

## **Rule 4-906. Guardian ad litem Office, Oversight Committee, and Director**

### **Intent:**

To establish the responsibilities of the Guardian ad Litem Oversight Committee (“Committee”) and the Director of the Office of Guardian ad Litem (“Director”).

### **Applicability:**

This rule applies to the Committee, the Director, the Office of Guardian ad Litem (“Office”), and the guardian ad litem (“GAL”) program (“Program”).

### **Statement of the Rule:**

(1) **Guardian ad Litem Oversight Committee.** Under the Council's direct supervision, the Committee must:

(1)(A) perform the duties established in Utah Code;

(1)(B) appoint the Director in accordance with procedures established by the Council;

(1)(C) develop the Director's performance plan and conduct performance evaluations in accordance with policies approved by the Council;

(1)(D) monitor the Office's caseload and recommend to the Council adequate staffing levels for GALs and Program staff (“Staff”);

(1)(E) ensure policies, requirements, and guidelines established by the Committee comply with this Code, the Utah rules of procedure, and court policies; and

(1)(F) provide an annual report to the Council in accordance with Rule 1-205 that includes the Committee's evaluation and assessment of the Program.

### **(2) Case and record reviews.**

(2)(A) “GAL Records” means court records to which GALs are authorized access under Rule 4-202.03 and the Utah rules of procedure. Requests to access court records that GALs are not entitled to access must be made in accordance with this Code and the Utah rules of procedure.

(2)(B) The internal court auditor member of the Committee will generate the annual random sample of cases the Committee reviews using criteria established by the Committee. The sample must be limited to cases that have reached final disposition and are no longer pending or impending before any court. The case and record review process must comply with this Code and the Utah rules of procedure.

(2)(C) The Committee must establish procedures to ensure the Committee's review of individual cases and GAL Records will maintain confidentiality and will not interfere with a fair trial or hearing or affect the outcome or impair the fairness of a pending or impending matter.

(2)(D) The procedures established in paragraph (2)(C) must be approved by the Council.

(3) Qualifications of the director. The Director must have the qualifications established in Utah Code.

(4) Responsibilities of the director. The Director must:

(4)(A) perform the duties established in Utah Code;

(4)(B) develop the legislative budget appropriation request for the Program;

(4)(C) coordinate GAL appointments among different court levels;

(4)(D) monitor GALs, Staff, and trained Program volunteers described in Utah Code section 78A-2-803 ("Volunteer") by regularly consulting with users and observers of GAL services, including judges, court executives, and court clerks;

(4)(E) require GALs to submit appropriate written reports;

(4)(F) monitor GAL caseloads to ensure compliance with standards established by the American Bar Association;

(4)(G) select Volunteers and court-employed GALs and Staff in accordance with Rule 4-906.01;

(4)(H) coordinate conflict counsel appointments;

(4)(I) supervise, evaluate, and discipline court-employed GALs and Staff in accordance with this Code and the judiciary's human resource policies;

(4)(J) supervise and evaluate the quality of service provided by contracted GALs;

(4)(K) monitor and report to the Committee GAL, Staff, and Volunteer compliance with federal and state statutes, rules, and case law; and

(4)(L) prepare and submit the annual report required under the Utah Code to the Council and the Committee in October. The Committee may amend the report prior to release to the Child Welfare Legislative Oversight Panel.

Effective: June 22, 2026