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1 **Rule 4-906. Guardian ad litem program.**

2 **Intent:**

3 **To establish:**

- 4 ~~(1) the responsibilities of the Guardian ad Litem Oversight Committee (“Committee”);~~
- 5 ~~(2) the policies and procedures for the management of the guardian ad litem (“GAL”)~~
- 6 ~~program;~~
- 7 ~~(3) the policies and procedures for the selection of GALs;~~
- 8 ~~(4) the policies and procedures for payment for GAL services; and~~
- 9 ~~(5) the policies and procedures for complaints regarding GALs and volunteers.~~

10 **Applicability:**

11 ~~This rule applies to the management of the GAL program. This rule does not affect the authority~~

12 ~~of the Utah State Bar to discipline a GAL.~~

13 **Statement of the Rule:**

14 ~~(1) **Guardian ad Litem Oversight Committee.** The Committee will:~~

15 ~~(1)(A) develop and monitor policies of the Office of Guardian ad Litem (“Office”) to:~~

16 ~~(1)(A)(i) ensure the independent and professional representation of a child client~~

17 ~~and the child’s best interest; and~~

18 ~~(1)(A)(ii) ensure compliance with federal and state statutes, rules, and case law;~~

19 ~~(1)(B) recommend rules of administration and procedure to the Council and Supreme~~

20 ~~Court;~~

21 ~~(1)(C) select the Director of the Office (“Director”) in consultation with the Administrative~~

22 ~~Office;~~

23 ~~(1)(D) develop a performance plan for the Director;~~

24 ~~(1)(E) monitor the Office’s caseload and recommend to the Council adequate staffing of~~

25 ~~GALs and staff;~~

26 ~~(1)(F) develop standards and procedures for hearing and deciding complaints and~~

27 ~~appeals of complaints; and~~

28 ~~(1)(G) hear and decide complaints and appeals of complaints as provided in this rule.~~

29 ~~(2) **Qualifications of the Director.** The Director will have the qualifications provided in the Utah~~

30 ~~Code.~~

31 ~~(3) **Responsibilities of the Director.** In addition to responsibilities under the Utah Code, the~~

32 ~~Director will have the following responsibilities:~~

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33 ~~(3)(A) manage the Office to ensure that minors who have been appointed a GAL by the~~
34 ~~court receive qualified GAL services;~~

35 ~~(3)(B) develop the budget appropriation request to the legislature for the GAL program;~~

36 ~~(3)(C) coordinate the appointments of GALs among different levels of courts;~~

37 ~~(3)(D) monitor the services of the GALs, staff, and volunteers by regularly consulting with~~
38 ~~users and observers of GAL services, including judges, court executives and clerks, and~~
39 ~~by requiring the submission of appropriate written reports from the GAL;~~

40 ~~(3)(E) monitor attorney GAL caseloads to ensure compliance with standards established~~
41 ~~by the American Bar Association;~~

42 ~~(3)(F) select GALs and staff for employment as provided in this rule, select volunteers,~~
43 ~~and coordinate appointment of conflict counsel;~~

44 ~~(3)(G) supervise, evaluate, and discipline GALs and staff employed by the courts and~~
45 ~~volunteers;~~

46 ~~(3)(H) supervise and evaluate the quality of service provided by GALs under contract~~
47 ~~with the court;~~

48 ~~(3)(I) monitor and report to the Committee GAL, staff, and volunteer compliance with~~
49 ~~federal and state statutes, rules, and case law; and~~

50 ~~(3)(J) prepare and submit to the Committee in October an annual report regarding the~~
51 ~~development, policy, and management of the GAL program and the training and~~
52 ~~evaluation of GALs, staff, and volunteers. The Committee may amend the report prior to~~
53 ~~release to the Legislative Interim Human Services Committee.~~

54 ~~(4) **Qualification and responsibilities of GALs.** A GAL will be admitted to the practice of law in~~
55 ~~Utah and will demonstrate experience and interest in the applicable law and procedures. The~~
56 ~~GAL will have the responsibilities established in the Utah Code.~~

57 ~~(5) **Selection of GAL for employment.**~~

58 ~~(5)(A) A GAL employed by the Administrative Office is an at-will employee subject to~~
59 ~~dismissal by the Director with or without cause.~~

60 ~~(5)(B) A GAL employed by the Administrative Office will be selected by the Director. Prior~~
61 ~~to the Director's selection, a panel will interview applicants and make hiring~~
62 ~~recommendations to the Director. The interview panel will consist of the Director (or~~
63 ~~Director's designee) and two or more of the following persons:~~

64 ~~(5)(B)(i) the managing attorney of the local GAL office;~~

65 ~~(5)(B)(ii) the Court Executive of the district court or juvenile court;~~

66 ~~(5)(B)(iii) a member of the Committee;~~

67 ~~(5)(B)(iv) a member of the Utah State Bar Association selected by the Director; or~~

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68 ~~(5)(B)(v) a member selected by the Director.~~

69 ~~**(6) Conflicts of interest and disqualification of GAL.**~~

70 ~~(6)(A) In cases where a GAL has a conflict of interest, the GAL will declare the conflict~~
71 ~~and request that the court appoint a conflict GAL in the matter. Any party who perceives~~
72 ~~a conflict of interest may file a motion with the court setting forth the nature of the conflict~~
73 ~~and a request that the GAL be disqualified from further service in that case. Upon a~~
74 ~~finding that a conflict of interest exists, the court will relieve the GAL from further duties~~
75 ~~in that case and appoint a conflict GAL.~~

76 ~~(6)(B) The Administrative Office may contract with attorneys to provide conflict GAL~~
77 ~~services.~~

78 ~~(6)(C) If the conflict GAL is arranged on a case-by-case basis, the court will use the~~
79 ~~order form approved by the Council. The order will include a list of the duties of a GAL.~~
80 ~~The court will file the original order in the case and will distribute one copy each to: the~~
81 ~~appointed conflict GAL; the GAL; all parties of record; the parents, guardians or~~
82 ~~custodians of the child(ren); the Court Executive; and the Director.~~

83 ~~(6)(D) A conflict GAL's compensation will not exceed \$100 per hour or \$3,000 per case~~
84 ~~in any twelve-month period, whichever is less. The per case compensation limit includes~~
85 ~~incidental expenses incurred in the case. Under extraordinary circumstances, the~~
86 ~~Director may increase the compensation limit upon request from the conflict GAL. The~~
87 ~~request will include justification showing that the case required work of much greater~~
88 ~~complexity than, or time far in excess of, that required in most GAL assignments. If a~~
89 ~~case is appealed, compensation will be as set forth above.~~

90 ~~**(7) Staff and volunteers.**~~

91 ~~(7)(A) The Director will develop a strong volunteer component to the GAL program and~~
92 ~~provide support for volunteer solicitation, screening, and training. Staff and volunteers~~
93 ~~will have the responsibilities established in the Utah Code.~~

94 ~~(7)(B) Training for staff and volunteers will be conducted under the supervision of the~~
95 ~~attorney GAL with administrative support provided by the Director. Staff and volunteers~~
96 ~~will receive training in the areas of child abuse, child psychology, juvenile and district~~
97 ~~court procedures, and local child welfare agency procedures. Staff and volunteers will be~~
98 ~~trained in the guidelines established by the National Court Appointed Special Advocate~~
99 ~~Association.~~

100 ~~**(8) Private guardians ad litem ("PGALs").**~~

101 ~~(8)(A) **List.** The Director will maintain a list of PGALs qualified for appointment.~~

102 ~~(8)(B) **Application.** To be included on the list of eligible PGALs, applicants must submit~~
103 ~~a written application to the Office and:~~

104 ~~(8)(B)(i) be a member in good standing in the Utah State Bar;~~

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- 105 ~~(8)(B)(ii) provide a Bureau of Criminal Identification criminal history report;~~
- 106 ~~(8)(B)(iii) provide a Utah Division of Child and Family Services child abuse~~
- 107 ~~database report and similar information from any state in which the applicant has~~
- 108 ~~resided as an adult;~~
- 109 ~~(8)(B)(iv) provide a certificate of completion for any initial or additional necessary~~
- 110 ~~training requirements established by the Director;~~
- 111 ~~(8)(B)(v) agree to perform in a competent, professional, proficient, ethical, and~~
- 112 ~~appropriate manner;~~
- 113 ~~(8)(B)(vi) meet any minimum qualifications as determined by the Director; and~~
- 114 ~~(8)(B)(vii) agree to be evaluated at the discretion of the Director for competent,~~
- 115 ~~professional, proficient, ethical, appropriate conduct, and/or performance, and~~
- 116 ~~minimum qualifications.~~
- 117 ~~**(8)(C) Appointment.** Upon the appointment by the court of a PGAL, the court will:~~
- 118 ~~(8)(C)(i) use the following language in its order: "The Court appoints a private~~
- 119 ~~attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to~~
- 120 ~~represent the best interests of the minor child(ren) in this matter.";~~
- 121 ~~(8)(C)(ii) designate in the order whether the PGAL will:~~
- 122 ~~(8)(C)(ii)(a) be paid the set fee, as established by paragraph (8)(F), and~~
- 123 ~~an initial retainer;~~
- 124 ~~(8)(C)(ii)(b) not be paid and serve pro bono; or~~
- 125 ~~(8)(C)(ii)(c) be paid at a rate less than the set fee in paragraph (8)(F); and~~
- 126 ~~(8)(C)(iii) send the order to the Director c/o the Private Attorney Guardian ad~~
- 127 ~~Litem Program.~~
- 128 ~~**(8)(D) Assignment.** Upon receipt of the court's order appointing a PGAL, the Director~~
- 129 ~~will contact and assign the case to an eligible attorney, if available.~~
- 130 ~~**(8)(E) Notice of appearance and representation.** Upon accepting the court's~~
- 131 ~~appointment, the assigned attorney will file a notice of appearance with the court within~~
- 132 ~~five business days of acceptance, and will thereafter represent the best interests of the~~
- 133 ~~minor(s) until released by the court.~~
- 134 ~~**(8)(F) Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned~~
- 135 ~~by the court against the parties will be \$150.00 per hour or a higher rate determined~~
- 136 ~~reasonable by the court. The retainer amount will be \$1,000 or a different amount~~
- 137 ~~determined reasonable by the court. The retainer amount will be apportioned by the~~
- 138 ~~court among the parties and paid by the parties.~~

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139 ~~(8)(G) **Education.** Each year, PGALs must complete three hours of continuing legal~~
140 ~~education (CLE) relevant to the role and duties of a PGAL. To meet this requirement, the~~
141 ~~Office will provide training opportunities that are accredited by the Utah State Bar Board~~
142 ~~of Mandatory Continuing Legal Education. In order to provide access to all PGALs, the~~
143 ~~Office will provide multiple trainings at locations throughout the State or online.~~

144 ~~(8)(H) **Removal.**~~

145 ~~(8)(H)(i) A PGAL who fails to complete the required number of CLE hours will be~~
146 ~~notified that unless all requirements are completed and reported within 30 days,~~
147 ~~the Director may remove the PGAL from the list of eligible PGALs.~~

148 ~~(8)(H)(ii) The Director may remove with or without a complaint a PGAL from the~~
149 ~~list of eligible PGALs for failure to perform or conduct themselves in a competent,~~
150 ~~professional, proficient, ethical, or appropriate manner, or for failure to meet~~
151 ~~minimum qualifications, including the annual CLE requirement. Within a~~
152 ~~reasonable time after the removal, and in the event the PGAL has not yet been~~
153 ~~released by the court in a pending case, the Director will provide written notice to~~
154 ~~the court of the Director's action, and the court may, in its discretion, determine~~
155 ~~whether the PGAL should be released from the case.~~

156 ~~(9) **Complaints and appeals.**~~

157 ~~(9)(A) **Complaints against Director or administrative policies.** Complaints against the~~
158 ~~Director or an administrative policy or procedure must be submitted to the chair of the~~
159 ~~Committee. Complaints submitted to the Director's office must be sent to the Committee~~
160 ~~chair within a reasonable period of time, but not more than 14 days after receipt. If~~
161 ~~deemed necessary, the Committee may recommend to the Council that the Director be~~
162 ~~disciplined.~~

163 ~~(9)(B) **Complaints against GALs or volunteers.**~~

164 ~~(9)(B)(i) Complaints against a GAL employed by the Office, a PGAL, or a~~
165 ~~volunteer, as defined in Utah Code section 78A-6-207, must be submitted to the~~
166 ~~Director. The decision of the Director regarding the complaint is final and not~~
167 ~~subject to appeal.~~

168 ~~(9)(B)(ii) If a GAL and a volunteer disagree on the major decisions involved in~~
169 ~~representation of the client, either may notify the Director that the dispute cannot~~
170 ~~be resolved. The decision of the Director regarding the dispute is final and not~~
171 ~~subject to appeal.~~

172 ~~(9)(B)(iii) The failure of the Director to satisfactorily resolve a complaint against a~~
173 ~~GAL, PGAL, or volunteer is not grounds for a complaint against the Director.~~

174 ~~(9)(C) **Complaint submission.** A complaint must be in writing and include:~~

175 ~~(9)(C)(i) the name and contact information of the complainant;~~

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176 ~~(9)(C)(ii) the name of the child(ren) involved; and~~

177 ~~(9)(C)(iii) the facts upon which the complaint is based in sufficient detail to inform the~~
178 ~~Committee or the Director of the nature and date of the alleged misconduct.~~

179 ~~(9)(D) **Investigation.** In resolving a complaint, the Director or Committee will conduct an~~
180 ~~investigation as determined by the Director or Committee to be reasonable. The Director~~
181 ~~or Committee may meet separately or together with the complainant and the person~~
182 ~~against whom the complaint is filed.~~

183 ~~(9)(E) **Decision.** The decision of the Director may include discipline of the person~~
184 ~~against whom the complaint is filed. If the complaint is against a PGAL, the decision may~~
185 ~~include removal of the PGAL from the list of PGALs and the conditions for reinstatement.~~

186 ~~(9)(F) **Applicability.** Paragraph (9) does not apply to conflict GALs.~~

187 ***Effective: 5/1/2026***