

Rule 4-906.03. Complaints

Intent:

To establish the policies and procedures for complaints regarding GALs, PGALs, Volunteers, and the Director.

Applicability:

This rule applies to the Office and the Program.

Statement of the Rule:

(1) Complaints against the Director or administrative policies. A person may submit a complaint against the Director or an administrative policy or procedure to the Committee chair.

(1)(A) If a person submits a complaint against the Director to the Director's office, the Director must send the complaint to the Committee chair within a reasonable period of time, but not more than 14 days after receipt.

(1)(B) The Committee may investigate a complaint against the Director using a process approved by the Council.

(1)(C) If the Committee and state court administrator agree, the Director may be disciplined up to and including dismissal. If the Committee and the state court administrator do not agree on the proposed disciplinary action or dismissal, the Council will make the final decision.

(2) Complaints against a GAL or Volunteer.

(2)(A) Director.

(2)(A)(i) A person may submit a complaint against an employed GAL, a PGAL, or a Volunteer to the Director.

(2)(A)(ii) Upon receiving a complaint, the Director will conduct an investigation as determined reasonable by the Director. The Director may meet separately or together with the complainant and the person against whom the complaint is filed. The Director will provide both parties with a copy of the Director's decision, including what action(s), if any, will be taken in response to the complaint.

(2)(A)(iii) If a GAL and a Volunteer disagree on the major decisions involved in representation of the client, either may notify the Director that the dispute cannot be resolved. The Director's decision regarding the dispute is final and not subject to appeal.

(2)(B) Appeal.

(2)(B)(i) A complainant may appeal a decision issued under paragraph (2)(A)(ii) to a 3-member panel of the Committee ("Panel"). The Panel will be formed in accordance with procedures approved by the Council. The appeal must be

submitted in writing within 30 business days of receipt of the Director's decision and must include the initial complaint, the Director's decision, an argument in support of the appeal, and the relief sought.

(2)(B)(ii) If an appeal can be resolved without accessing nonpublic court records, the Panel will do so. If the Panel must access nonpublic court records, the review must comply with this Code and the Utah rules of procedure.

(2)(B)(iii) The Panel must establish procedures to ensure the Panel review process will not interfere with a fair trial or hearing or affect the outcome or impair the fairness of a pending or impending matter. Those procedures must be approved by the Council.

(2)(B)(iv) Panel meetings will be closed.

(2)(B)(v) The Panel will issue a decision in accordance with paragraph (4) within 45 business days of receipt. Panel decisions are final and not appealable.

(3) **Complaint form and submission.** Complaints submitted under paragraphs (1) and (2) must be in writing and include:

(3)(A) the name and contact information of the complainant;

(3)(B) the name of the child(ren) involved;

(3)(C) the facts upon which the complaint is based in sufficient detail to inform the Director or Committee of the nature and date of the alleged misconduct; and

(3)(D) when possible, supporting documentation.

(4) **Decision.** In resolving a complaint or appeal under paragraph (2), the Director or Panel may reasonably investigate the complaint, provided the investigation complies with this Code.

(4)(A) If the complaint is against an employed GAL, the Director may discipline the GAL in accordance with the judiciary's human resource policies. The Panel may recommend to the Director or the state court administrator that a GAL be disciplined but may not impose disciplinary action.

(4)(B) If the complaint is against a PGAL, the Director or Panel may remove a PGAL from the qualified list and the Director will notify the court in accordance with Rule 4-906.02.

(4)(C) If the complaint is against a Volunteer, the Director or Panel may revoke the Volunteer's ability to participate in the Program.

(4)(D) Neither the Director nor the Panel have the authority to remove a GAL or PGAL from a case.

(5) **Interference with case or court matters.** Under no circumstance may the Director, Panel, or Committee interfere with a case or court matter. Review of and access to GAL Records and court records must comply with this Code and Rule 4-906(2).

(6) **Office of professional conduct.** Nothing in this Rule prohibits the Director or a Committee member from reporting an attorney's conduct to the Utah Office of Professional Conduct (OPC). However, nonpublic court records, including nonpublic court records associated with complaints filed under this rule, may not be shared. Records will be provided to the OPC in accordance with Rule 4-202.10.

(7) **Applicability.** Paragraphs (2) through (4) do not apply to conflict GALs.

Effective: June 22, 2026