



## POLICY M: FORMAL COMPLAINT

### Wyoming Guardians *Ad Litem* Program

Empowering youth & families through legal advocacy

#### SECTION ONE: PURPOSE, AUTHORITY, & SCOPE

- A. This policy was created pursuant to the Wyoming Guardians *Ad Litem* Program Rules and Regulations, Chapter 1, § 2(b). The purpose of this policy is to set forth the guidelines for filing a complaint on a GAL Program attorney.
- B. This policy encompasses all guardians ad litem attorneys contracted or employed with the State of Wyoming, Office of the State Public Defender (OSPD), Guardians Ad Litem Program to provide GAL services in Wyoming.
- C. Contracted or employed GALs are at will and can be terminated at any time without cause or reason. Formal complaints do not affect the ability to terminate a GAL at the Program's discretion and are not a requirement for termination.

#### SECTION TWO: FILING A FORMAL COMPLAINT

- A. Formal complaints can be filed by any individual against any contracted or employed GAL Program Attorney. Formal complaints cannot be filed against GAL Program administrative personnel unless the employee was part of a juvenile court action in the course of their employment.
- B. Formal complaints must be submitted in writing via the *GAL Program Formal Complaint Form* found on the GAL Program Website, Formal Complaint Page and do not protect the identity of the complainant. No anonymous complaints will be accepted or investigated.
- C. Formal complaints can only be filed against contracted or employed GALs that are not in compliance with GAL Program Rules and Regulations. Formal complaints involving decisions of the court or recommendations made by the GAL as basis for the orders of placement or custody of a child will not be accepted.

#### SECTION THREE: ASSESSMENT OF A FORMAL COMPLAINT

- A. The GAL Program administrative staff receives, internally reviews, and investigates all formal complaints submitted against a contracted or employed GAL.
- B. Upon receipt of a formal complaint the GAL Program Administrator will make an initial assessment to determine if the allegations of the formal complaint appear to involve

an ethical violation that should be referred to the Wyoming State Bar Association for investigation.

- I. If it is determined the formal complaint appears to involve a violation of ethical conduct as defined by the *Wyoming Rules of Professional Conduct for Attorneys at Law*, the GAL Program Administrator will immediately advise the complainant in writing to contact the Wyoming State Bar Association. Upon referral, the formal complaint will be considered resolved and no further action will be taken.
- II. In circumstances where the formal complaint was not referred to the Wyoming State Bar Association, and the complaint involves compliance with GAL Program Rules and Regulations, and the complaint does not involve specific decisions of the court or recommendations made by the GAL as basis for the orders of placement or custody of a child, the GAL Program Administrator will review the complaint and initiate an internal investigation into the matter.

#### **SECTION FOUR: INVESTIGATION OF A FORMAL COMPLAINT**

- A. The GAL Program Administrator, in their duties of investigating a formal complaint may obtain information from the GAL specifically named in the formal complaint and may speak to and engage in fact-finding with various parties to the case throughout the duration of the investigation.
  - I. The GAL will receive a copy of the formal complaint within twenty (20) calendar days of receipt of the formal complaint.
  - II. Upon contact the GAL Program Administrator will request the GAL provide a written response to the formal complaint within ten (10) calendar days. The GAL Program Administrator may continue to gather information and conduct further investigation into the complaint while the GAL submits their written response.
- B. The GAL Program Administrator, in their duties of investigating a formal complaint may determine that a fact-finding meeting with the complainant and the GAL is necessary to fully understand the facts of the complaint.
  - I. Fact-finding meetings will take place via the most efficient means possible to all parties.
  - II. Fact-finding meetings will give each party a chance to speak and will be facilitated by the GAL Program Administrator or their designee.

- III. At the conclusion of a fact-finding meeting, the GAL Program Administrator will issue a written resolution of the complaint. A copy of which will be given to the complainant and the GAL.
- C. If it is determined that a fact-finding meeting is not necessary to resolve the complaint, the GAL Program Administrator will issue a written resolution of the complaint. A copy of which will be given to the complainant and the GAL.

## SECTION FIVE: CONFIDENTIALITY & REPORTING

- A. Formal complaints, details and information found during the formal complaint investigation, and decisions of the GAL Program Administrator as a result of the formal complaint may be shared with GAL Program District Supervisors and Office of the State Public Defender Administration. In no circumstance, should information regarding a formal complaint be shared with any members outside of the GAL Program.
  - I. Data and statistics, with no identifying information, from formal complaints may be used to report annually on the GAL Program and may be used for program evaluation purposes.
- B. Copies of all formal complaints and their resolutions shall be maintained by the Wyoming Guardians Ad Litem Program in the GAL's administrative file, which is only accessible to the GAL Program Administrator or their designee.