Rule 904. Designation of New Guardian Ad Litem or Discharge of Guardian Ad Litem from Particular Case

A guardian ad litem appointed by the court and designated by the guardian ad litem manager or manager's designee shall continue to serve as a guardian ad litem until such time as:

(a) the guardian ad litem manager or manager's designee designates a new guardian ad litem;

(b) the guardian ad litem is removed from the case by order of the presiding judge for good cause shown upon initiation of the presiding judge;

(c) the guardian ad litem is removed from the case by order of the presiding judge for good cause shown after hearing upon the properly filed motion of a party.

A party to the case who wishes to seek the removal or suspension of a guardian ad litem for cause must proceed by written motion before the judge presiding over the case. A motion to remove or suspend a guardian ad litem for cause shall be served upon the parties, the guardian ad litem and the district guardian ad litem manager, and filed and supported in compliance with the applicable rules of court;

(d) all district court proceedings in the matter have been completed, including filing and resolution of all post-trial motions and appeal or until the time for appeal has passed if no appeal is filed;

(e) the term of service set forth in Rule 37.03 of the Juvenile Rules of Protection Procedure has been completed;

(f) the guardian ad litem has fulfilled their specific duties identified by the Court in the Family Court matter and the Court determines that the minor child(ren)'s best interests do not require continuing the guardian ad litem as a party to the proceeding until final resolution of all post-trial motions and appeal or until the time for appeal has passed if no appeal is filed; or

(g) the child for whom a guardian ad litem has been appointed reaches the age of eighteen (18) and either the child or the guardian ad litem manager or manager's designee requests that the guardian ad litem be discharged.

(Added effective January 1, 2025.)

Rule 904.01 Use of Complaints and Investigation Reports

Unless offered into evidence by the guardian ad litem or authorized by written order following an *in camera* review by the court, neither any complaints about the performance of a guardian ad litem, nor any reports of any investigation of such complaints, shall be received as evidence or used in any manner in any proceeding governed by these Rules.

(Amended effective January 1, 1999; renumbered and amended effective January 1, 2005; amended effective January 1, 2007; amended effective July 1, 2015; amended effective July 1, 2015.)

2025 Advisory Committee Comment

Rule 904 previously provided a process for removing or suspending a guardian ad litem from a case. Rule 904 is amended to reflect the Guardian ad Litem Program's role in removing a guardian ad litem from a case and to add language similar to the Juvenile Protection Rule governing withdrawal or discharge of legal counsel. Rule 904 still contains a provision permitting the presiding judge to remove a guardian ad litem from a case for good cause. Examples of good cause shown for the removal of a guardian ad litem include but are not limited to: (1) failure to comply with a

directive of the court, including provisions of the order appointing the guardian ad litem; (2) failure to comply with the responsibilities set forth in these Rules; (3) notice of formal sanction of the guardian ad litem by any professional or occupational licensing board; or (4) upon formal request from the Guardian ad Litem Program.

Rule 904.02 [Deleted effective January 1, 2025.]

Rule 904.03 [Deleted effective January 1, 2025.]

Rule 904.04 [Deleted effective January 1, 2025.]

Rule 904.05 [Deleted effective January 1, 2025.]