

Rule 904. Removal or Suspension of Guardian Ad Litem from Particular Case**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.)

Rule 904.02 Removal or Suspension of Guardian Ad Litem from Particular Case

A guardian ad litem appointed to serve in a particular case may be removed or suspended from the case only by order of the presiding judge. Removal or suspension may be upon initiation of the presiding judge or after hearing upon the motion of a party pursuant to Rule 904.03.

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

Rule 904.03 Motion to Remove Filed by 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 and the guardian ad litem and filed and supported in compliance with the applicable rules of court. At the time the motion is served, a copy of the motion and all supporting documents shall be provided to the district guardian ad litem manager by the party making the motion.

(Amended effective July 1, 2015.)

Rule 904.04 Mandatory Removal By Presiding Judge

The presiding judge shall remove a guardian ad litem from a particular case:

(a) when it is shown by written communication from the district guardian ad litem manager or the manager's designee that the guardian ad litem has been removed from the state program for cause; or

(b) upon notice of any felony, gross misdemeanor, or misdemeanor conviction of the guardian ad litem of an offense involving children or domestic assault; or

(c) upon notice of a finding by the Minnesota Department of Human Services of maltreatment of a child by the guardian ad litem.

(Amended effective July 1, 2015.)

Rule 904.05 Permissive Removal By Presiding Judge

The presiding judge may remove or suspend a guardian ad litem from a particular case:

(a) for failure to comply with a directive of the court, including provisions of the order appointing the guardian ad litem; or

(b) for failure to comply with the responsibilities set forth in these Rules; or

(c) upon notice of formal sanction of the guardian ad litem by any professional or occupational licensing board; or

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(d) upon formal request from the district guardian ad litem program for good cause; or

(e) for other good cause shown.

As an alternative to removal or suspension from a specific case, the presiding judge may ask the district guardian ad litem manager to provide appropriate remedial action for the guardian ad litem.

(Amended effective July 1, 2015.)