

## **Procedure for Evaluating the Performance of a Guardian ad Litem and Court Appointed Special Advocate Appointed by the Cuyahoga County Juvenile Court**

- I. You are encouraged to attempt to resolve issues with the GAL or CASA directly. If you cannot resolve the issue with the GAL or CASA, attached is a comment form for you to provide your opinion of the performance of a GAL or CASA appointed by the Cuyahoga County Juvenile Court.
- II. In the event the comment commends the GAL's or CASA's performance, the following action will be taken:
  - A. A letter of commendation will be sent to the GAL or CASA;
  - B. The comment will be provided to the GAL or CASA Appreciation Committee; and
  - C. With permission of the author and the GAL or CASA, the comment will be published in The CF Advocate newsletter.
- III. In the event the comment raises issues concerning the performance of the GAL or CASA, the following procedure will be implemented:
  - A. The GAL and CASA Program Director(s) will review each comment. In doing so, the Program Director will have access to the court file, counsel, parties, and witnesses involved in the underlying case. Comments will either be resolved by the Program Director or submitted to the Peer Review panel for resolution.
  - B. If the Program Director cannot resolve a comment asserting that the GAL or CASA failed to properly perform his/her duties, the Program Director will forward the comment to the Peer Review Panel for resolution. A copy of the comment will also be sent to the GAL or CASA with notice of the Procedure and applicable time frames. All records of GAL or CASA comment investigations, including Peer Review Panel proceedings, shall remain confidential subject to court order.
  - C. The Peer Review Panel is composed of the following persons:
    1. Deputy Court Administrator or his/her designee - Chairperson of Peer Review Panel;
    2. Two assigned members of the Program Operations Committee
  - D. Peer Review Panel members will review each comment and determine whether the comment warrants a peer review, 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 Peer Review Panel reserves the right to proceed with the peer review and disposition of pre- adjudicatory comments in instances where a peer review resolution of the comment will not compromise the GAL's or CASA's authority in the underlying case.

- E. The Peer Review Panel may request a written response to the comment from the GAL or CASA. The GAL or CASA must respond within 25 days of the date of the request. Failure to respond to the Peer Review Panel's request within 25 days will result in immediate automatic suspension from the Appointment List. Upon receipt of the GAL's or CASA's response, the Peer Review Panel will resume its determination of the comment. The GAL or CASA 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 administrative hearing will take place with advance written notice to the GAL or CASA. The Program Director will present the written comment on behalf of CFACC, along with any other pertinent information. The GAL or CASA will be given the opportunity to present evidence in person and in writing at the administrative hearing. The GAL or CASA will have the right to counsel in all administrative hearings. At the conclusion of the administrative hearing, the Peer Review Panel may resolve the comment as follows:
1. Take no action;
  2. Require the GAL or CASA to engage in specific continuing education;
  3. Assign a mentor to the GAL or CASA for a set period;
  4. Suspend the GAL or CASA from the Appointment list for a set period;
  5. Permanently remove the GAL or CASA from the Appointment list;
  6. Make other appropriate determinations.
- G. The Peer Review Panel's decision will be immediately implemented. The Peer Review Panel's decision may be stayed upon the GAL's or CASA's request made to the CFACC Board of Directors. If the Peer Review Panel's decision involves suspension or permanent removal of the GAL or CASA from the Appointment List, the Peer Review Panel shall present its recommendation to the CFACC Board of Directors for approval. The CFACC Board of Directors may stay the Peer Review Panel's decision and review the decision, along with any additional information not previously available. At the discretion of the Board, further review of the comment may take place. All decisions made by the Board must be made upon a vote of a majority of a quorum of the Board and will be forwarded to the Administrative Judge or his or her designee.

**NOTICE: THE EVALUATION OF THE GUARDIAN AD LITEM (GAL) OR COURT APPOINTED SPECIAL ADVOCATE (CASA) APPOINTED BY THE CUYAHOGA COUNTY JUVENILE COURT IS AN INTERNAL PROCEDURE OF CHILD AND FAMILY ADVOCATES OF CUYAHOGA COUNTY. DISPOSITION OF A COMMENT BY THE PEER REVIEW PANEL OR OTHERWISE WILL HAVE NO EFFECT UPON THE GAL'S OR CASA'S CONTINUED APPOINTMENT TO ANY PENDING CASE. PARTIES TO INDIVIDUAL CASES MAY ADDRESS GAL OR CASA 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 216-621-5112.**



Child and Family Advocates of Cuyahoga County is a non-profit 501(c)(3) charitable organization. We improve the lives of children and families involved in the juvenile justice, child welfare, and family law systems through service as Guardians Ad Litem, Court Appointed Special Advocates; education and training, advocacy, practice, and policy development; and collaborative alliances with related organizations

