



John H. Lightfoot, Jr.
Chairman

State of New Hampshire Guardian ad Litem Board

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In the Matter of:
Debra Owen Stanley
Adjudicatory Proceeding

DECISION AND ORDER

Before the Guardian ad Litem Board (the Board) is the matter of Debra Owen Stanley following the denial of her application for certification as a Guardian ad Litem.

BACKGROUND INFORMATION

On June 8, 2010, Guardian ad Litem Debra Owen Stanley's (Ms. Owen Stanley) certification expired.

On September 3, 2010, the Guardian ad Litem Board (the Board) office received a recertification application for certification from Ms. Owen Stanley.

On September 6, 2010, the ninety day grace period to file a re-certification application expired.

On September 10, 2010, the Board office sent a letter to Ms. Stanley stating that she was missing the written submission.

On October 1, 2010, the Board office received the written submission that was requested to complete her application.

On October 15, 2010, the Board reviewed Ms. Owen Stanley's application and voted to deny the application pursuant 401.05(c)(3), the applicant has failed to submit a fully completed application form, fully completed supplemental application form, all supporting documentation as is required for the new certification, including the material relating to continuing education specified in (a) (3) above and all material and information, if any, requested under Gal 401.03 (c) and (d) above.

On October 27, 2010 the board issued a letter to inform Ms. Owen Stanley of the denial.

On November 24, 2010, the Board office received a written request from Ms. Owen Stanley for a hearing to challenge the denial of her application, pursuant to 302.01 (g) & (e).

On April 13, 2011, the Board office received a second written request for a hearing from Ms. Owen Stanley.

On April 21, 2012, the Board office mailed the Notice of Hearing via certified return receipt and was signed for by Ms. Owen Stanley on April 25, 2012.

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

Whether Ms. Owen Stanley 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.

HEARING

An adjudicatory hearing was held on June 17, 2011 in room 101 of the Legislative Office Building, Concord.

Present were: Jack Lightfoot, Chair; Alan Cantor; Susan Duncan; Mark Jewell; Ann Larney; Master Henrietta Luneau, Representative Jeffrey Oligny

Also present were Debra Owen Stanley, respondent

The record in this case consists of the following:

Documents from the Board's file on Ms. Owen Stanley:

2011 Renewal Application and all attachments of Debra Owen Stanley filed on September 3, 2010

Notice of Hearing dated April 21, 2011

Respondent did not submit any exhibits.

Summary of Evidence

Ms. Owen Stanley believed that the written essay submitted in her 2007 application met the requirements of the written submission. While it was not titled "Written Submission," the letter was type written, gave the reasons why she wanted to participate in GAL work, specified her experience and qualities and explained why she has good judgment.

After receiving a letter from the Board she sent an updated copy of the written submission which she thought was already submitted.

Due to the fact that the written submission was submitted in 2007 her 2011 recertification application should have been complete. She asks the Board to reconsider its decision.

FINDINGS OF FACT

Ms. Owen Stanley submitted a written submission with her application in June 2007.

The rules changed in September 2007 regarding what the written submission needed to include. Ms Owen Stanley's submission met the old and new requirements.

RULINGS OF LAW

Ms. Owen Stanley did provide a complete application according to Gal 401.05.(a)(1) by having her written submission submitted with her 2007 application.

DISCUSSION AND CONCLUSION

The Board discussed and agreed that Ms. Owen Stanley's original written submission met the qualifications set for in GAL 401.09(x).

THEREFORE IT IS ORDERED that the application of Debra Owen Stanley be approved pursuant GAL 401.05(a), as the applicant submitted a complete 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.

BY ORDER OF THE BOARD

DATE: June 27, 2011



Jack Lightfoot
Presiding Officer

cc: Debra Owen Stanley
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