

Minimum Standards of Character and Suitability for Certification

1. Purpose:

- 1.1 To provide standards governing the qualifications and screening of a guardian ad litem (GAL) appointed by the Family Court.

2. Minimum Qualifications:

- 2.1 Before a person may be appointed to serve as a GAL, the person must satisfy the following minimum qualifications:
- 2.1.1 Be at least twenty-one (21) years of age;
 - 2.1.2 Be certified as a GAL and in good standing;
 - 2.1.3 Not have been convicted of a felony;
 - 2.1.4 Not have been convicted of any crime against a child; and
 - 2.1.5 Not have been convicted of any offense involving crimes of violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons.
- 2.2 A GAL may be recognized as certified by the Family Court if he or she:
- 2.2.1 Has completed GAL training provided by the Family Court, another Indian tribe, or a state; or
 - 2.2.2 Is recognized as a certified GAL by another jurisdiction.

3. Application Process:

- 3.1 Any person who desires to become a GAL and meets the minimum requirements shall be required to submit a completed GAL application and any required authorizations for release of information forms to enable the Judiciary to check into the applicant's background and qualifications.
- 3.2 Before the Family Court can certify an applicant:
- 3.2.1 The written application shall be reviewed;
 - 3.2.2 The applicant shall be interviewed by a Family Court Judge;
 - 3.2.3 The applicant's references, if any, shall be contacted; and
 - 3.2.4 A background check shall be completed.

4. Background Checks:

- 4.1 Applicants for the GAL program must satisfactorily pass a background check performed or arranged for by the Judiciary.
- 4.1.1 A criminal history record check is a condition of GAL certification and candidates must consent, in writing, to a record check.
- 4.2 Background checks will be conducted as part of the initial screening for new GALs and may be performed periodically throughout the GAL's term of service.
- 4.2.1 GALs with unsatisfactory background checks or non-compliance with the background check procedure will not be certified to take GAL appointments.
 - 4.2.2 An unsatisfactory background check of an existing GAL is grounds for immediate removal from the GAL list.
- 4.3 Any questions regarding the Family Court's review of a background check shall be forwarded to the adjudicating official who has been trained and well-qualified to

review employee background checks in accordance with the Indian Child Protection and Family Violence Prevention Act.

5. GAL Obligation to Report Arrest and Pending Criminal Charges:

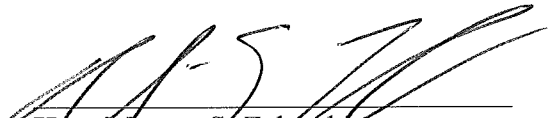
5.1 At minimum, all GALs shall notify the Family Court or the Court Administrator as soon as possible, and no more than three (3) business days after, of any arrest or pending criminal charge of a crime involving:

- 5.1.1 A felony;
- 5.1.2 A child;
- 5.1.3 A person;
- 5.1.4 Violence;
- 5.1.5 Sexual assault;
- 5.1.6 Sexual molestation;
- 5.1.7 Sexual exploitation; and/or
- 5.1.8 Prostitution.

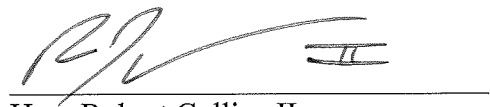
6. References:

- 6.1 7 O.C. 705.8 – Guardian ad Litem (Child Custody, Placement, and Visitation law)
- 6.2 7 O.C. 708.8 – Guardian ad Litem (Children’s Code)
- 6.3 8 O.C. 803.37 – Guardian ad Litem (Oneida Judiciary Rules of Civil Procedure)
- 6.4 25 U.S. Code Chapter 34 – Indian Child Protection and Family Violence Prevention Act

This policy is adopted pursuant to 8 O.C. 806.9-1.



Hon. Marcus S. Zelenski
Family Court Judge



Hon. Robert Collins II
Family Court Judge