

SCR CHAPTER 35

ELIGIBILITY FOR APPOINTMENT AS GUARDIAN AD LITEM FOR A MINOR

SCR 35.01 Eligibility to accept an appointment under chapter 48 or 938. A lawyer may not accept an appointment by a court as a guardian ad litem for a minor in an action or proceeding under chapter 48 or 938 of the statutes unless one of the following conditions has been met:

(1) The lawyer has attended 30 hours of guardian ad litem education approved under SCR 35.03.

(2) The lawyer has attended 6 hours of guardian ad litem education approved under SCR 35.03 during the combined current reporting period specified in SCR 31.01(7) at the time he or she accepts an appointment and the immediately preceding reporting period.

(3) The appointing court has made a finding in writing or on the record that the action or proceeding presents exceptional or unusual circumstances for which the lawyer is otherwise qualified by experience or expertise to represent the best interests of the minor.

COMMENT

Continuing legal education approved under SCR 35.03(1m) may be used to satisfy the educational requirements of SCR 35.01.

35.015 Eligibility to accept an appointment under chapter 767. For guardian ad litem appointment orders issued after January 1, 2021, a lawyer may not accept an appointment by a court as a guardian ad litem for a minor in an action or proceeding under chapter 767 of the statutes unless one or more of the following conditions has been met:

(1) For a lawyer's first appointment commencing on or after January 1, 2021, the lawyer has attended at least 9 hours of guardian ad litem education approved under SCR 35.03 during the combined current reporting period specified in SCR 31.01(7) and the immediately preceding reporting period. The 9 hours shall be allocated as follows:

(a) At least 3 of the 9 hours shall be approved education addressing the topic of family violence.

(b) In addition to the requirement of (1)(a), at least 3 of the 9 hours shall be approved education on any topic identified in SCR 35.03(1m)(a).

(c) The remaining 3 hours may be any type of approved "guardian ad litem" or "family court guardian ad litem" education.

(1m) After a lawyer has satisfied the initial 9 credit threshold in 35.015(1) and for any subsequent appointments, the lawyer has attended at least 6 hours of guardian ad litem education approved under SCR 35.03 during the combined current reporting period specified in SCR 31.01(7) and the immediately preceding reporting period. The 6 hours shall be allocated as follows:

(a) At least one of the 6 hours shall be approved education on the topic of family violence.

(b) In addition to the requirement of SCR 35.015(1m)(a), at least 2 more of the required 6 hours shall be approved education on any of the topics identified in SCR 35.03(1m)(a).

(c) The remaining hours can be any type of approved "guardian ad litem" or "family court guardian ad litem" education.

(2) The appointing court has made a finding in writing or on the record that the action or proceeding presents exceptional or unusual circumstances for which the lawyer is otherwise qualified by experience or expertise to represent the best interests of the minor.

SCR 35.02 Effect of acceptance. A lawyer's acceptance of appointment as a guardian ad litem for a minor in an action or proceeding under chapter 48, 767, or 938 of the statutes constitutes the lawyer's representation to the appointing court that the lawyer is eligible to accept the appointment under SCR 35.01 or 35.015, whichever is applicable, and is governed by SCR 20:3.3.

SCR 35.03 Approval of guardian ad litem education.

(1) The board of bar examiners shall approve courses of instruction at a law school in this state and continuing legal education activities that the board determines to be on the subject of the role and responsibilities of a guardian ad litem for a minor or on the subject matter of proceedings under chapter 48, 767 or 938 of the statutes and that are designed to increase the attendee's professional competence to act as guardian ad litem for a minor in those proceedings.

(1m)(a) The board of bar examiners shall approve, as family court guardian ad litem education, courses of instruction at a law school in this state and continuing legal education activities that the board determines to be on any of the following subject matters:

1. Proceedings under chapter 767 of the statutes.
2. Child development.
- 2m. The effects of conflict and divorce on children.

3. Mental health issues in divorcing families.
4. The dynamics and impact of family violence.
5. Sensitivity to various religious backgrounds, racial and ethnic heritages, and issues of cultural and socioeconomic diversity.

(b) The board of bar examiners may only approve courses of instruction or continuing legal education activities that are conducted after June 1, 2002.

(2) The board of bar examiners shall designate, under SCR 31.05(3) and 31.07, the number of hours applicable to SCR 35.01(1) and (2) and 35.015(1) and (1m) for each approved course of instruction and continuing legal education activity.

(3) Approval of a course of instruction or continuing legal education activity under subs. (1) and (1m) constitutes approval of that course or activity for purposes of continuing legal education under SCR chapter 31.

(4) The procedure for obtaining approval of courses of instruction and continuing legal education activities is specified in SCR 31.08.

Adopted April 17, 1997. Amended December 14, 2001; July 20, 2020.