



State of New Hampshire Guardian ad Litem Board

25 Capitol Street - Room 120, Concord, New Hampshire 03301
TDD Access: Relay NH 1-800-735-2964
Web site: www.nh.gov/gal

Phone: (603) 271-1199
Fax: (603) 271-6600
E-mail: gal.board@nh.gov

In the Matter of:

**Ann Thompson Bennett
Adjudicatory/Disciplinary Proceeding**

Docket # 2012-C0008

DECISION AND ORDER

Before the Guardian ad Litem Board, (hereinafter the Board), is the matter of Ann Thompson Bennett, (hereinafter Ms. Thompson Bennett or ATB), following a complaint to the Board that Ms. Thompson Bennett was not diligent in advocating for the recipient of services.

BACKGROUND INFORMATION

On November 16, 2012, the Board dismissed Mr. Battaglio's complaint pursuant to GAL 203.09(a)(9) on the belief that the case was ongoing at the time.

On November 26, 2012, the Board received Mr. Battaglio's request for an oral argument.

At the December 21, 2012 oral argument, Mr. Battaglio explained that the marital case involving Ms. Thompson Bennett was closed. The Board voted to overturn its dismissal. The Board asked Mr. Battaglio to provide more information, including all court orders since Ms. Thompson Bennett was appointed, the order of appointment, the GAL stipulation, and all GAL reports.

On December 31, 2012, the Board received the requested information from Mr. Battaglio.

On January 18, 2013, the Board voted to request a response from Ms. Thompson Bennett.

On January 23, 2013, a letter was sent to Ms. Thompson Bennett requesting a response to the following rule violations: GAL 503.02(c), 503.03(a)(b)(c), 503.04(a0(b1)(b2), 503.05(c).

On February 21, 2013, Ms. Thompson Bennett's response was received.

On March 15, 2013, the Board reviewed the response and voted to ask Mr. Battaglio for the final court order.

On April 19, 2013, the Board voted to proceed to a hearing, pursuant to its authority under RSA 490-C:4, I(g), to determine whether Ms. Thompson Bennett violated the rules of the Guardian ad Litem Board. Board member Chris Keating was appointed to serve as Presiding Officer. Former Board member Jack Lightfoot was appointed to serve as Prosecutor.

On April 22, 2013, the notice of hearing was mailed to Ms. Thompson Bennett via certified return receipt mail.

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

1. **Whether Ms. Thompson Bennett violated GAL 503.02 (c) General Obligations of all Guardians ad Litem** A guardian ad litem shall perform those duties assigned to him or her by the appointing court.
2. **Whether Ms. Thompson Bennett violated GAL 503.03 (a) Timeliness** A guardian ad litem shall undertake actions on behalf of a recipient of services in a manner that is sufficiently timely to avoid prejudice to the best interests of the recipient of services or such other object of appointment as specified in the orders or other instructions of the appointing court.
3. **Whether Ms. Thompson Bennett violated GAL 503.03 (b) Timeliness** A guardian ad litem shall adhere to all applicable deadlines imposed by an appointing court or by statute.
4. **Whether Ms. Thompson Bennett violated GAL 503.04 (a) Competency** A guardian ad litem shall carry out the duties of his or her appointment with sufficient competence to complete the work without avoidable harm to the best interests of the recipient of services.
5. **Whether Ms. Thompson Bennett violated GAL 503.04 (b) Competency** The competence required by (a) above shall include: Diligence, attention to detail and promptness in the scheduling and performance of the duties of the appointment;
6. **Whether Ms. Thompson Bennett violated GAL 503.05 (c) Advocacy** A guardian ad litem shall endeavor to expedite the conclusion of the case to the extent that he or she, in good faith, believes that to do so is consistent with the best interests of the recipient of services or such other purpose of his or her appointment as is set forth in the orders or other instructions of the appointing court.

On April 23, 2013, Nicole Armstrong signed for the letter.

On June 13, 2013, Attorney Lightfoot provided a list of 42 documents being submitted into evidence, to be labeled from 1-42.

On June 13, 2013, Ms. Thompson Bennett provided a list of 12 documents being submitted, to be labeled A-L.

HEARING

An adjudicatory hearing was held on June 21, 2013 in room 101 of the Legislative Office Building, Concord.

Present were: Board Members Susan Duncan, Chair, Chris Keating, Presiding Officer, Ann Larney, Senator David Pierce, Representative Deanna Rollo, David Villiotti

Also present were Jack Lightfoot, Prosecutor, Ann Thompson Bennett, respondent and Christopher Battaglio, complainant.

The record in this case consists of the following:
Documents from the Board's file on Ms. Thompson Bennett:

<u>Exhibit 1</u>	3/30/11	Order on Appointment Entered
<u>Exhibit 2</u>	4/13/11	Ann Thompson Bennett email to Attorneys
<u>Exhibit 3</u>	4/14/11	Guardian ad Litem Stipulations
<u>Exhibit 4</u>	5/15/11	Guardian ad Litem questionnaire
<u>Exhibit 5</u>	6/6/11	ATB email to Christopher Battaglio & response
<u>Exhibit 6</u>	6/7/11	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 7</u>	5/15/11	Attorney Higham letter to Ann Thompson Bennett
<u>Exhibit 8</u>	9/1/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 9</u>	9/2/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 10</u>	9/3/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 11</u>	9/6/11	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 12</u>	9/6/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 13</u>	9/13/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 14</u>	9/15/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 15</u>	9/21/11	Attorney Higham letter to Ann Thompson Bennett
<u>Exhibit 16</u>	10/14/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 17</u>	10/31/11	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 18</u>	10/31/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 19</u>	11/8/11	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 20</u>	11/8/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 21</u>	11/9/11	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 22</u>	11/9/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 23</u>	12/8/11	Attorney Higham letter to Ann Thompson Bennett
<u>Exhibit 24</u>	11/23/11	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 25</u>	1/6/12	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 26</u>	1/18/12	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 27</u>	2/9/12	Christopher Battaglio certified letter to ATB
<u>Exhibit 28</u>	2/15/12	Ann Thompson Bennett email to Christopher Battaglio
<u>Exhibit 29</u>	2/15/12	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 30</u>	2/21/12	Christopher Battaglio email to Ann Thompson Bennett
<u>Exhibit 31</u>	2/22/12	ATB response to Christopher Battaglio's email
<u>Exhibit 32</u>	3/4/12	Attorney Higham letter to Ann Thompson Bennett
<u>Exhibit 33</u>	4/2/12	Ann Thompson Bennett letter to Attorneys
<u>Exhibit 34</u>	4/9/12	Ann Thompson Bennett email to Attorney Higham
<u>Exhibit 35</u>	4/9/12	Guardian ad Litem report
<u>Exhibit 36</u>	5/29/12	Final Order & Parenting Plan
<u>Exhibit 37</u>	10/30/12	Complaint form
<u>Exhibit 38</u>	2/17/13	Complaint answer form and attachments
<u>Exhibit 39</u>	4/13/12	Statement, C. Battaglio, Thompson Law Office
<u>Exhibit 40</u>	5/1/12-5/31/12	Statement, C. Battaglio from NH Postal Credit Union
<u>Exhibit 41</u>	10/8/12	Statement, C. Battaglio from Thompson Law Office
<u>Exhibit 42</u>	2/1/13	AR Report, C. Battaglio from Thompson Law Office

Respondent's exhibits submitted at the hearing:

<u>Exhibit A</u>	5/18/2011	Attorney Higham letter to AnnThompson Bennett
<u>Exhibit B</u>	5/18/2011	Signed Stipulations
<u>Exhibit C</u>	5/25/2011	Check #1206 from Kindra Battaglio

<u>Exhibit D</u>	9/1/2011	Email from Kindra Battaglio
<u>Exhibit E</u>	9/6/2011	Email from Ann Thompson Bennett to Counsel
<u>Exhibit F</u>	9/6/2011	Email from Attorney Dahar
<u>Exhibit G</u>	9/6/2011	Email from Attorney Dahar
<u>Exhibit H</u>	9/6/2011	Email from Ann Thompson Bennett to Attorney Dahar
<u>Exhibit I</u>	9/6/2011	Email from Ann Thompson Bennett to Parties & Counsel
<u>Exhibit J</u>	9/6/2011	Email from Attorney Higham's once
<u>Exhibit K</u>	9/7/2011	Email from Kindra Battaglio
<u>Exhibit L</u>	10/2011-4/2012	Email from C. Battaglio to ATB
<u>Exhibit M</u>	11/2011-2/2012	Email from K. Battaglio to ATB
<u>Exhibit N</u>	5/29/2012	Final Order

Summary of Evidence

Ms. Thompson Bennett agreed that the court order from March 31, 2011 appointing her as GAL listed May 1, 2011 as the due date for a preliminary report. She testified that it was accepted and common practice, (and appears to be part of the court order), that the GAL's investigation would not begin until the stipulations were signed, the retainer fee was received and the questionnaires were completed, regardless of whether the court order lists a deadline for a preliminary report. Ms. Thompson Bennett explained that the preliminary requirements to start the investigation were not complete until May 25, 2011. Regarding the fact that no preliminary report was filed at any point, Ms. Thompson Bennett testified that, in her opinion, the court and the parties:

1. knew that the preliminary report was not filed by May 1,
2. were not concerned that a preliminary report was not filed before the June 2011 hearing, and
3. in any case, already knew of Ms. Thompson Bennett's opinions regarding the parenting plan.

Ms. Thompson Bennett testified that there was much animosity between the parties in this marital case, as well as a heated disagreement about how to divide the parental rights and responsibilities regarding the children.

The recipients of services in this matter, the Battaglio children, were ages 6 and 4 at the commencement of the marital case.

Ms. Thompson Bennett testified that she kept in touch with the parties but, because much of the correspondence from the parents was one parent complaining about the other parent, she did not believe every email required a response.

On September 6, 2011, Ms. Thompson Bennett emailed the parents and explained, "Unfortunately, I have not been in the office much over the last few weeks but I look forward to trying to help resolve some of these issues."

Ms. Thompson Bennett testified that for a period of time she did not communicate with the parties due to an illness. She said the time frame of this lack of communication was around the holidays in 2011 until mid-February of 2012. She testified that she did not notify anyone of her illness as she did not expect to be out for so long.

Ms. Thompson Bennett testified that she fully intended to file the final report well before the final hearing but due to her illness she was unable to do so. She testified that she did a proper investigation before writing her report.

Ms. Thompson Bennett testified that the parties knew what her report would say. She also testified that she knew that the parties' counsel were looking for the preliminary report to possibly settle the case without going to trial.

On December 8, 2011, counsel for Mr. Battaglio wrote to Ann Thompson Bennett as follows:

I tried to contact you by phone to discuss the Battaglio case but I was not able to reach you. Unfortunately, we are at a bit of a stalemate in our negotiations with Kindra because she does not want Chris to have shared parenting time. In fact, we cannot get her beyond a plan that allows Chris parenting time more than every other weekend (approximately 4 days per month.) Chris will never voluntarily agree to that arrangement because he genuinely believes that shared parenting can work.

If you were able to provide a preliminary report for these parties I think it would go a long way towards settlement negotiations. I know that Attorney Cindy Gilman feels similarly about working hard to settle these cases rather than leave it in the hands of the judge to decide.

Accordingly, would you kindly advise me if you are in a position to provide the parties with your preliminary report so we could use it for discussion purposes to reach our own agreement on parenting?

I would appreciate hearing from you regarding this matter.

On March 14, 2012, counsel for Mr. Battaglio wrote to Ann Bennett Thompson as follows:

As you know, we have a full day final hearing scheduled in this case for April 12, 2012. Currently, there are only a few issues related to the divorce that are unresolved. The big issue is that of parenting responsibilities.

It is extremely difficult for me to prepare for the final hearing with my client and the witnesses or to discuss settlement options with Attorney Gilman if I do not know what you are recommending for a parenting schedule.

Can we expect your report soon? If I do not have your report in time to prepare for the final hearing I will have to ask the court to continue the hearing since it would not be fair to my client to represent him at the final hearing unprepared.

On Monday, April 2, 2012, Ann Thompson Bennett wrote to counsel for both parents and explained:

I apologize for my delay in getting back to you on the status of my investigation and regret that I have not done a lot of work on this case over the last few months due to illness on my part which kept me out of the office for a few weeks and drastically reduced the number of hours I was able to work for almost two months, causing me to fall behind on my workload and it has been very difficult trying to catch up on everything. I have received periodic complaints from both parents but in order to finalize a report I would request that both parents provide me with a written update (can be e-mail) on the happenings over the last several months that I may not be aware of so that I am able to address all concerns and have all the necessary information to provide a written report. I will plan on having a final report to both of you by the end of the week.

On Monday, April 9, 2013 at 8:30 p.m., Ann Thompson Bennett emailed her final report to counsel for the parents, effectively giving the lawyers two working days to address the report and its recommendations in advance of the final hearing, which took place on Thursday, April 12, 2012.

FINDINGS OF FACT

1. Ms. Thompson Bennett did not file a preliminary report as required by the court order.
2. In spite of specific entreaties from the parties imploring Ms. Thompson Bennett to assist in providing a preliminary report or other assistance in the marital case, Ms. Thompson Bennett was out of communication with the parties for almost four months in the critical time period leading up to the final hearing.
3. When she was out of the office because she was ill, Ms. Thompson Bennett did not advise the Court or the parties about the fact that she was indisposed. Likewise, when she returned to work at a reduced capacity, Ms. Thompson Bennett did not inform the court or the parties that her health had been impaired or that her ability to fulfill her obligations in a timely fashion could be affected by her reduced hours or other responsibilities.
4. Ten days before the final hearing, Ms. Thompson Bennett sent a letter by email to the lawyers asking them to forward to their clients Ms. Thompson Bennett's request for a written update on the "happenings over the last several months." This letter was sent on a Monday. In the letter Ms. Thompson Bennett informed the lawyers of her plan to have her report filed "by the end of the week."
5. The stipulation signed by the parties at the commencement of Ms. Thompson Bennett's involvement gives the parties 7 days to respond to requests by the GAL for information.
6. Ms. Thompson Bennett filed her final report on a Monday evening before the Thursday final hearing in the marital case.

RULINGS

1. **Ms. Thompson Bennett did not violate GAL 503.02 (c) General Obligations**
It cannot be found by a preponderance of the evidence that Ms. Thompson Bennett knowingly failed to meet a formal deadline of the court. The stipulations accepted by the court stated Ms. Thompson Bennett would not begin an investigation until certain requirements were met. The court also did not assign a new date for the preliminary report once the first deadline had gone by.
2. **Ms. Thompson Bennett violated GAL 503.03 (a) Timeliness**
By not filing her final report until two working days before the final hearing, the guardian ad litem did not undertake actions on behalf of a recipient of services in a manner that was sufficiently timely to avoid prejudice to the best interests of the recipient of services.
3. **Ms. Thompson Bennett did not violate GAL 503.03 (b) Timeliness**
It cannot be found by a preponderance of the evidence that Ms. Thompson Bennett knowingly failed to meet a formal deadline of the court because the court appears to have acquiesced in the deadline for the preliminary report having been missed.
4. **Ms. Thompson Bennett violated GAL 503.04 (a) Competency**
By failing to notify the Court and the parties of her absence from work and her reduced capacity, the guardian ad litem did not carry out the duties of her appointment with sufficient competence to complete the work without avoidable harm to the best interests of the recipient of services.

5. Ms. Thompson Bennett violated GAL 503.04 (b1) Competency

By being incommunicado for almost four months, and then ten days before the final hearing asking for written updates from the parties, and filing the final report with only two days to spare before the final hearing, the guardian ad litem did not demonstrate the diligence, attention to detail and promptness in the scheduling and performance of the duties of the appointment expected of a Guardian ad Litem. By not ever filing a preliminary report, and by not formally clarifying with the court and the parties what the expectations were regarding the completion of a preliminary report, the guardian ad litem failed to demonstrate the diligence, attention to detail and promptness in the scheduling and performance of the duties of the appointment expected of a Guardian ad Litem.

6. Ms. Thompson Bennett violated GAL 503.05 (c) Advocacy

By being incommunicado for almost four months, and then ten days before the final hearing asking for written updates from the parties, and filing the final report with only two days to spare before the final hearing, the guardian ad litem failed to expedite the conclusion of the case consistent with what could be reasonably understood to be the best interests of the recipient of services.

DISCUSSION AND CONCLUSION

Ms. Thompson Bennett observed that the Courts are not strictly observant of the deadlines they set regarding the preparation of preliminary reports. She also observed that the Court never re-addressed the question of whether or when a preliminary report should be submitted. Ms. Thompson Bennett stressed during her hearing that she did not expect her illness, its effects, or her recuperation to take such a devastating toll on her ability to remain current with her responsibilities. While she acknowledged that her performance as GAL in this matter did not meet her normally high expectations for herself, she nonetheless maintained that, ultimately, the parties were well aware of her position with respect to the parenting plan throughout the litigation and, in the end, she completed and submitted a final report in advance of the final hearing in the marital case, such that she was able to fulfill her obligations to the recipients of services.

Regarding the issue of the preliminary report, the GAL Board believes that once the initial deadline was missed, it was the responsibility of the GAL to clarify with the Court whether or when a preliminary report should be produced, particularly after the parties were begging for the GAL's preliminary report to help speed negotiations. The Board was sympathetic to Ms. Thompson's health problems and subsequent workload pressures, but the Board nonetheless faulted Ms. Thompson Bennett for being incommunicado for such a long period of time and not informing the court or the parties of her diminished capacity to complete her responsibilities. As Ms. Thompson Bennett struggled to soldier on, the parties were left in the dark about the status of the GAL's recommendations. Diligence, competence, and attention to detail obliged the GAL to let people know that, in this terribly acrimonious divorce case involving two very young children, she would not be able to fulfill her obligations as a GAL to the level of her own expectations. Finally, the Board believed that, under the circumstances of this acrimonious marital case involving young children, a GAL acting with ordinary competence would not have waited until the last week before the final hearing to perform routine investigation and issue a final report.

SANCTIONS

Gal 402.02 Standard for Imposition of Penalties and Sanctions provides the standards for imposing sanctions on certified guardians ad litem who have been found by the Board to have violated the requirements of RSA 490-C and rules adopted by the Guardian ad Litem Board.

Gal 402.02

- (a) In determining whether or which sanctions or penalties to impose in a particular case, the board shall:
- (1) Consider whether extenuating circumstances exist pursuant to Gal 503.01 (e); and
 - (2) In the absence of extenuating circumstances, consider the following when determining the penalty or sanction, or the combination of penalties or sanctions, to be imposed:
 - a. The nature and magnitude of the infraction, including the nature of the harm that was, or may have been, caused by the act or omission at issue;
 - b. Whether a particular penalty is prescribed by the rules of the board;
 - c. The particular circumstances relating to the act or omission at issue;
 - d. The probable reason or reasons for the act or omission;
 - e. The person's past history of discipline, sanction or penalty, if any, imposed by the board, or by any other entity charged with overseeing the conduct of the person charged;
 - f. Whether the person has cooperated with any investigation into the matter under consideration; and
 - g. Whether the person may have violated the ethical standard and standard of practice set forth at Gal 503.02 (a), relating to acting in the best interests of the recipient of services.
- (b) In cases in which a penalty or sanction is to be imposed, the board shall impose such penalty or sanction, or combination of penalties and sanctions, as it concludes:
- (1) Takes into account the factors set forth in (a) (2) above;
 - (2) Will likely:
 - a. Convey to the person the importance of adhering to the requirements of the rule or law violated, or rules and laws generally; or
 - b. Assist the person in conforming his or her future conduct to the requirements of rules or law, either in general or as they relate to the functions of guardians ad litem;
 - (3) Will likely serve as a general deterrent to the commission of a similar violation by other persons in the future;
 - (4) Is or are not disproportionate to the magnitude of the act or omission at issue;
 - (5) Will likely be perceived by the general public as fair in light of the particular circumstances of the offense; and

(6) Will not, if imposed, be likely to increase a risk of harm to the health, safety, welfare or best interests of any recipient of services or potential recipient of services.

The Board finds that extenuating circumstances do not exist pursuant to Gal 503.16.

THEREFORE IT IS ORDERED pursuant GAL 402.01(a)8 that Ann Thompson Bennett be issued a written reprimand for not performing her duties with sufficient timeliness, competency and advocacy.

IT IS FURTHER ORDERED that respondent Ann Thompson Bennett immediately notify any courts in which she currently holds an appointment as guardian ad litem of the results of this disciplinary hearing.

IT IS FURTHER ORDERED that a copy of this order be delivered to the Administrative Office of the Courts, the Administrative Judges of the Superior Court and Circuit Court Family Division, and the Attorney Discipline Committee.

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.

BY ORDER OF THE BOARD

DATE: July 1, 2013


Christopher M. Keating
Presiding Officer

cc: Christopher Battaglio
24 Maple Drive Bedford, NH 03110
Ann Thompson Bennett
PO Box 5398 Manchester, NH 03108
Jack Lightfoot, Prosecutor
94 South Mast Street Goffstown, NH 03045
Michael Brown, Assistant Attorney General, New Hampshire Department of Justice
33 Capitol Street, Concord, New Hampshire 03301
Judge Edwin Kelly, Circuit Court
45 Chennell Drive Suite 2, Concord, NH 03302
Judge Tina Nadeau, Superior Court
45 Chenell Drive, Suite 1 Concord, NH 03301
Attorney Discipline Office, New Hampshire Supreme Court
4 Chenell Drive, Suite 102 Concord, NH 03301
Attorney Don Goodnow, Administrative Office of the Courts
2 Charles Doe Drive, Concord, NH 03301



State of New Hampshire Guardian ad Litem Board

25 Capitol Street - Room 120, Concord, New Hampshire 03301
TDD Access: Relay NH 1-800-735-2964
Web site: www.nh.gov/gal

Phone: (603) 271-1199
Fax: (603) 271-6600
E-mail: gal.board@nh.gov

July 1, 2013

Ann Thompson Bennett
P.O. Box 5398
Manchester, NH 03108

RE: Complaint Docket #2012-C0008

Dear Ms. Thompson Bennett:

Following a hearing on June 21, 2013, the Guardian ad Litem Board determined by a preponderance of the evidence that you violated Guardian ad Litem Rules related to competence, diligence and timeliness.

You were appointed by the Circuit Court to serve as a Guardian ad Litem in a marital case in March of 2011. By your own account, there was much animosity between the parties, and heated disagreement about how to divide parental rights and responsibilities. At the time, the two children in whose interest you were working were four and six years old. The circumstances called for an engaged and diligent GAL able to serve as the eyes and ears of the court and capable of effectively advocating on behalf of the children's best interests.

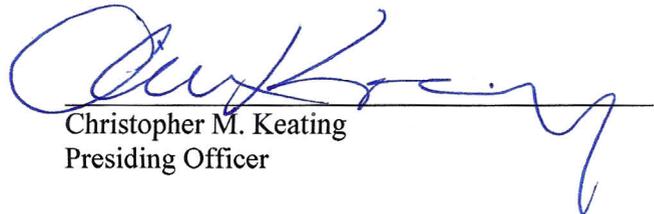
The Board found that you missed the deadline for filing a preliminary report; you never ended up filing a preliminary report; you did not stay in regular contact with the parties; and you filed your final report at a very late stage of the proceedings.

The Board does not fault you for your failure to produce the preliminary report by the court's deadline. It appears that the form used to appoint the GAL gives ambiguous guidance regarding when an investigation is to commence. Also, the court apparently acquiesced in your not having submitted the report on time. The Board does fault you for not clarifying with the court or the parties when your preliminary report was expected and for not ever completing a preliminary report at all. The Board noted that counsel for the parents in the marital matter requested communication from you concerning your preliminary report in December of 2011 and again in March of 2012, both times urging you to provide the parties with your preliminary report, hoping that your report could help the parties reach mutually agreeable terms regarding the parenting plan. The Board also faults you for waiting until the evening hours of April 9, 2012 to file your final report, giving the parties only two working days to consider your report prior to the final hearing.

The Board understands that a period of illness lessened your ability to work from December until February. However, the Board concluded that a Guardian ad Litem meeting the standard of ordinary competence under these circumstances would have clarified with the court and the parties when her preliminary report was expected and would have informed the court and the parties that due to unforeseen and unavoidable misfortune, a preliminary report would not be prepared and a final report would not be available until close to the date of the final hearing. Your lack of communication with counsel concerning the timing of your final report led to uncertainty among the parties and impeded efforts to resolve the case.

As a result, the Board decided to issue this formal reprimand, a copy of which will be placed in your file in the office of the G.A.L. Board's administrative assistant and will be available for public inspection.

BY ORDER OF THE BOARD


Christopher M. Keating
Presiding Officer