuals related to the case.

### Statute of limitations

The Task Force discussed instituting a time limit for filing complaints and reached consensus that there should be no such limitations. Members noted, however, that older complaints would be difficult to investigate. An additional concern of delaying filing and investigation of complaints is that a problematic guardian might continue poor practice over a lengthy period of time.

## Record Retention

If the statute of limitations for bringing complaints extends beyond standard record retention requirements for the primary professions<sup>14</sup> of the guardians (legal and mental health), the Supreme Judicial Court should impose its own record retention requirements so that complaints can be investigated, prosecuted, and defended on a complete record.<sup>15</sup>

## **IV. CONCLUSION**

Task Force members were acutely aware of the State's and the Judiciary's fiscal constraints as they made the recommendations outlined above. The need for additional resources is minimized with the decision to recommend a new, volunteer board that would operate under the administrative auspices of an existing organization with professional staff already handling similar matters.

The estimated annual cost for the proposed guardian complaint system is approximately \$100,000. The Task Force recommends that guardians pay an annual registration or rostering fee of \$100, resulting in approximately \$20,000 in annual revenue.<sup>16</sup> Each party would pay a

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<sup>14</sup> *See, e.g.*, M. Bar R. 7.3(n) (attorney must retain financial records 6 years after distribution of funds or property); ME ADC 10-144 Ch. 112, Ch. XII, § XII.B (Not specific to social workers, but applies to social workers who must preserve medical records either on paper or by other electronic/optical means, for a period of seven (7) years. If the patient is a minor, the record must be retained for at least six (6) years past the age of majority.)

<sup>15</sup> *See* footnote 17.

<sup>16</sup> There are 286 rostered GALs and there is a strong possibility that this number will be reduced after the \$100 fee is assessed.

one-time, \$50 fee for the appointment of a guardian. Parties would have the option of applying for a fee waiver based upon financial circumstances.<sup>17</sup>

Costs not covered by fee revenues would be covered through a line item in the Judicial Branch budget. The Task Force recommends that funds be redistributed within the Judicial Branch operating budget to cover these costs, rather than seek an additional allocation from the Legislature.

The Task Force proposes that the new complaint resolution system contain a provision requiring a five-year sunset provision, allowing for rigorous data collection and evaluation before instituting a permanent oversight model for guardians. This provision would also afford time to assess the impact of the proposed fee structure and possible alternative funding options.

The Judicial Branch Guardian Ad Litem Task Force has concluded that the current process for handling complaints against guardians could be substantially improved. In order to insure an open, efficient and cost-effective process, the Task Force recommends the creation of a twelve-member Guardian Ad Litem Review Board that would constitute three-member Review Panels to handle specific investigations. The Review Board would be administered as an independent unit under the auspices of the Board of Overseers of the Bar. A legal professional staff member of the Board of Overseers of the Bar would be assigned half-time to serve as Counsel to the Review Board and the Review Panels. The Task Force believes that this model will create the accessible and fair process that the people of Maine deserve. The Task Force further believes that the website of the Board of Overseers of the Bar could be expanded to allow for an effective, clear, and consumer-friendly complaint process.

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<sup>17</sup> If there is a fee waiver then this \$50 fee will not be assessed to a party. The Maine Judicial Information System does not capture data on fee waivers so the number of indigent parties is unknown, and therefore, the actual cost allocation is difficult to determine.

## APPENDIX A

### JUDICIAL BRANCH GUARDIAN AD LITEM TASK FORCE Complaint Resolution System

**Type:** Task Force  
**Established:** August 7, 2012  
**Chair:** Hon. Warren M. Silver, Supreme Judicial Court  
**Report date:** September 21, 2012  
**Reports to:** Supreme Judicial Court  
**Completion Date:** October 1, 2012, subject to the continuing call of the Chief Justice

#### **I. Purpose:**

The purpose of the Task Force is to assist the Supreme Judicial Court in designing and presenting to the 126<sup>th</sup> Maine Legislature, a transparent, accessible, and credible system for resolving complaints against Guardians ad Litem who are appointed in the State Courts. The design is intended to be independent of and separate from the litigation process and the adjudication of facts and law in individual cases.

The Legislature has sought the input of the Judicial Branch in the creation of such a system. The Judicial Branch will report its recommendations to the Legislature in October of 2012. Thus, the Task Force will exist for a short term and will be called upon to work intensely through August and September of 2012.

#### **II. Authority:**

The Task Force will seek input, suggestions, and recommendations from individuals and groups within and outside Maine state government. The Task Force is authorized to study policies and procedures considered by or in effect in other states and any other model policies or procedures. The Task Force may propose recommendations generally and those in the form of proposed rules, rule amendments, statutes, orders, or policies.

There is no funding authorized for the work of the Task Force.

#### **III. Meetings:**

The Chair shall schedule the meetings of the Task Force. The Task Force shall meet as often as is necessary to complete its responsibilities. Meetings will

be held at a location announced by the Chair. Meetings will be publicly announced on the Judicial Branch website.

**IV. Membership:**

The membership of the Task Force shall include the following:

- Justice of the Supreme Judicial Court, Chair
- District Court Judge
- Family Law Magistrate
- The Attorney General or designee
- Probate Court Representative
- Members of the Maine Legislature
- Representative of Maine Coalition to End Domestic Violence
- Family Division Resource Coordinator
- Attorneys in the Practice of Family Law
- Representative of the Maine Guardian ad Litem Institute
- Public Member
- Others at the invitation of the Chief Justice

**V. Reporting:**

The Task Force will issue a report to be presented to the Supreme Judicial Court on or before September 21, 2012.

**VI. Task Force Duration:**

Unless the charter is extended by the Chief Justice, the Task Force will cease to exist on October 1, 2012.

Dated: August 7, 2012

Approved by:

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/s/  
Leigh I. Saufley  
Chief Justice

**APPENDIX B**  
**JUDICIAL BRANCH**  
**GUARDIAN AD LITEM TASK FORCE**  
**Membership Roster**

Associate Justice of the Supreme Judicial Court:  
Justice Warren M. Silver (**Chair**)

District Court Judge:  
Judge E. Paul Eggert

Family Law Magistrate:  
Magistrate Paul D. Mathews

The Attorney General, or his designee:  
Nora Sosnoff, Esq.

Probate Court Representative:  
Judge Donna Bailey, York County Probate Court

Members of the Maine Legislature:  
Representative Charles R. Priest  
Representative Michael G. Beaulieu  
Senator Roger J. Katz  
Senator Barry J. Hobbins

Maine Coalition to End Domestic Violence Representative:  
Julia Colpitts, Director MCEDV

Family Division Resource Supervisor:  
Kirsten Skorpen, Family Division Resource Coordinator

Attorneys in the Practice of Family Law:  
Michael P. Asen, Esq.  
Audrey B. Braccio, Esq.  
Kristin A. Gustafson, Esq.  
Margaret T. Johnson, Esq.  
David M. Lipman, Esq.  
Timothy E. Robbins, Esq.

Student Staff Attorney – University of Maine School of Law:  
Brandon Rubenstein

Maine Guardian ad Litem Institute Representative:  
Thomasine M. Burke, Esq.

Public Member:  
Dr. Jerome Collins

Member at the invitation of the Chief Justice, Supreme Judicial Court:  
Alison A. Beyea, Esq., Muskie Institute

## APPENDIX C

**TO: GUARDIAN AD LITEM TASK FORCE**

**FROM: JEROME A. COLLINS M.D.**

**DATE: SEPTEMBER 21, 2012**

**RE: MINORITY COMMENTS ON REPORT TO THE SUPREME JUDICIAL COURT  
BY THE JUDICIAL BRANCH GUARDIANS AD LITEM TASK FORCE**

### CONTEXT:

From my position as the only public member of the 19-member committee, the only one with no personal financial interest in the Guardian ad litem problem, my perspective on the problem is quite different from that of the majority of the committee. While I believe that the chairing of the meetings was fair and friendly, there were decidedly biased undercurrents amongst the participants. “Is there a GAL problem?” is still a serious issue for many. Why not just tweak the current system, which works so well (for GALs?) was another fairly significant position. And, “if ‘they’ want change, make them pay for it,” was the surprisingly hostile position of one prominent family lawyer. I mention these few (of many) examples of bias that I felt, to indicate a strong interest on the part of a significant number of the committee in clinging to the ‘status quo’ to the greatest extent possible. This protective conservatism of the majority colors the document and colors my current opinion of it.

### THE CURRENT DOCUMENT:

The document I received appears to be very sketchy. It pulls together many threads of issues that were discussed in our three meetings, but it leaves unresolved some very significant questions of detail. There are no instructions for users. There are no guided forms for users. There is no explanation to users in clear language how the process would work, the steps they would take, the algorithm. It is not geared towards a citizen complaint made without legal assistance. In general, user-oriented supports are absent. It desires to imitate the NH complaint process but in our estimation it falls short. Without more fleshed-out detail the document is a “tabula rasa” on which one can project ideas but without solid grounding. It leaves a great deal to the input of the Supreme Court, but disallows helpful guidance to the court and forces us to give the court a blank conceptual check, when we’ve never done business before and don’t know if we share common ground.

### THE UNDERLYING CONCEPTS:

What exactly is the conceptual nature of a complaint regarding a Guardian ad litem? Is it a legal complaint between two adversaries about allegations of harm or damage, or is it a vocational complaint about GAL performance to an oversight agency from one or more members of the public, which questions whether this worker’s performance meets publicly approved/regulated standards of practice? In our opinion, the current document attempts to

merge the two ideas unsuccessfully at the expense of the consumer complaint. It strives to address the vocational questions, but in a heavily legalistic context that is apt to suffocate the consumer. Part of the problem is that GAL's vocational considerations lack a standard of practice, and GALs themselves lack an experience in how to judge standard practices of colleagues. The document makes no mention of training for all concerned in oversight that might teach these skills even the use of the court room concept of "standing" belies a legalistic bias, which would be unfamiliar and constricting to consumers.

This awkwardness can be seen in the questions raised in committee about "standing." In consumer protection agencies, the notion of "standing as traditionally applied in court (who may participate) doesn't apply. It is off-topic. Any member of the public with direct actual experience of a worker's malfunctioning may bear witness. It enhances agency oversight. This awkwardness and conceptual model confusion makes the creation of the new complaint process worrisome. In NH it was found after an initial placement of the complaint process in the Judicial Branch the lack of experience of this branch in dealing with vocational issues and consumer protection necessitated a move to the licensing bureau. We feel that this is very apt to happen in Maine.

#### THE 12 MEMBER REVIEW BOARD:

This board with 12 members, two of whom would be from the public, with the other 10 being Guardians ad litem, seems to us to stack the decks wildly in favor of GALs. But it is a problem, not just in terms of numbers and composition. It is also a problem of how such a board would function in carrying out its duties. There is absolutely no tradition amongst the GALs in Maine or within their trade organization for self-policing. There is little in the role or experience of GALs that prepares them to address consumer protection issues. Trade organizations, such as MEGALI, (and others) are well known for their tolerance of malfunctioning even as it approaches a level of public scandal. Further what standards of practice would the panel be using? How would they judge a failing? Would any of the panels have experience in assessing vocational functioning? It raises a host of questions about the knowledge skill and experience necessary to make critical vocational and consumer protective judgments.

In addition, there is also the very important question of attitude towards the public on the part of GALs. They see themselves as allies of judges and of the children they deal with. They are habituated to stand apart from the parties and exhibit independence. From our experience there is very often significant defensiveness to criticism on the part of these lightly trained GALs and of their trade organization. Some of these attitudinal biases surfaced during the recent committee meetings. Examples: "Is there a problem?"; "Do we need a new program?"

In our view board composition and board training for the oversight role need to be reconsidered.

#### FINANCING:

In brief, it is our view, as a matter of principle, that the public shouldn't have to pay to make a vocational complaint to the oversight agency about one of their workers, be that oversight the responsibility of the Judicial Branch or of the Administrative Branch. It should be



noted that there is currently no charge for public complaints by Maine's licensing boards. A fee to make a complaint sends a perhaps unintentionally off-putting message to the public: your complaint will cost you. It is a deterrent; we don't really want to know. One member of the committee expressed the issue with considerable animus: "Make them pay!", and suggested complaints were "an ego issue." It raises a serious oversight question: Does the Judicial Branch truly want to know about malfunctioning officers of the court in order to correct these situations? "Make them pay!" is not an attitude that encourages the public to assist the Judicial Branch in its oversight.

#### GAL OVERSIGHT AND LICENSING BOARD OVERSIGHT:

Although it was mentioned in the committee, the jurisdictional conflict about a GAL whose actions appear to be malpractice of their base profession is not addressed in the current proposal. It is a serious consumer protection issue that a professional could avoid corrective action from complaints to their licensing board by needing to address GAL complaints at the Judicial Branch first. It is a serious problem, troubling to the public. There needs to be a corrective plan developed with the licensing boards.

#### WILL THE "NEW COMPLAINT PROCESS" BE USED BY THE PUBLIC?

At the moment, there is an unofficial, recent embargo by the public on GAL complaints. This action has arisen, because many people felt that the current complaint process was demeaning, always resulted in dismissal-even in the face of serious considerations. People also felt that the seemingly inevitable dismissal whitewashed malfunctioning GALs and gave no consumer warning of bad actors. Will the new process be used? Hard to say, but its use will definitely be limited without our endorsement. Your limited "statistics" are apt to be even better!

I regret having to address so many problems on the eve of submitting a proposal to the Supreme Court, but so many ideas were presented in the committee meetings without clear direction-other than broad principle-being agreed on that seeing a written proposal surfaces many concerns. These are expressed here as clearly as possible; however, I'd be pleased to explain further, if appropriate.