

# Guardian ad Litem Project

A Project of the Cleveland Metropolitan Bar Association  
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## **Procedure for Evaluating the Performance of a Guardian ad Litem Appointed by the Cuyahoga County Juvenile Court**

- I. Attached is a comment form for you to provide your opinion of the performance of a GAL appointed by the Cuyahoga County Juvenile Court.
- II. In the event the comment commends the GAL's performance, the following action will be taken:
  - A. A letter of commendation will be sent to the GAL;
  - B. The comment will be provided to the GAL of the Year Committee; and
  - C. With permission of the author and the GAL, the comment will be published in the GAL Gazette.
- III. In the event the comment raises issues concerning the performance of the GAL, the following procedure will be implemented:
  - A. The Guardian ad Litem Project Administrator will review each comment. In doing so, the Administrator will have access to the court file, counsel, parties, and witnesses involved in the underlying case. Comments will either be resolved by the Administrator or submitted to the Hearing Panel for resolution.
  - B. If the Administrator cannot resolve a comment asserting that the GAL failed to properly perform his/her duty, the Administrator will forward the comment to the Hearing Panel for resolution. A copy of the comment will also be sent to the Guardian ad Litem with notice of the Procedure and applicable time frames. All records of Guardian ad Litem Project comment investigations, including Hearing Panel proceedings, shall remain confidential subject to court order.
  - C. The Guardian ad Litem Hearing Panel is composed of the following persons:
    1. Chief Magistrate or his/her designee-Chairperson of panel;
    2. Two assigned members of the Guardian ad Litem Advisory Committee;
  - D. Hearing Panel members will review each comment and determine whether the comment warrants a hearing, based upon the facts of the particular case at issue. Comments made in cases that have not yet been adjudicated by the Court will generally be stayed until the case has been adjudicated. At its discretion, and with the knowledge and permission of the assigned jurist, the Hearing Panel reserves the right to proceed with the hearing and disposition of pre-adjudicatory comments in instances where a hearing panel resolution of the comment will not compromise the Guardian ad Litem's authority in the underlying case.

- E. The Panel may request a written response to the comment from the GAL. The GAL must respond within 25 days of the date of the request. Failure to respond to the Panel's request within 25 days will result in immediate automatic suspension from the Appointment List. Upon receipt of the GAL's response, the Panel will resume its determination of the comment. The GAL will not be reinstated to the Appointment List until the comment is resolved pursuant to divisions F and G of this section.
- F. When warranted, an Administrative Hearing will be scheduled on the comment. The hearing will take place with advance written notice to the Guardian ad Litem. The Guardian ad Litem Administrator will present the written comment on behalf of the Guardian ad Litem Project, along with any other pertinent information. The Guardian ad Litem will be given the opportunity to present evidence in person and in writing at the hearing. The Guardian ad Litem will have the right to counsel in all hearing panel proceedings. At the conclusion of the hearing the Hearing Panel may resolve the comment as follows:
1. Take no action;
  2. Require the Guardian ad Litem to engage in specific continuing legal education;
  3. Assign a mentor to the Guardian ad Litem for a set period;
  4. Suspend the Guardian ad Litem from the Appointment list for a set period;
  5. Permanently remove the Guardian ad Litem from the Appointment list;
  6. Make other appropriate determinations.
- G. The Hearing Panel's decision will be immediately implemented. The Panel's decision may be stayed upon the GAL's request made to the Advisory Committee. If the Panel's decision involves suspension or permanent removal of the Guardian ad Litem from the Appointment List, the Panel shall present its recommendation to the Advisory Committee for approval. The Advisory Committee may stay the Panel's decision and review the decision, along with any additional information not previously available. At the discretion of the Advisory Committee, a further hearing of the comment may take place. All decisions made by the Advisory Committee must be made upon a vote of a majority of a quorum of the Advisory Committee and will be forwarded to the Administrative Judge or his designee.

**NOTICE: THIS PROCEDURE FOR EVALUATION OF THE GUARDIAN AD LITEM APPOINTED BY THE CUYAHOGA COUNTY JUVENILE COURT IS INTERNAL TO THE GUARDIAN AD LITEM PROJECT. DISPOSITION OF A GUARDIAN AD LITEM COMMENT BY THE HEARING PANEL OR OTHERWISE WILL HAVE NO EFFECT UPON THE GUARDIAN AD LITEM'S CONTINUED APPOINTMENT TO ANY PENDING CASE. PARTIES TO INDIVIDUAL CASES MAY ADDRESS GUARDIAN AD LITEM APPOINTMENT ISSUES IN THEIR CASE BY FILING A MOTION IN THE INDIVIDUAL CASE. PLEASE CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS REGARDING THIS PROCEDURE. THIS IS NOT A CERTIFIED GRIEVANCE PROCEDURE. TO FILE A GRIEVANCE, GO TO [WWW.CLEMETROBAR.ORG](http://WWW.CLEMETROBAR.ORG), OR CALL THE CLEVELAND METROPOLITAN BAR ASSOCIATION AT 216-696-3525.**