

## **PROPOSED MINNESOTA RULES OF GUARDIAN AD LITEM PROCEDURE**

### **RULE 1. [PURPOSE STATEMENT; IMPLEMENTATION.]**

**Subdivision 1. [PURPOSE STATEMENT.]** The purpose of Rules 2 to 13 is to provide standards governing the qualifications, recruitment, screening, training, selection, appointment, supervision, evaluation, responsibilities, and removal of guardians ad litem appointed to advocate for the best interests of the child in family and juvenile court cases. For purposes of Rules 2 to 13:

- (a) The phrase "family court" case refers to the types of proceedings set forth in the Comment to Rule 301 of the Minnesota Rules of Family Court Procedure, including, but not limited to, marriage dissolution, legal separation, and annulment proceedings; child custody enforcement proceedings; domestic abuse and harassment proceedings; support enforcement proceedings; contempt actions in family court; parentage determination proceedings; and other proceedings that may be heard or treated as family court matters.
- (b) The phrase "juvenile court" case refers to the child protection matters set forth in Rule 37.01 of the Minnesota Rules of Juvenile Procedure, including all child in need of protection or services, neglected and in foster care, termination of parental rights, review of out of home placement matters, and other matters that may be heard or treated as child protection matters, including, but not limited to, suspension of parental rights proceedings, guardianship proceedings, and adoption

proceedings occurring as part of a permanency plan. The phrase "juvenile court" case also refers to the juvenile delinquency proceedings set forth in Rule 1.01 of the Minnesota Rules of Juvenile Procedure.

**Subd. 2. [IMPLEMENTATION.]** Rules 1 to 13 shall be implemented in each judicial district on or before the date for implementation prescribed by the Supreme Court in its order adopting Rules 1 to 13. The chief judge of the judicial district shall be responsible for insuring the implementation of Rules 1 to 13. The responsibilities set forth in Rules 3 to 7 shall be carried out in each judicial district at the direction of one or more program coordinators to be designated by the chief judge of the judicial district. The designation of a program coordinator may be terminated by the judges of the judicial district. A program coordinator may be an individual, other than a judge or referee serving in the judicial district, or an organization. To be eligible to serve as a program coordinator, an individual or, if an organization, the person directly responsible for its operation, must have management experience and must satisfy the minimum qualifications set forth in Rule 2, clauses (c), (d), (g), and (h). An individual or organization may serve in more than one county in a judicial district. A program coordinator may delegate the responsibilities set forth in Rules 3 and 4 to a person who has not completed the training requirements set forth in Rule 10, provided that if the person is not under the direct supervision of the program coordinator, the delegation must be approved by the chief judge of the judicial district.

## **COMMENT**

Subdivision 2 is designed to allow judicial districts flexibility in the implementation of Rules 2 to 13. Both single-county and multi-county judicial districts have used a variety of guardian ad litem programs within a district. Subdivision 2 allows that practice to continue. For example, the chief judge of a single-county judicial district could designate one or more individuals or organizations to act in the capacity of program coordinator. Likewise, the chief judge of a multi-county judicial district could designate one individual or organization to act in the capacity of program coordinator for all counties in the judicial district or could designate more than one individual or organization to act in that capacity for one or more of the counties in the district. A program coordinator could be a district court or county court administrator or a member of an administrator's staff, or could be an organization providing guardian ad litem services. Likewise, a program coordinator could delegate the responsibilities set forth in Rules 3 and 4 to a member of the program coordinator's staff or, for example, to the director of court services if the delegation is approved by the chief judge of the judicial district.

### **RULE 2. [MINIMUM QUALIFICATIONS.]**

Before a person may be recommended for service as a guardian ad litem pursuant to Rule 4, the person must satisfy the following minimum qualifications:

- (a) have an abiding interest in children and their rights and needs;

- (b) have sufficient listening, speaking, and writing skills in the person's primary language to successfully conduct interviews, prepare written reports, and make oral presentations;
- (c) not have been involved in any conduct or activity that would interfere with the person's ability to discharge the duties assigned by the court;
- (d) have knowledge and an appreciation of the ethnic, cultural, and socio-economic backgrounds of the population to be served;
- (e) be available for at least 18 months and have sufficient time, including evenings and weekends, to gather information, make court appearances, and otherwise discharge the duties assigned by the court;
- (f) have the ability to (1) relate to a child, family members, and professionals in a careful and confidential manner; (2) exercise sound judgment and good common sense; and (3) successfully discharge the duties assigned by the court;
- (g) not have been removed from a panel of approved guardians ad litem following an unsatisfactory performance evaluation pursuant to Rule 6, subdivision 2; and
- (h) have satisfactorily completed the pre-service training requirements set forth in Rule 10, and demonstrated a comprehension of the responsibilities of guardians ad litem as set forth in Rule 8, subdivision 1.

**RULE 3. [SELECTION OF GUARDIANS AD LITEM.]**

**Subdivision 1. [RECRUITMENT.]** The recruitment of persons to apply to be guardians ad litem shall be announced to the general public. Public announcements shall be made by, or under the direction of, the program coordinator. Every public announcement shall contain an equal opportunity statement, and a reasonable, good faith effort shall be made to solicit applications from individuals whose gender and ethnic, racial, cultural, and socio-economic backgrounds reflect the diversity of the population the applicant is expected to serve. Announcements shall be provided to tribal social service agencies and to public agencies and private organizations serving ethnic and cultural communities, and shall be placed in publications directed to ethnic and cultural communities in the county or counties to be served.

**Subd. 2. [APPLICATION PROCESS.]** Any person who desires to become a guardian ad litem shall be required to submit a completed written application. The application shall contain, at a minimum, the questions set forth in Appendix A, and may be translated into other languages to accommodate applicants whose primary language is not English. Every completed application must be accompanied by a signed release of information authorization sufficient to enable the program coordinator to independently verify the facts set forth in the application and freely check into the applicant's background and qualifications.

**Subd. 3. [SCREENING PROCESS.]** Before an applicant is approved by the program coordinator for inclusion on a panel of guardians ad litem maintained pursuant to subdivision 4, (a) the written application shall be reviewed, (b) the applicant shall

be interviewed, (c) the applicant's references shall be contacted, and (d) a criminal history and personal background check shall be completed. A suggested Screening Process Topics and Interview Questions model is set forth in Appendix B.

**Subd. 4. [PANEL OF APPROVED GUARDIANS AD LITEM.]** Each program coordinator shall maintain a current panel of approved guardians ad litem. To be included on the panel, a guardian ad litem shall satisfy the minimum qualifications set forth in Rule 2.

**RULE 4. [APPOINTMENT OF GUARDIANS AD LITEM.]**

**Subdivision 1. [REQUEST BY COURT; RECOMMENDATION OF GUARDIAN AD LITEM FOR APPOINTMENT.]** Except as provided in subdivision 2, when the court determines that the appointment of a guardian ad litem is appropriate in a particular case, the court shall request that the program coordinator recommend a guardian ad litem for appointment. In cases where the appointment of a guardian ad litem is statutorily mandated, the request shall be made at the earliest practicable time. Upon receipt of a request, the program coordinator shall promptly recommend a guardian ad litem to the court, applying the factors set forth in subdivision 3. Unless the court determines, in the exercise of judicial discretion and applying the factors set forth in subdivision 3, that the guardian ad litem recommended is not appropriate for appointment, and communicates the reasons for that determination to the program coordinator, the court shall enter a written order pursuant to subdivision 4 appointing the guardian ad litem recommended. If the court communicates a determination to

not appoint the guardian ad litem recommended, the program coordinator shall promptly recommend another guardian ad litem for appointment.

**Subd. 2. [DIRECT SELECTION BY COURT.]** When the court determines that an emergency exists which requires the appointment of a guardian ad litem with such immediacy that completion of the process set forth in subdivision 1 is not practical, the court may select a guardian ad litem for appointment, applying the factors set forth in subdivision 3. The court shall enter an order pursuant to subdivision 4 appointing the guardian ad litem.

**Subd. 3. [FACTORS TO BE CONSIDERED IN SELECTION.]** All pertinent factors shall be considered in the identification and selection of the guardian ad litem to be appointed, including the age, gender, race, cultural heritage, and needs of the child; the cultural heritage, understanding of ethnic and cultural differences, background, and expertise of each available guardian ad litem, as those factors relate to the needs of the child; the caseload of each available guardian ad litem; and such other circumstances as may reasonably bear upon the matter. In every case, the goal is the prompt appointment of an independent guardian ad litem to advocate for the best interests of the child. To be appointed pursuant to subdivision 4, a guardian ad litem must meet the minimum qualifications set forth in Rule 2, must have no conflict of interest regarding the case, and must be listed on a panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4. The parties to a case may recommend that a particular guardian ad litem be appointed, but may not, by agreement, select, or preclude the selection of a particular guardian ad litem for

appointment. No person shall be appointed as a guardian ad litem in any case governed by the Indian Child Welfare Act or the Minnesota Indian Family Preservation Act unless that person demonstrates knowledge and an appreciation of the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

**Subd. 4. [APPOINTMENT ORDER; SPECIFICATION OF DUTIES.]** A guardian ad litem shall not be appointed or serve except upon written order of the court. The order shall set forth the specific duties to be performed by the guardian ad litem in the case, and establish, to the extent appropriate, deadlines for the completion of the duties set forth. The order may be in the form set forth in Appendix C (juvenile court cases) or Appendix D (family court cases).

**RULE 5. [OATH OR AFFIRMATION.]**

Prior to performing the responsibilities of a guardian ad litem, the guardian ad litem shall take an oath or make an affirmation, which shall be substantially in the form set forth in Appendix E. At the discretion of the program coordinator, the oath may be taken or the affirmation made at the time the guardian ad litem is included on a panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4, or at the time the guardian ad litem is appointed to a particular case pursuant to Rule 4, subdivision 4, or at both times.



**RULE 6. [SUPERVISION AND EVALUATION OF GUARDIANS AD LITEM.]**

**Subdivision 1. [SUPPORT, ADVICE, AND SUPERVISION.]** The program coordinator shall be responsible to provide support, advice, and supervision to guardians ad litem serving in the county.

**Subd. 2. [PERFORMANCE EVALUATION; REMOVAL FROM PANEL.]** The program coordinator(s) shall provide for the periodic evaluation of the performance of guardians ad litem serving in the judicial district. The evaluation shall be objective in nature and shall include a review of the cases assigned to the guardian ad litem; a review of the guardian ad litem's compliance with the continuing education requirements set forth in Rule 11; inquiries to judges presiding over cases in which the guardian ad litem was appointed; a review of complaints filed against the guardian ad litem, if any; follow-up checks pursuant to Rule 2, clause (c), if warranted; and such other information as may have come to the attention of the program coordinator. The evaluation shall be undertaken, at least in part, by means of a written performance evaluation instrument, which may be in the form set forth in Appendix F. A written record of the completed evaluation shall be maintained in the guardian ad litem's personnel file. The performance of each guardian ad litem shall be evaluated once during the first six months after the guardian ad litem is first appointed as a guardian ad litem and, thereafter, at least annually. On the basis of the evaluation, the program coordinator shall determine whether to retain the guardian ad litem on the panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4. A guardian ad litem removed from a panel of approved guardians ad litem following an

unsatisfactory performance evaluation shall not be eligible for service as a guardian ad litem in any judicial district. When a guardian ad litem is removed from a panel of approved guardians ad litem following an unsatisfactory performance evaluation, notice of the removal shall be given by the program coordinator to the State Court Administrator. The State Court Administrator shall maintain a list of guardians ad litem removed from panels of approved guardians ad litem following unsatisfactory performance evaluations.

**RULE 7. [COMPLAINT PROCEDURE; REMOVAL OF GUARDIAN AD LITEM FROM PARTICULAR CASE.]**

**Subdivision 1. [COMPLAINT PROCEDURE.]** A person who has concerns regarding the performance of a guardian ad litem may present those concerns to the program coordinator. Upon receipt of a signed, written complaint regarding the performance of a guardian ad litem, the program coordinator shall promptly conduct an investigation into the merits of the complaint. In conducting the investigation, the program coordinator shall seek information from the person making the complaint and the guardian ad litem, and may seek information from any other source deemed appropriate by the program coordinator. Upon completion of the investigation, the program coordinator shall take whatever action the program coordinator determines to be appropriate, and shall prepare a written report describing the nature of the complaint, the nature and extent of the investigation conducted, and the action taken. A copy of the report shall be provided to the person making the complaint and to the guardian ad litem and, upon request, the complaint, report, or other information shall

be made available as permitted by the applicable statutes or rules governing the disclosure of information. Unless authorized by written order following an in camera review by the court, neither the report nor the subject matter of the report shall be introduced as evidence or used in any manner in any case in which the guardian ad litem is serving, has served, or may serve in the future.

**Subd. 2. [REMOVAL OF GUARDIAN AD LITEM FROM PARTICULAR CASE.]**

A guardian ad litem appointed to serve in a particular case may be removed from the case only by order of the presiding judge. A party who wishes to seek the removal of a guardian ad litem for cause must proceed by written motion before the judge presiding over the case. A motion to remove 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 program coordinator by the party making the motion.

**RULE 8. [GENERAL RESPONSIBILITIES OF GUARDIANS AD LITEM; OTHER ROLES DISTINGUISHED; CONTACT WITH COURT.]**

**Subdivision 1. [GENERAL RESPONSIBILITIES OF GUARDIANS AD LITEM.]**

Consistent with the responsibilities set forth in Minnesota Statutes section 260.155, subdivision 4(b), and section 518.165, subdivision 2a, other applicable statutes and rules of court, and the appointment order entered pursuant to Rule 4, subdivision 4, in every family court and juvenile court case in which a guardian ad litem is appointed, the guardian ad litem shall perform the responsibilities set forth in clauses (a) to (n).

- (a) The guardian ad litem shall advocate for the best interests of the child.
- (b) The guardian ad litem shall exercise independent judgment, gather information, participate as appropriate in negotiations, and monitor the case, which activities must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case.
- (c) The guardian ad litem shall, as appropriate to the case, make written and/or oral reports to the court regarding the best interests of the child, including conclusions and recommendations and the facts upon which they are based.
- (d) The guardian ad litem shall complete work in a timely manner, and advocate for timely court reviews and judicial intervention, if necessary.
- (e) The guardian ad litem shall be knowledgeable about community resources for placement, treatment, and other necessary services.
- (f) The guardian ad litem shall maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child.
- (g) The guardian ad litem shall, during service as a guardian ad litem, keep all records, notes, or other information confidential and in safe storage.

At the conclusion of service, the guardian ad litem shall keep or destroy the notes and records in accordance with the requirements of the guardian ad litem program. If no document retention policy has been established, the guardian ad litem should exercise reasonable discretion.

- (h) The guardian ad litem shall complete continuing education requirements, and seek advice as necessary from the program coordinator or, if the program coordinator is not available, from another guardian ad litem.
- (i) The guardian ad litem shall treat all individuals with dignity and respect while carrying out her or his responsibilities.
- (j) The guardian ad litem shall be knowledgeable about and appreciative of the child's religious background and racial or ethnic heritage, and sensitive to the issues of cultural and socio-economic diversity, and in all cases governed by the Indian Child Welfare Act or the Minnesota Indian Family Heritage Preservation Act shall apply the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.
- (k) The guardian ad litem shall use the guardian ad litem appointment and authority appropriately to advocate for the best interests of the child, avoid any impropriety or appearance of impropriety, and not use the position for personal gain.

- (l) The guardian ad litem shall comply with all state and federal laws regarding the reporting of child abuse and/or neglect.
- (m) The guardian ad litem shall inform individuals contacted in a particular case about the role of the guardian ad litem in the case.
- (n) The guardian ad litem shall ensure that the appropriate appointment and discharge documents are timely filed with the court.

**Subd. 2. [OTHER ROLES DISTINGUISHED.]** In a case in which a guardian ad litem is serving pursuant to Rule 4, subdivision 4, the guardian ad litem may not be ordered to, and may not perform the role of mediator, as that role is prescribed in Minnesota Statutes section 518.619 and Rule 310 of the Minnesota Rules of Family Court Procedure, or visitation expeditor, as that role is prescribed in Minnesota Statutes sections 518.619 and 518.1751. Unless specified in the appointment order entered pursuant to Rule 4, subdivision 4, a guardian ad litem shall not conduct custody or visitation evaluations. A guardian ad litem may not be ordered to conduct a custody or visitation evaluation unless the court makes specific findings in the appointment order that there is no other person who is regularly responsible for the performance of, or who is available to conduct, custody visitation evaluations, and that the guardian ad litem has been properly trained to conduct those evaluations. If ordered to conduct a custody or visitation evaluation, the guardian ad litem shall, as applicable to the case, apply the factors set forth in Minnesota Statutes section 257.025 or section 518.17, subdivisions 1 and 2, and shall be subject to the requirements of Minnesota Statutes section 518.167.

**Subd. 3. [CONTACT WITH COURT.]** Except as to procedural matters not affecting the merits of a case, all communications between the court and the guardian ad litem shall be in the presence of the parties or in writing with copies to the parties, or if represented, the party's attorney.

### **COMMENT**

#### **Contact with the Child.**

The guardian ad litem must have sufficient contact with the child to ascertain the best interests of the child. The frequency and duration of contact will vary from child to child depending upon the nature of the case, the age of the child, and the needs of the child.

#### **Considering the Child's Wishes.**

The role of a guardian ad litem is to advocate for the best interests of the child, which interests may or may not conflict with the wishes of the child. In arriving at a recommendation as to the child's best interests, one factor that may be considered by the guardian ad litem, as appropriate to each case, is the wishes of the child as to the matters that are before the court. In that regard, the guardian ad litem, as appropriate to each case, may attempt to ascertain the child's wishes regarding the matters that are before the court.

If the guardian ad litem determines that it is appropriate to ascertain the child's wishes, careful interviewing techniques must be used to elicit those wishes without creating conflicts for the child. Directly asking the child for her or his opinion regarding the matters before the court is not recommended, as doing so may create

conflict for the child. For example, directly asking the child for a custody preference is not recommended as it places the child in the position of choosing between two parents for whom the child may care deeply. In addition, if the court implements the child's expressed preference, the child may feel guilty or may feel that the other parent has been betrayed. Instead, questions should be open ended and the guardian ad litem should be prepared to listen carefully.

If the wishes of the child are ascertained, the guardian ad litem should use discretion in deciding whether to communicate those wishes to the court, and/or to the child's parents, and may do so if it is in the child's best interests. Depending upon a number of factors, including the child's age, culture, maturity, emotional stability, and ability to reason, communicate, and understand, the guardian ad litem must be prepared to choose an appropriate course of action. This may include simply listening to the child's wishes, listening and reporting them to the court if appropriate, reporting them to the court even if the guardian ad litem considers them not in the child's best interests, or requesting the court to appoint independent legal counsel for the child for the purpose of representing and advocating for the child's wishes.

Pursuant to Rules 4.06 and 40.02 of the Minnesota Rules of Juvenile Procedure, the child's guardian ad litem is represented by the child's counsel. If the guardian ad litem determines that the wishes of the child conflict with the guardian ad litem's recommendation as to what is in the child's best interests, thereby creating a conflict of interest between the child and the guardian ad litem pursuant to the Rules 4.06 and 40.02, the guardian ad litem shall notify the child, the child's counsel



if any, and the court of the existence of the conflict of interest and, if necessary, shall seek appointment of separate counsel to represent the guardian ad litem.

**Reports to the Court.**

Written reports required by any statute or rule shall be served and filed in a timely manner. Written reports may be updated by oral comments at the hearing.

**Serving as a Custody or Visitation Evaluator, Mediator, or Visitation Expeditor.**

The roles of guardians ad litem and custody evaluators are not in conflict as, ultimately, each has the responsibility to make recommendations to the court regarding the best interests of the child. Therefore, when ordered to do so, a guardian ad litem may conduct custody and/or visitation evaluations, but only if there are no other persons in the jurisdiction who are regularly responsible for serving in such roles, or such person is not available, and the guardian ad litem (1) is properly trained to conduct such evaluations and (2) appropriately applies all statutory factors set forth at Minnesota Statutes section 518.17, subdivisions 1 and 2, (family court statute) or section 257.025 (parentage statute).

Guardians ad litem have occasionally been assigned the role of mediator or visitation expeditor. There is an inherent conflict of interest between the role of a guardian ad litem and the role of a person appointed to serve as mediator, as that role is prescribed in Minnesota Statutes section 518.619 and Rule 310 of the Minnesota Rules of Family Court Procedure, or visitation expeditor, as that role is prescribed in Minnesota Statutes section 518.1751. Specifically, the responsibilities of mediators or visitation expeditors to facilitate or conduct negotiations, effect settlements, or

make decisions which may be binding upon the parties, conflict with the responsibilities of guardians ad litem to advocate for the best interests of the child. Further, unlike information and records obtained by guardians ad litem, information and records obtained by mediators are private and not available as evidence in court proceedings. Therefore, no court should order a person to, and no person should serve in a particular case as both guardian ad litem and mediator, as that role is prescribed in Minnesota Statutes section 518.619 and Rule 310 of the Minnesota Rules of Family Court Procedure, or visitation expeditor, as that role is prescribed in Minnesota Statutes section 518.1751. Rule 8, subdivision 2, however, does not preclude a guardian ad litem from facilitating visitation, or from negotiating or mediating on an informal basis.

#### **Inappropriate Guardian Ad Litem Responsibilities.**

The provision of direct services to the child or the child's parents is generally beyond the scope of the guardian ad litem's responsibilities. Therefore, except in special circumstances, the appointing court should not order the guardian ad litem, and the guardian ad litem should not undertake, to provide such direct services. Providing such direct services could create a conflict of interest and/or cause a child or family to become dependent upon the guardian ad litem for services that should be provided by other agencies or organizations. The guardian ad litem may locate and recommend services for the child and family, but should not routinely deliver services.

Specifically, a guardian ad litem should not: (a) provide "counseling" or "therapy" to a child or parent; (b) foster a friendship or "big brother/big sister"

relationship with a child or parent by inviting the child or parent into the home of the guardian ad litem, routinely entertaining the child or parent at the movies, or giving money or gifts to the child or parent; (c) give legal advice or hire an attorney for the child or parent; (d) supervise visits between the child and parent or third parties, except as ordered by the court; (e) routinely provide transportation for the child or parent, except as ordered by the court; (f) provide child care services for the child; (g) make placement arrangements for the child or remove a child from the home; or (h) provide a "message service" for parents to communicate with each other.

**Specific Responsibilities of Guardians Ad Litem.**

Rule 8, subdivision 1, sets forth the general responsibilities of guardians ad litem in every family and juvenile court case. In addition to these general responsibilities, Appendices G and H set forth examples of specific responsibilities that may be required of or assumed by guardians ad litem at different stages of family and juvenile court proceedings, respectively. The appendices are intended as practical guides for judges presiding over family and juvenile court proceedings to assist them in assigning to guardians ad litem only those responsibilities which they may be expected to perform and for which they have received training. The appendices are also intended as practical guides for guardians ad litem to assist them in those cases where specific instructions have not been provided by the appointing judge.

**RULE 9. [RIGHTS AND POWERS OF GUARDIANS AD LITEM.]**

**Subdivision 1. [RIGHTS AND POWERS OF GUARDIANS AD LITEM IN EVERY CASE.]** Consistent with the responsibilities set forth in Rule 8, subdivision 1, in every

case in which a guardian ad litem is appointed pursuant to Rule 4, subdivision 4, the guardian ad litem shall have the rights and powers set forth in clauses (a) to (e).

- (a) The guardian ad litem shall have access to the child and to all information relevant to the child's and family's situation. The access of the guardian ad litem to the child and all relevant information shall not be unduly restricted by any person or agency.
- (b) The guardian ad litem shall be furnished copies of all pleadings, documents, and reports by the party which served or submitted them. A party submitting, providing, or serving pleadings, documents, or reports shall simultaneously provide copies to the guardian ad litem.
- (c) The guardian ad litem shall be notified of all court hearings, administrative reviews, staffings, investigations, dispositions, and other proceedings concerning the case. Timely notice of all court hearings, administrative reviews, staffings, investigations, dispositions, and other proceedings concerning the case shall be provided to the guardian ad litem by the party scheduling the proceeding.
- (d) The guardian ad litem shall have the right to participate in all proceedings through submission of written and oral reports.
- (e) Upon presentation of a copy of the order appointing the guardian ad litem, any person or agency, including, without limitation, any hospital, school, organization, department of health and welfare, doctor, health care provider, mental health provider, chemical health program,

psychologist, psychiatrist, or police department, shall permit the guardian ad litem to inspect and copy any and all records relating to the proceeding for which the guardian ad litem is appointed, without the oral or written consent of the child or the child's parents.

**Subd. 2. [RIGHTS AND POWERS AS A PARTY.]** In addition to the rights and powers set forth in subdivision 1, in every case in which a guardian ad litem is designated, by statute, rule, or order of the court, as a party to the case, the guardian ad litem shall have the rights and powers set forth in clauses (a) to (d). The exercise of these rights and powers shall not constitute the unauthorized practice of law.

- (a) The guardian ad litem shall have the right to file pleadings, motions, notices, memoranda, briefs, and other documents, and conduct and respond to discovery, on behalf of the child. The guardian ad litem may exercise these rights on her or his own or may seek the appointment of an attorney to act on her or his behalf.
- (b) The guardian ad litem shall have the right to request hearings before the court as appropriate to the best interests of the child.
- (c) The guardian ad litem shall have the right to introduce exhibits, subpoena witnesses, conduct direct and cross examination of witnesses, and appeal the decision of the court.
- (d) The guardian ad litem shall have the right to fully participate in the proceedings through oral arguments and submission of written reports.

## **COMMENT**

Guardians ad litem have certain rights and powers in every family and juvenile court case, and those rights and powers are identified in subdivision 1. In addition, in those cases where a guardian ad litem is designated as a party to the case, either by statute, rule, or order of the court, the guardian ad litem should have certain rights and powers beyond those rights and powers present in every case. Following is a summary of the circumstances under which guardians ad litem are designated as parties in family and juvenile court cases and, therefore, endowed with the additional rights and powers set forth in subdivision 2.

### **Family Court Cases.**

Pursuant to Rule 302.04(b) of the Minnesota Rules of Family Court Procedure, a guardian ad litem is not automatically a party to a dissolution, legal separation, custody, or domestic abuse proceeding, but "may be designated a party to the proceeding in the order of appointment." The Comment to Rule 302.04(b) provides that a non-party guardian ad litem appointed in a family court proceeding "may only initiate and respond to motions and make oral statements and written reports on behalf of the child."

A guardian ad litem appointed pursuant to the Parentage Act, Minnesota Statutes section 257.60, "becomes a party to the action if the child is made a party." Pursuant to the Comment to Rule 302.04(b), a guardian ad litem who is a party to a paternity determination proceeding "would be entitled to initiate and respond to motions, conduct discovery, call and cross-examine witnesses, make oral or written

arguments or reports, and appeal on behalf of the child without the necessity of applying to other court."

### **Juvenile Court Cases.**

While the Minnesota Rules of Juvenile Procedure at Rules 3.03 (juvenile delinquency) and 39.04 (child in need of protection or services) and Minnesota Statutes section 260.155, subdivision 4, establish that a guardian ad litem may under certain circumstances participate in a juvenile court proceeding, neither the rules nor the statute establish the extent of such participation or whether a guardian ad litem may participate as a party. In considering this issue, however, the Minnesota Supreme Court has cited Minnesota Statutes section 260.155, subdivision 4, for the proposition that a guardian ad litem has "standing as a party to protect the interests of the child." In Re the Welfare of Solomon, 291 N.W.2d 364, 369 (Minn. 1980) (child protection and termination of parental rights matter). The Court has cited Minnesota Statutes section 260.155, subdivision 6, for the proposition that the rights accorded to a guardian ad litem who is a party to a juvenile court proceeding are identical to those accorded to other parties, including the right "to be heard, to present evidence material to the case, and to cross-examine witnesses appearing at the hearing."

## **RULE 10. [PRE-SERVICE TRAINING REQUIREMENTS.]**

**Subdivision 1. [PRE-SERVICE TRAINING REQUIREMENTS FOR NEW GUARDIANS AD LITEM.]** The purpose of pre-service training is to equip guardians ad litem with the skills, techniques, knowledge, and understanding necessary to

effectively advocate for the best interests of children. To be listed on a panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4, each person, except those persons who meet the criteria set forth in subdivision 2, shall satisfy the following pre-service training requirements:

- (a) attend a minimum of 40 hours of pre-service training and demonstrate a comprehension of the topics set forth in Appendix I;
- (b) if the person intends to serve in family court, attend an additional training course regarding family law matters and demonstrate a comprehension of the topics set forth in Appendix J relating to family law matters; and
- (c) if the person intends to serve in juvenile court, attend an additional training course regarding juvenile law matters and demonstrate a comprehension of the topics set forth in Appendix J relating to juvenile law matters.

**Subd. 2. [PRE-SERVICE TRAINING REQUIREMENTS FOR EXISTING GUARDIANS AD LITEM.]** To be listed on a panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4, each person appointed to serve as a guardian ad litem prior to the effective date of Rules 1 to 13 shall either:

- (a) satisfy the pre-service training requirements set forth in subdivision 1; or
- (b) submit to the program coordinator written proof sufficient to verify that the person has undergone previous training substantially similar in nature and content to that provided by the pre-service training requirements set forth in subdivision 1.



The person must attend those sessions of the pre-service training for which the person is unable to provide written proof of prior training. The program coordinator shall identify the training sessions which the person must attend.

**Subd. 3. [INTERNSHIP REQUIREMENTS.]** In addition to satisfying the pre-service training requirements set forth in either subdivision 1 or 2, whichever is applicable, during the six months immediately following the date on which the person's name is listed on a panel of approved guardians ad litem, each person who intends to serve as a guardian ad litem in juvenile court shall make a reasonable, good faith effort to satisfy the internship requirements set forth in clauses (a) to (d), and each person who intends to serve as a guardian ad litem in family court shall make a reasonable, good faith effort to satisfy the internship requirements set forth in clauses (e) and (f), or submit to the program coordinator written proof sufficient to verify that the person has previously satisfied the requirements.

- (a) Visit a shelter and foster home.
- (b) Visit the local social service agency and/or child protection office.
- (c) With the court's permission, observe a variety of juvenile court proceedings, including, but not limited to, an initial child protection hearing, a child protection review hearing, a foster care review hearing, and an administrative review.
- (d) Intern with an experienced guardian ad litem on at least two juvenile court cases.

- (e) Observe a variety of family court proceedings, including, but not limited to, a temporary relief hearing, a child custody hearing, and a domestic abuse hearing.
- (f) Intern with an experienced guardian ad litem on at least two family court cases.

**COMMENT**

If an attorney wishes to receive continuing legal education credits for attending guardian ad litem pre-service training and/or continuing education courses, it shall be the sole responsibility of that person to apply for accreditation from the State Board of Continuing Legal Education, and the State Board of Continuing Legal Education shall have sole discretion in determining whether accreditation shall be accorded and, if so, to what extent. If the guardian ad litem is a member of a profession which requires continuing education credits, and the guardian ad litem wishes to receive credits for attending guardian ad litem pre-service training and/or continuing education courses, it shall be the sole responsibility of the guardian ad litem to apply for accreditation from the professional body responsible for approving courses of credit.

**RULE 11. [CONTINUING EDUCATION REQUIREMENTS.]**

Once a guardian ad litem is listed on a panel of approved guardians ad litem maintained pursuant to Rule 3, subdivision 4, the guardian ad litem may maintain that listing only by annually completing eight hours of continuing education. The continuing education requirement shall begin in the calendar year following the year in which the guardian ad litem is first listed on a panel of approved guardians ad litem

and shall continue each year thereafter until such time as the guardian ad litem is no longer listed on the panel of approved guardians ad litem.

**RULE 12. [TRAINING CURRICULA; CERTIFICATION OF TRAINERS.]**

**Subdivision 1. [PRE-SERVICE TRAINING CURRICULUM.]** The State Court Administrator, through the Office of Continuing Education in consultation with the Advisory Task Force on the Guardian Ad Litem System, shall develop a core curriculum to be used in the pre-service training of guardians ad litem and guardian ad litem program coordinators. At a minimum, the core curriculum shall address the topics set forth in Appendix I regarding the training of all guardians ad litem, and shall address the topics set forth in Appendix J regarding the training of guardians ad litem who will serve in family and juvenile court cases. The pre-service training curriculum should be reviewed and updated at least every three years.

**Subd. 2. [CONTINUING EDUCATION CURRICULUM.]** The continuing education curriculum shall include developments in the topics set forth in Appendices I and J, and other relevant guardian ad litem, family court, or juvenile court topics.

**Subd. 3. [CERTIFICATION OF TRAINERS.]** The pre-service training and continuing education of guardians ad litem shall be coordinated by persons certified by the State Court Administrator, through the Office of Continuing Education. To be certified, a person shall satisfy the qualifications set forth in clauses (a) to (d).

- (a) The person shall have substantial knowledge, training, and experience regarding the roles and responsibilities of guardians ad litem.

- (b) The person shall understand the policies, procedures, and functions of family and juvenile court.
- (c) The person shall have substantial experience and be competent in providing technical training to adults.
- (d) The person shall complete the pre-service training program developed by the State Court Administrator, through the Office of Continuing Education in consultation with the Advisory Task Force on the Guardian Ad Litem System.

**RULE 13. [COMMUNITY EDUCATION.]**

The State Court Administrator, in consultation with the Advisory Task Force on the Guardian Ad Litem System, shall develop a brochure, the purpose of which shall be to educate judges, attorneys, parents, case participants, and others regarding the purpose, roles, and responsibilities of guardians ad litem, and opportunities to serve as a guardian ad litem. Each judicial district shall provide for distribution of the brochure to interested persons.

**GUARDIAN AD LITEM APPLICATION**

JUDICIAL DISTRICT: \_\_\_\_\_ DATE: \_\_\_\_\_

COUNTY: \_\_\_\_\_

**State and Federal law prohibit discrimination based upon race, color, national origin, creed, gender, sexual orientation, religion, mental or physical disabilities, age, financial status, or marital status. Questions of this nature (designated by an "\*") are asked only for purposes of general background -- you are not obligated to supply this information. A decision to not answer those questions marked with an "\*" will not adversely affect the consideration given to your application. The Guardian Ad Litem Program is an Equal Opportunity, Affirmative Action program. Applications are encouraged from persons representing communities reflecting ethnic, cultural, and socio-economic diversity.**

**GENERAL INFORMATION**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_

\*Gender: \_\_\_\_\_ Male \_\_\_\_\_ Female

\*Race/Ethnic Background: \_\_\_\_\_

\*Marital Status: \_\_\_\_\_ Married \_\_\_\_\_ Single \_\_\_\_\_ Divorced \_\_\_\_\_ Widowed

How did you learn of this guardian ad litem program: \_\_\_\_\_ Friend \_\_\_\_\_ Brochure

\_\_\_\_\_ Television \_\_\_\_\_ Newspaper \_\_\_\_\_ Radio \_\_\_\_\_ Agency(\_\_\_\_\_)

\_\_\_\_\_ Other (\_\_\_\_\_)

**EMPLOYMENT**

Are you currently employed? \_\_\_\_\_ YES \_\_\_\_\_ NO

If NO, have you been employed during the past five years? \_\_\_\_\_ YES \_\_\_\_\_ NO

**EDUCATION**

Highest level of education completed? \_\_\_\_\_

Are you presently attending school? \_\_\_\_\_ YES \_\_\_\_\_ NO

**SPECIAL SKILLS**

Have you ever served as an advocate for any person or group? \_\_\_\_\_ YES \_\_\_\_\_ NO

List any special skills, interests, committee work, community work, volunteer experience, or other experience that may assist you in carrying out the responsibilities of a guardian ad litem:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GUARDIAN AD LITEM EXPERIENCE**

Have your ever served before as a guardian ad litem? \_\_\_\_\_ YES \_\_\_\_\_ NO

If YES:

Please list the state and county(s) in which you served:

\_\_\_\_\_

Have you ever been removed from a pending case during service as a guardian ad litem? \_\_\_\_\_ YES \_\_\_\_\_ NO If YES, what county?

\_\_\_\_\_

Have you ever been involuntarily discharged or terminated from a guardian ad litem program? \_\_\_\_\_ YES \_\_\_\_\_ NO If YES, what county?  
\_\_\_\_\_

**TRAINING INFORMATION**

Are you available to complete 40 hours of pre-service training? \_\_\_\_\_ YES \_\_\_\_\_ NO

Are you available to annually complete 8 hours of continuing education?

\_\_\_\_\_ YES \_\_\_\_\_ NO

Are you able to serve as a guardian ad litem for the next 18 months?

\_\_\_\_\_ YES \_\_\_\_\_ NO

Are there any days of the week or times during the day when you will be unavailable to serve as a guardian ad litem? \_\_\_\_\_ YES \_\_\_\_\_ NO If YES, please explain:

\_\_\_\_\_  
\_\_\_\_\_

**BACKGROUND CHECKS**

Do you consent to a thorough background check on you, including investigation of criminal and driving records? \_\_\_\_\_ YES \_\_\_\_\_ NO

\*Social Security Number: \_\_\_\_\_

\*Driver's License Number and State of issuance:

\_\_\_\_\_

Has your driver's license ever been suspended or revoked? \_\_\_\_\_ YES \_\_\_\_\_ NO

If YES, please identify the date, county, and state in which it was suspended or revoked: \_\_\_\_\_

Have you ever been charged with or convicted of a crime, other than a minor traffic violation?  YES  NO If YES, please identify the crime with which you were charged or convicted, and list the date, county, and state:

-----

Have you been a resident of Minnesota for the past ten years?  YES  NO

If NO, list all other states in which you have resided: \_\_\_\_\_

Have you or your family ever been involved in a juvenile court proceeding (neglect, child protection, abuse, delinquency)?  YES  NO

Have you or your family ever been involved in a family court proceeding (divorce, custody, visitation, paternity)?  YES  NO

Have you or your family ever been involved in a domestic abuse or harassment proceeding (assault, order for protection, harassment restraining order)?  YES  NO

Have you or your family ever been involved in any proceeding where a guardian ad litem was appointed?  YES  NO If YES, type of case:

\_\_\_\_\_

**REFERENCES**

Please list the names, complete addresses, and telephone numbers of three references:

NAME	ADDRESS	TELEPHONE
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\_\_\_\_\_



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**ESSAY QUESTION**

Why do you want to become a guardian ad litem?

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**GUARDIAN AD LITEM APPLICANT MUST READ AND SIGN**

I submit that the statements made and the data provided in this Application are true and complete to my best knowledge. I understand that intentional falsification or omission of information on this application may disqualify me from being considered for service as a guardian ad litem or may result in my future dismissal from the guardian ad litem program.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**This Application will not be considered complete and will not be processed unless and until such time as the attached Authorizations for Release of Information are signed and returned to the Program Coordinator.**

**GUARDIAN AD LITEM**  
**SCREENING PROCESS TOPICS AND INTERVIEW QUESTIONS**

Applicant: \_\_\_\_\_ County: \_\_\_\_\_

Interviewer: \_\_\_\_\_ Date: \_\_\_\_\_

**State and Federal law prohibit discrimination based upon race, color, national origin, creed, gender, sexual orientation, religion, mental or physical disabilities, age, financial status, or marital status. Questions of this nature (designated by an "\*\*") are asked only for purposes of general background -- you are not obligated to supply this information. A decision to not answer those questions marked with an "\*\*" will not adversely affect the consideration given to your application.**

**EMPLOYMENT**

1. If you are presently employed, or if you have been employed during the past five years:
  - a. What is/was the name of your employer and employment position?
  - b. If you have had more than one job during past five years, what was the reason for change in employment (voluntary or involuntary termination)?

**EDUCATION**

1. If you are attending school now, will you receive academic credit for your volunteer work? Name of school?
  
2. Have you attended or are you attending college? \_\_\_\_\_ YES \_\_\_\_\_ NO  
If YES, degree received? \_\_\_\_\_ YES \_\_\_\_\_ NO Year: \_\_\_\_\_  
Degree: \_\_\_\_\_ Major: \_\_\_\_\_

## **SPECIAL TRAINING OR SKILLS**

1. Are you presently, or have you ever been, a member of any clubs or organizations?  
If YES, which ones?
2. Have you ever served as a volunteer? If YES, when and what type of volunteer?
3. If you have served before as an advocate, please describe the circumstances.
4. Have you undergone any special training (business school, vo-tech, sign language, training in other languages)?

## **FAMILY INFORMATION**

1. Do you have any children? If YES:
  - a. what are their ages?
  - b. describe your past and present relationship with your children?
  - c. how do/did you discipline your children?
2. As you were growing up, how did your family express feelings toward one another? Has this changed over the years?
3. \*Do you have any health problems or disabilities that would prevent you from serving as a guardian ad litem? If YES, please explain.

## **GUARDIAN AD LITEM EXPERIENCE**

1. If you have ever been removed from service as a guardian ad litem on a pending case, please describe the circumstances surrounding your removal.
2. If you have every been involuntarily discharged or terminated from a guardian ad litem program, please describe the circumstances surrounding your involuntary departure.

## **PERCEPTIONS OF GUARDIAN AD LITEM ROLE**

1. What is your understanding of the role and responsibilities of a guardian ad litem?
2. What interests you about becoming a guardian ad litem?
3. What strengths or qualifications would make you a good guardian ad litem?
4. Describe any potential problems or weaknesses you may have in regard to serving as a guardian ad litem?
5. Describe any reservations you may have about serving as a guardian ad litem?
6. What do you hope to gain from serving as a guardian ad litem?

7. What preferences or concerns do you have in regard to working with children in the following categories?
  - a. any age preference or concern?
  - b. any gender preference or concern?
  - c. any race/ethnic heritage preference or concern?
  - d. any preference or concern about working with a child who is developmentally challenged?
  - e. any preference or concern about working with a child who is emotionally challenged?
  - f. any preference or concern about working with a child who has been sexually or physically abused?
  - g. any preference or concern about working with a child who has AIDS?

#### **SKILLS RELATING TO GUARDIAN AD LITEM RESPONSIBILITIES**

1. What involvement, if any, have you had with courtroom proceedings?
2. How comfortable are you with putting your thoughts in writing? What experience, if any, have you had in preparing detailed written reports?
3. How comfortable are you speaking in a public forum? In a courtroom? What experience, if any, have you had in making oral presentations?
4. Are you a good listener? Why or why not?
5. What experience, if any, have you had in interviewing adults? Children?

6. How comfortable would you be in meeting with a family in their home?
  
7. How do you process conflicting information, make a decision, or reach a conclusion about an issue when two different versions of "the facts" are being told to you?

## **LIFE EXPERIENCES**

1. Have you, or has anyone in your family, ever been involved with the social services system?
  
2. What experience, if any, have you had working with persons of other races, cultures, or ethnic or socio-economic backgrounds?
  
3. What experience, if any, have you had with neglect or physical, sexual or emotional child abuse?
  
4. What experience, if any, have you had with chemical dependency issues?
  
5. Are you presently, or within the past twelve months have you been, involved in a chemical dependency inpatient or outpatient treatment program? If YES, please state:
  - a. the location of the program?
  - b. the dates of attendance?
  - c. did you successfully complete the treatment program?
6. What, if any, is your current frequency and volume of alcohol and/or drug use?

7. What experience, if any, have you had with therapeutic, psychological, or psychiatric issues?
  
8. \*Are you currently seeing, or have you ever seen, a therapist, counselor, psychologist, or psychiatrist? If YES, please state when, where, and the circumstances.
  
9. Are you currently facing any significant life situation (family changes, job changes, school, family illness)? How are you dealing with this?

**PERCEPTIONS REGARDING ISSUES ADDRESSED BY GUARDIANS AD LITEM**

1. What are your thoughts concerning:
  - a. divorce?
  - b. custody or visitation "battles"?
  
2. What are your thoughts concerning:
  - a. domestic violence?
  - b. harassment proceedings?
  - c. the victims, perpetrators, and children involved in domestic violence?
  
3. What are your thoughts concerning:
  - a. child neglect or abuse?
  - b. abusive or neglectful parents?
  - c. juvenile delinquency and its cause(s)?

4. What are your thoughts regarding:
  - a. out of home placements?
  - b. the parents of children who are placed in foster homes?
  - c. foster care providers?
  
5. What are your thoughts about:
  - a. adults who have chemical dependency problems?
  - b. children who have chemical dependency problems?
  
6. What are your thoughts about individual or family counseling or therapy?
  
7. What are your thoughts about the parenting abilities of persons with alternative lifestyles?

#### **ACCOUNTABILITY**

1. What type of support do you expect from the guardian ad litem program?
2. What style of supervision benefits you the most?
3. How willing are you to accept supervision over your guardian ad litem work?

#### **STRESS MANAGEMENT**

1. How do you handle a difficult or stressful situation?
2. How do you take care of yourself when you are under stress?



3. How do you respond to criticism?
4. What makes you vulnerable? What can someone do or say to get an emotional or spontaneous (irrational) reaction from you?
5. How would you handle a situation where you have been ordered to interview a parent, the parent is not a willing participant, and the parent begins yelling at you and telling you that you don't know anything about her/him or her/his family situation?

### **QUESTIONS BY APPLICANT**

1. Do you have any questions regarding the guardian ad litem program or serving as a guardian ad litem?
2. Any other questions?

**ORDER APPOINTING GUARDIAN AD LITEM IN JUVENILE COURT MATTER**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

JUVENILE COURT DIVISION

COURT FILE NO.: \_\_\_\_\_

IN THE MATTER OF THE WELFARE OF:

\_\_\_\_\_  
\_\_\_\_\_

**ORDER APPOINTING  
GUARDIAN AD LITEM**

Child(ren).

The above-captioned matter came on for hearing before the undersigned Judge of Juvenile Court on \_\_\_\_\_, 19\_\_\_\_. Appearances were made by:

- \_\_\_\_\_ Child(ren) \_\_\_\_\_
- \_\_\_\_\_ Attorney for Child(ren) \_\_\_\_\_
- \_\_\_\_\_ Mother \_\_\_\_\_
- \_\_\_\_\_ Attorney for Mother \_\_\_\_\_
- \_\_\_\_\_ Father \_\_\_\_\_
- \_\_\_\_\_ Attorney for Father \_\_\_\_\_
- \_\_\_\_\_ County Attorney \_\_\_\_\_
- \_\_\_\_\_ Social Worker \_\_\_\_\_
- \_\_\_\_\_ Probation Officer \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_

Based upon the content of the court file, the record, and all proceedings, and having heard and considered the views expressed at the hearing, the Court has determined that appointment of a guardian ad litem is either required by statute or rule or is in the best interests of the child(ren). Accordingly, the Court makes the following:

**ORDER**

IT IS HEREBY ORDERED:

1. \_\_\_\_\_ is appointed as guardian ad litem to advocate for the best interests of the minor child(ren) identified in the caption of this Order.

2. The guardian ad litem is directed to conduct an independent investigation and to submit to the Court, with copies to the parties or, if represented, to their counsel, by \_\_\_\_\_ a written report (including conclusions and recommendations and the facts upon which they are based) regarding all matters relating to the best interests of the child(ren), specifically including the following issue(s):

(a) INTERIM ISSUES

- \_\_\_\_\_ Temporary placement of the child(ren)
- \_\_\_\_\_ Visitation
- \_\_\_\_\_ Evaluation needs of the child(ren)
- \_\_\_\_\_ Evaluation needs of the parents
- \_\_\_\_\_ Service needs of the child(ren)
- \_\_\_\_\_ Service needs of the parents
- \_\_\_\_\_ Other \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_

(b) LONGER-TERM ISSUES

- Placement of the child(ren)
- Permanency needs of the child(ren)
- Evaluation needs of the child(ren)
- Evaluation needs of the parents
- Service needs of the child(ren)
- Service needs of the parents
- Other \_\_\_\_\_
- Other \_\_\_\_\_

(c) ADDITIONAL ISSUES (Specify in detail)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. In carrying out the duties set forth in Paragraph 2, and in addition to the responsibilities set forth in the Statutes and Rules of Court, the attention of the guardian ad litem is directed to:

Attachment A (Guardian Ad Litem Guidelines in Juvenile Court Cases)

Attachment B(\_\_\_\_\_)

Attachment C (\_\_\_\_\_)

4. If the duties of the guardian ad litem as set forth in Paragraph 2 include making recommendations regarding visitation, those recommendations shall address the location, duration, and frequency of the visits; whether the visits should be supervised or unsupervised; and the transportation arrangements necessary to facilitate the visits.

5. The parties shall fully cooperate with the guardian ad litem. The parties shall allow the guardian ad litem access to the child(ren) and shall sign all

authorizations for release of information relevant to this proceeding as requested by the guardian ad litem. No claim of legal privilege or other claimed right to confidentiality may be asserted to prevent the guardian ad litem from obtaining information relevant to this proceeding. The guardian ad litem shall have access to all information and records relevant to this proceeding, whether written or oral, which are in the possession of any person, corporation, political subdivision, organization, agency, or other entity. Nothing in the Federal Regulations, Minnesota Government Data Practices Act, Rules of Public Access to the Records of the Judicial Branch, or any other statutory provision shall prevent disclosure to the guardian ad litem of information relevant to this proceeding. This Order authorizes and directs that the guardian ad litem be given access to and be furnished with copies of all records relevant to this proceeding, including, but not limited to: social services records; corrections department records; medical, counseling, therapy, treatment, and mental health records; academic records; psychological, psychiatric, and chemical dependency evaluations; and all other relevant records.

6. Any person who files a document with the Court or serves another party with a document in this case shall simultaneously furnish the guardian ad litem with a copy of that document if the document contains information which relates in any way to the issue(s) being investigated by the guardian ad litem or to the best interests of the child(ren).

7. Any person who schedules a court hearing, administrative review, staffing, investigation, disposition, or other proceeding concerning the case shall

timely notify the guardian ad litem if the hearing or proceeding relates in any way to the issue(s) being investigated by the guardian ad litem or to the best interests of the child(ren).

8. Any proposed stipulation for resolving an issue or the case that relates in any way to the issue(s) being investigated by the guardian ad litem or to the best interests of the child(ren) shall be submitted to and reviewed by the guardian ad litem before it is filed with the Court.

9. The fees and costs of the guardian ad litem shall be paid as follows:

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10. The guardian ad litem shall continue to advocate for the best interests of the child(ren) until further Order of the Court discharging the guardian ad litem.

11. A photocopy of this Order shall be as valid as the original.

DATED: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of Juvenile Court

**ORDER APPOINTING GUARDIAN AD LITEM IN FAMILY COURT MATTER**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

FAMILY COURT DIVISION

COURT FILE NO.: \_\_\_\_\_

IN RE THE MARRIAGE OF:

\_\_\_\_\_,

Petitioner,

and

\_\_\_\_\_,

Respondent.

**ORDER APPOINTING  
GUARDIAN AD LITEM**

The above-captioned matter came on for hearing before the undersigned Judge of

District Court on \_\_\_\_\_, 19\_\_\_\_. Appearances were

made by:

- \_\_\_\_\_ Petitioner
- \_\_\_\_\_ Attorney for Petitioner \_\_\_\_\_
- \_\_\_\_\_ Respondent
- \_\_\_\_\_ Attorney for Respondent \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_

Based upon the content of the court file, the record, and all proceedings, and having heard and considered the views expressed at the hearing, the Court has determined that appointment of a guardian ad litem is either required by statute or rule or is in the best interests of the child(ren). Accordingly, the Court makes the following:

**ORDER**

IT IS HEREBY ORDERED:

1. \_\_\_\_\_ is appointed as guardian ad litem to advocate for the best interests of the following minor child(ren):

CHILD	DATE OF BIRTH	AGE
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. The guardian ad litem is directed to conduct an independent investigation and to submit to the Court, with copies to the parties or, if represented, to their counsel, by \_\_\_\_\_ a written report (including conclusions and recommendations and the facts upon which they are based) regarding all matters relating to the best interests of the child(ren), specifically including the following issue(s):

- (a) INTERIM ISSUES
  - \_\_\_\_\_ Temporary legal custody of the child(ren)
  - \_\_\_\_\_ Temporary physical custody of the child(ren)
  - \_\_\_\_\_ Temporary visitation
  - \_\_\_\_\_ Other \_\_\_\_\_
  - \_\_\_\_\_ Other \_\_\_\_\_



(b) LONGER-TERM ISSUES

\_\_\_\_\_ Permanent legal custody of the child(ren)

\_\_\_\_\_ Permanent physical custody of the child(ren)

\_\_\_\_\_ Long-range visitation

\_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

(c) ADDITIONAL ISSUES (Specify in detail)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. In carrying out the duties set forth in Paragraph 2, and in addition to the responsibilities set forth in the Statutes and Rules of Court, the attention of the guardian ad litem is directed to:

  X   Attachment A (Guardian Ad Litem Guidelines in Family Court Cases)

\_\_\_\_\_ Attachment B (Statutory best interest factors in custody determinations)

\_\_\_\_\_ Attachment C (\_\_\_\_\_)

4. If the duties of the guardian ad litem as set forth in Paragraph 2 include making recommendations regarding visitation, those recommendations shall address the location, duration, and frequency of the visits; whether the visits should be supervised or unsupervised; and the transportation arrangements necessary to facilitate the visits.

5. The parties shall fully cooperate with the guardian ad litem. The parties shall allow the guardian ad litem access to the child(ren) and shall sign all authorizations for release of information relevant to this proceeding as requested by

the guardian ad litem. No claim of legal privilege or other claimed right to confidentiality may be asserted to prevent the guardian ad litem from obtaining information relevant to this proceeding. The guardian ad litem shall have access to all information and records relevant to this proceeding, whether written or oral, which are in the possession of any person, corporation, political subdivision, organization, agency, or other entity. Nothing in the Federal Regulations, Minnesota Government Data Practices Act, Rules of Public Access to the Records of the Judicial Branch, or any other statutory provision shall prevent disclosure to the guardian ad litem of information relevant to this proceeding. This Order authorizes and directs that the guardian ad litem be given access to and be furnished with copies of all records relevant to this proceeding, including, but not limited to: social services records; corrections department records; medical, counseling, therapy, treatment, and mental health records; academic records; psychological, psychiatric, and chemical dependency evaluations; and all other relevant records.

6. Any person who files a document with the Court or serves another party with a document in this case shall simultaneously furnish the guardian ad litem with a copy of that document if the document contains information which relates in any way to the issue(s) being investigated by the guardian ad litem or to the best interests of the child(ren).

7. Any person who schedules a court hearing or other proceeding shall timely notify the guardian ad litem if the hearing or proceeding relates in any way to

the issue(s) being investigated by the guardian ad litem or to the best interests of the child(ren).

8. Any proposed stipulation or marital termination agreement that in any way affects the best interests or welfare of the child(ren) or relates to the issue of custody, visitation, or child support shall be submitted to and reviewed by the guardian ad litem before it is filed with the court.

9. The fees and costs of the Guardian Ad Litem shall be paid as follows:

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10. The guardian ad litem shall continue to advocate for the best interests of the child(ren) until further Order of the Court discharging the guardian ad litem.

11. A photocopy of this Order shall be as valid as the original.

DATED: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of District Court

**GUARDIAN AD LITEM OATH OR AFFIRMATION**

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

I do [swear] [affirm under the penalties of perjury] that I am currently listed on a panel of approved guardians ad litem maintained by the Program Coordinator and that to the best of my ability I will faithfully and justly perform all the duties of the office of guardian ad litem.

\_\_\_\_\_  
Guardian Ad Litem

Subscribed and [sworn to] [affirmed] before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

**GUARDIAN AD LITEM PERFORMANCE EVALUATION**

Guardian Ad Litem: \_\_\_\_\_ County: \_\_\_\_\_

Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_

1. Date pre-service training completed? \_\_\_\_\_
2. Date listed on panel of approved guardians ad litem? \_\_\_\_\_
3. Date of last performance evaluation? \_\_\_\_\_
4. Number of cases assigned since listed on panel of guardians ad litem? \_\_\_\_\_
5. Number of cases assigned since last evaluation? \_\_\_\_\_
6. Complied with annual continuing education requirements? \_\_\_\_ YES \_\_\_\_ NO
7. Any complaints filed against guardian ad litem since last evaluation? \_\_\_\_ YES \_\_\_\_ NO
8. Removed from any cases since last evaluation? \_\_\_\_ YES \_\_\_\_ NO
9. Any circumstances warranting follow-up check on background? \_\_\_\_ YES \_\_\_\_ NO
10. Evaluator has reviewed cases assigned since last evaluation? \_\_\_\_ YES \_\_\_\_ NO
11. Evaluator has made inquiries to judges presiding over cases to which guardian ad litem was assigned since last evaluation? \_\_\_\_ YES \_\_\_\_ NO

**EVALUATION ITEM**

**RATING**

**COMMENTS**

**ROLES AND RESPONSIBILITIES:**

1. Clearly understands the role and responsibilities of guardians ad litem?

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**EVALUATION ITEM**

**RATING**

**COMMENTS**

2. Carries out responsibilities and appropriately functions in role (advocating, information gathering, reporting, monitoring)?

0 5 10

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**APPOINTMENT:**

1. Timely initial involvement in cases upon appointment?

0 5 10

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2. Completes work in a timely manner?

0 5 10

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**ACCESS TO INFORMATION:**

1. Information gathering is done using appropriate methods?

0 5 10

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2. Information sharing is done in an appropriate manner?

0 5 10

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3. Maintains confidentiality about case information?

0 5 10

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**REPORTS:**

1. Written and oral reports to the court effectively communicate the necessary information, including conclusions, recommendations, and facts upon which they are based?

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2. Written reports are prepared and distributed in a timely manner?

0 5 10

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<b><u>EVALUATION ITEM</u></b>	<b><u>RATING</u></b>	<b><u>COMMENTS</u></b>
<b>COURT APPEARANCES:</b>		
1. Appears at all court hearings?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
2. Adequately prepared for all court hearings?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
3. Fully participates in all court hearings?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
4. Demeanor and attire are appropriate for court?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
<b>ADVOCACY:</b>		
1. Actively and adequately advocates for the best interests of the child?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
2. Advocates for timely resolution of the case?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
3. Monitors delivery of services to the child and family while case is pending?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
<b>INVESTIGATION AND MONITORING:</b>		
1. Exercises independent judgment and conducts independent investigations?	<hr/> 0    5    10	<hr/> <hr/> <hr/>
2. Has appropriate contact with the child?	<hr/> 0    5    10	<hr/> <hr/> <hr/>

<u>EVALUATION ITEM</u>	<u>RATING</u>	<u>COMMENTS</u>
3. Has appropriate contact with the parties?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
4. Gathers pertinent information about the case?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
5. Is knowledgeable about community resources for placement, treatment, and other necessary services?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
5. Remains open to new information?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
6. Participates in pertinent meetings, conferences, etc.? staffings,	<hr/> 0 5 10	<hr/> <hr/> <hr/>
7. Is objective and non-judgmental?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
<b>PROFESSIONAL RELATIONSHIPS:</b>		
1. Maintains professional relationship with court administrator and staff?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
2. Maintains professional relationship with judge and law clerk?	<hr/> 0 5 10	<hr/> <hr/> <hr/>
3. Maintains professional relationship with attorney for child?	<hr/> 0 5 10	<hr/> <hr/> <hr/>



<b><u>EVALUATION ITEM</u></b>	<b><u>RATING</u></b>	<b><u>COMMENTS</u></b>
4. Maintains professional relationship with attorney for parent?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
5. Maintains professional relationship with attorney for guardian ad litem?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
6. Maintains professional relationship with county attorney?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
7. Maintains professional relationship with social worker?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
8. Maintains professional relationship with mental health worker?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
9. Is able to work effectively in cross-cultural settings?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
10. Conducts himself/herself in a professional manner?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
11. Treats children, family members, and others involved in case with respect?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
<b>WORKING WITH GAL PROGRAM:</b>		
1. Appropriately uses supervision and consultation?	<hr/> 0   5   10	<hr/> <hr/> <hr/>

<b><u>EVALUATION ITEM</u></b>	<b><u>RATING</u></b>	<b><u>COMMENTS</u></b>
2. Accepts direction and supervision?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
3. Participates in continuing education as required?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
4. Follows procedures to request legal representation or to consult with an attorney as needed?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
5. Timely submits reimbursement and activity records?	<hr/> 0   5   10	<hr/> <hr/> <hr/>
6. Follows document retention policy?	<hr/> 0   5   10	<hr/> <hr/> <hr/>

**SPECIFIC COMMENTS OF EVALUATOR:**

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**SPECIFIC COMMENTS OF GUARDIAN AD LITEM:**

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**GUARDIAN AD LITEM'S PERFORMANCE IS SATISFACTORY TO REMAIN ON PANEL OF APPROVED GUARDIANS AD LITEM? \_\_\_\_\_ YES \_\_\_\_\_ NO**

DATE: \_\_\_\_\_

\_\_\_\_\_  
GUARDIAN AD LITEM

DATE: \_\_\_\_\_

\_\_\_\_\_  
EVALUATOR

## **GUIDELINES IN FAMILY COURT CASES**

### **Section 1. [APPLICABILITY.]**

In addition to and consistent with the general responsibilities of guardians ad litem set forth in Rule 8, subdivision 1, there are certain specific responsibilities which guardians ad litem appointed in family court cases may be assigned to fulfill. These specific responsibilities are cumulative in nature and, although a specific responsibility may be listed under only one section, each specific responsibility shall be deemed continuing in nature and should be repeated as often as necessary throughout the proceeding as appropriate to the case.

### **Sec. 2. [PRETRIAL PHASE.]**

During the pretrial phase of every family court case the specific responsibilities of a guardian ad litem are to:

- (a) become as familiar as possible with the child's/family's history and present situation by reviewing and/or obtaining copies of the court file, as well as other relevant files (for example, social services, court services, and corrections); reviewing and/or obtaining copies of all relevant records and reports, including custody and visitation evaluations, or medical, law enforcement, psychological, psychiatric, or educational records or reports; and researching information about any related criminal and/or child protection proceedings, investigations, or allegations.
- (b) obtain from appropriate persons authorizations for release of information.

- (c) when appropriate, interview social workers, probation officers, and court services personnel to obtain background and current information regarding the child and family.
- (d) when appropriate, interview service providers (for example, teachers, psychologists, psychiatrists, doctors, and nurses) and others (for example, neighbors) who are knowledgeable about the child's/family's past and present situation.
- (e) meet with and interview the child's parents or custodians, siblings, persons with whom the child resides or may reside, and other persons who are significant in the child's daily life (for example, grandparents and parent's significant other).
- (f) meet with and/or observe the child in a manner consistent with the child's developmental capabilities. Meetings with the child may be alone at the discretion of the guardian ad litem.
- (g) when appropriate, observe parent-child interaction.
- (h) when appropriate, communicate on a regular basis with the parties and service providers.
- (i) make oral and/or written reports to the court regarding the child's best interests, including conclusions and recommendations and the facts upon which they are based.

- (j) when appropriate, recommend psychological evaluations, psychiatric evaluations, physical evaluations, parenting evaluations, chemical dependency evaluations, or other evaluations.
- (k) bring to the attention of appropriate authorities, and to the court if necessary, situations detrimental to the child (for example, harassment or pressuring of the child).
- (l) bring urgent treatment needs of the child to the attention of the court (for example, medical or mental health issues).
- (m) when appointed in cases in which a finding of domestic abuse has been made, including all cases with orders for protection or harassment restraining orders, gather and release information in a manner that best protects the safety of the child and victim, and that does not require the parties to have contact.
- (n) when appointed in the case of an Indian child, as defined in Minnesota Statutes section 257.351, subdivision 6, interview tribal social services employees, maintain contact with the tribal representative, and otherwise comply with the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.

**Sec. 3. [CONTESTED/EVIDENTIARY/TEMPORARY HEARING PHASE.]**

In addition to the responsibilities set forth above, during the contested/evidentiary/temporary hearing phase of every family court case the specific responsibilities of a guardian ad litem are to:

- (a) request appointment of legal counsel, if necessary.
- (b) attend, participate in, and advocate for the child's best interest at court hearings and other proceedings.
- (c) participate in negotiations in an attempt to resolve the matter prior to the hearing in a manner consistent with the best interests of the child.
- (d) advocate for the child's presence or absence in court, whichever is in the child's best interests.
- (e) as appropriate to the child's age and maturity, assist the child in understanding the court proceedings.
- (f) when authorized, subpoena witnesses, present evidence, conduct direct and cross examination of witnesses, and provide testimony relative to the issues involved in the case and the best interests of the child.
- (g) if the child is required to testify in the family court proceeding or in any other concurrent judicial proceeding, take steps to ensure that this is done in a manner best suited to the child's emotional well-being, needs, and abilities.
- (h) keep the court informed about other legal proceedings that may be occurring concurrently with the family court proceeding.

**Sec. 4. [POST-DECREE PHASE.]**

In addition to the specific responsibilities set forth above, during the post-decree phase of every family court case the specific responsibilities of a guardian ad litem are to:

- (a) keep apprised of the child's/family's situation and bring appropriate matters to the attention of the court.
- (b) maintain contact with persons knowledgeable about the child's/family's situation.
- (c) if appropriate, monitor and observe custody and/or visitation arrangements.
- (d) when requested by the court, make oral and/or written reports to the court regarding the child's best interests, including conclusions and recommendations and the facts upon which they are based.



## **GUIDELINES IN JUVENILE COURT CASES**

### **Section 1. [APPLICABILITY.]**

In addition to the general responsibilities of guardians ad litem set forth in Rule 8, subdivision 1, there are certain specific responsibilities which guardians ad litem assigned to juvenile court cases are to fulfill. These specific responsibilities are cumulative in nature and, although a specific responsibility may be listed under only one section, each specific responsibility shall be deemed continuing in nature and should be repeated as often as necessary throughout the proceeding as appropriate to the case.

### **Sec. 2. [INITIAL OR PRE-ADJUDICATORY PHASE.]**

During the initial or pre-adjudicatory phase of every juvenile court case the specific responsibilities of the guardian ad litem are to:

- (a) become as familiar as possible with the child's/family's history and present situation by reviewing and/or obtaining copies of the court file, social services file, court services/corrections file, and other pertinent files; reviewing and/or obtaining copies of all relevant records and reports, including, but not limited to, medical, law enforcement, psychological, psychiatric, or educational reports and records; and researching information about any concurrent criminal or family court proceedings, investigations, or allegations.
- (b) obtain from appropriate persons authorizations for release of information.

- (c) when appropriate, interview social workers, court services personnel, probation officers, and other court-related personnel to obtain background and current information regarding the child and family.
- (d) when appropriate, interview service providers (for example, foster parents, teachers, psychologists, psychiatrists, doctors, and nurses) and others (for example, neighbors) who are knowledgeable about the child's/family's past and present situation.
- (e) interview the child's parents, siblings, persons with whom the child resides or may reside, and other persons who are significant in the child's daily life (for example, grandparents and parent's significant other).
- (f) meet with and/or observe the child in a manner consistent with the child's developmental capabilities. Meetings with the child may be alone at the discretion of the guardian ad litem. It is important to prevent any unnecessary interview of the child by the guardian ad litem or any other person. It is the responsibility of the law enforcement and child protection agencies, not the guardian ad litem, to investigate or substantiate any initial or presenting concerns regarding child abuse.
- (g) when appropriate, observe parent-child interaction.
- (h) as appropriate, communicate on a regular basis with the parties and service providers.

- (i) attend, participate in, and advocate for the child's best interest at court hearings, staffings, administrative hearings, and other proceedings. The guardian ad litem should sign the administrative review document and/or case plan indicating areas of disagreement, if any.
- (j) when appropriate, recommend psychological evaluations, psychiatric evaluations, physical evaluations, parenting evaluations, chemical dependency evaluations, or other evaluations.
- (k) recommend placement and/or visitation arrangements that are in the child's best interests.
- (l) bring to the attention of appropriate authorities, and to the court if necessary, situations detrimental to the child (for example, harassment or pressuring of the child).
- (m) bring to the attention of the court urgent treatment needs of the child (for example, medical or mental health issues).
- (n) when appointed in cases in which a finding of domestic abuse has been made, including all cases with orders for protection or harassment restraining orders, gather and release information in a manner that best protects the safety of the child and victim, and that does not require the parties to have contact.
- (o) request appointment of legal counsel, if necessary.
- (p) when appointed in the case of an Indian child, as defined in Minnesota Statutes section 257.351, subdivision 6, interview tribal social services

employees, maintain contact with the tribal representative, and otherwise comply with the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.

**Sec. 3. [CONTESTED HEARING AND/OR ADJUDICATORY PHASES.]**

In addition to the specific responsibilities set forth above, during the contested hearing and/or adjudicatory phases of every juvenile court case the specific responsibilities of a guardian ad litem are to:

- (a) participate in negotiations in an attempt to arrive at a case plan and/or resolve the matter in a manner consistent with the best interests of the child.
- (b) advocate for the child's presence or absence in court, whichever is in the child's best interest.
- (c) as appropriate to the age and maturity of the child, assist the child in understanding the court proceedings.
- (d) keep apprised of the child's/family's situation by communicating on a regular basis with the parties and service providers.
- (e) when authorized, subpoena witnesses, present evidence, conduct direct and cross examination of witnesses, and provide testimony relative to the issues involved in the case and the best interests of the child.
- (f) if the child is required to testify in the juvenile court or other judicial proceeding, take steps to ensure that this is done in a manner best suited to the child's emotional well-being, needs, and abilities.

- (g) keep the court informed about other legal proceedings that may be occurring concurrently with the juvenile court proceeding.
- (h) as appropriate to the case, make oral and/or written reports to the court regarding the best interests of the child, including conclusions and recommendations and the facts upon which they are based.

**Sec. 4. [DISPOSITIONAL PHASE.]**

In addition to the responsibilities set forth above, during the dispositional phase of every juvenile court case the specific responsibilities of a guardian ad litem are to:

- (a) advocate for timely review hearings.
- (b) monitor the case to ensure compliance with court orders and to bring to the court's attention any change in the circumstances that may require a modification of the order.
- (c) maintain regular contact with the child and meet with and/or observe the child in a manner consistent with the child's developmental capabilities. Meetings with the child may be alone at the discretion of the guardian ad litem.
- (d) monitor placement and/or visitation arrangements and, when appropriate, periodically observe placement and/or visitation.
- (e) keep apprised of the child's/family's situation and bring appropriate matters to the attention of the court.
- (f) as appropriate to the case, include in the reports to the court information regarding the best interests of the child, including conclusions and

recommendations and the facts upon which they are based, that address the dispositional issues and options before the court.

## **CORE PRE-SERVICE TRAINING CURRICULUM**

At a minimum, the core pre-service training curriculum should address the following topics:

- (a) Roles and responsibilities of guardians ad litem;
- (b) Roles and responsibilities of other case participants;
- (c) Relevant laws, rules, and regulations, including the Indian Child Welfare Act, the Minnesota Indian Family Preservation Act, and the Minnesota Heritage Preservation Act;
- (d) Stages of court proceedings and court procedures, including oral presentations, written reports, and development and presentation of recommendations;
- (e) Information gathering and communication skills, especially for children of varying ages, abilities, and cultures;
- (f) Confidentiality and ethics;
- (g) Cultural competency;
- (h) Stages of child development
- (i) Special needs of children and parents with developmental disabilities;
- (j) Attachment and separation;
- (k) Visitation issues, including safety planning;
- (l) Permanency planning;
- (m) Dynamics of child abuse and neglect;

- (n) Dynamics of domestic violence, including impact upon children and victim;
- (o) Dynamics of chemical health issues, including impact on children;
- (p) Dynamics of mental health issues, including impact on children;
- (q) Services and resources available in the community;
- (r) Negotiation and settlement processes; and
- (s) Guardian ad litem personal safety.



### **ADDITIONAL JUVENILE COURT PRE-SERVICE CURRICULUM**

At a minimum, the juvenile court pre-service training curriculum should address the following topics:

- (a) Safety concerns regarding the child and the community (delinquency proceedings);
- (b) Juvenile correctional placements (delinquency proceedings); and
- (c) Transitional services to assist in reunification (child in need of protection or services and delinquency proceedings).

### **ADDITIONAL FAMILY COURT PRE-SERVICE CURRICULUM**

At a minimum, the family court pre-service training curriculum should address the dynamics of divorce.