



John H. Lightfoot, Jr.  
Chairman

# State of New Hampshire Guardian ad Litem Board

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**In the Matter of:**  
**Judith E. Hamilton**  
**Adjudicatory Proceeding**

## **DECISION AND ORDER**

Before the Guardian ad Litem Board (the Board) is the matter of Judith E. Hamilton following the denial of her application for certification as a Guardian ad Litem.

## **BACKGROUND INFORMATION**

On November 14, 2011, Guardian ad Litem Judith Hamilton's (Ms. Hamilton) certification expired.

On November 14, 2011, the Guardian ad Litem Board (the Board) office received one copy of the recertification application, supplemental application, CEU log and a check for \$75 for certification from Ms. Hamilton.

On December 9, 2011, the Board office sent a letter to Ms. Hamilton stating that she was missing Central Registry Request, Criminal Records Release & Check, 3 copies of application, supplemental and CEU log, Copy of Photo ID, and an additional check for \$25 because now the application is late.

The Guardian ad Litem Board office was closed from February 7 – 14, 2012.

On February 12, 2012, the ninety day grace period to file a re-certification application expired.

On February 15, 2012, the Guardian ad Litem Board re-opened and received the Central Registry Request, Criminal Records Release & Check, all copies and the additional check.

On March 16, 2012, the Board reviewed Ms. Hamilton's application and voted to deny the application pursuant 401.05 (a,b, & c), for failing to submit a signed, written statement of the reasons for failing to request renewal prior to the expiration of the prior certification.

On March 22, 2012 the board issued a letter to inform Ms. Hamilton of the denial.

On March 29, 2012, the Board office received a written request from Ms. Hamilton for a hearing to challenge the denial of her application, pursuant to 302.01 (g) & (e).

On April 9, 2012, the Board office received a second written request for a hearing from Ms. Hamilton.

On April 25, 2012, the notice of hearing was mailed via certified return receipt to Ms. Hamilton and signed for on April 26, 2012.

The notice of hearing provided that the following specific issues would be determined at the adjudicatory proceeding:

- a. Whether Ms. Hamilton meets the requirement of Gal 401.05(a)(1) that the Guardian as Litem submit the completed application and all attachments within 90 after expiration of certification.

Jack Lightfoot served as Presiding Officer.

Ms. Hamilton submitted her medical records entered into the record as exhibit A.

### **HEARING**

An adjudicatory hearing was held on Friday May 18, 2012 in room 101 of the Legislative Office Building, Concord.

Present were board members: A. Cantor, S. Duncan, N. Gardner, A. Larney,  
J. Lightfoot, Presiding Officer, H. Luneau

Also present was Judith E. Hamilton, respondent.

The record in this case consists of the following:

Documents from the Board's file on Ms. Hamilton:  
November 2011 Renewal Application of Judith E. Hamilton  
Notice of Hearing dated April 25, 2012

Respondent's exhibits submitted prior to the hearing

**Exhibit A**

Medical Records for Ms. Hamilton

### **Summary of Evidence**

Ms. Hamilton explained her medical situation that led to her inability to complete her application on time.

### **FINDINGS OF FACT**

1. Ms. Hamilton did not submit her renewal application within the 90 days of her expiration.

### **RULINGS OF LAW**

1. Ms. Hamilton did not provide a complete application according to 401.05(a)(1) by not submitting a statement of why her application was late.
2. Extenuating circumstances exist pursuant to Gal 401.05(c)9 in that the filing of a late application was caused by medical conditions beyond her control.

**DISCUSSION AND CONCLUSION**

Ms. Hamilton's failure to submit the letter was not under her control due to her medical situation.

The Board finds that extenuating circumstances exist pursuant to Gal 401.05 (c)(9) in that the situation was not within the control of the applicant.

THEREFORE IT IS ORDERED that the application of Judith E. Hamilton be approved pursuant to GAL 401.05 as the applicant submitted a completed renewal application.

Appeals from orders of the Board may be taken pursuant to RSA 541. See RSA 490-C:8. Within 30 days of the date of this decision, the respondent may appeal by petition for a writ of certiorari to the New Hampshire Supreme Court. See RSA 541:6.

DATE: May 30, 2012



Jack Lightfoot  
Presiding Officer

cc: Judith E. Hamilton  
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