



## MADISON OFFICE

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August 27, 2019

Clerk of Supreme Court  
Attention: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701-1688

### RE: Rule Petition 19-13

Dear Deputy Clerk and Honorable Justices,

We write to strongly support Rule Petition 19-13 regarding qualifications for Guardians ad Litem in family court. Legal Action of Wisconsin, Inc. is a non-profit legal aid firm which provides free legal representation to low income residents in the Southern half of Wisconsin. Our family law attorneys focus on representing survivors of domestic abuse. We write to respectfully request the court adopt the rule as proposed.

The family law cases Legal Action's attorneys handle frequently involve contested custody and placement disputes which require the appointment of Guardians ad Litem to represent the best interests of the minor children. The statutory responsibilities of Guardians ad Litem included investigating and reporting to the court allegations of domestic abuse. Wis. Stat. § 767.407(4). The recently published *Domestic Abuse Guidebook for Wisconsin Guardians ad Litem* outlines screening tools and standards for cases involving domestic abuse, and emphasizes the importance for Guardians ad Litem to have training specifically on domestic abuse.

The State Bar of Wisconsin's *Guardian ad Litem Handbook* also recommends Guardians ad Litem in family court obtain the training the rule petition will require:

Despite the lack of required biennial training on domestic violence issues, the complexity of those issues, combined with the ongoing developments in domestic violence research, and the substantial effect that domestic violence issues have on children indicate that any attorney who seriously desires to serve effectively as a guardian ad litem should obtain domestic violence training far in excess of the mandated minimums.

*Guardian ad Litem Handbook*, Fifth Edition, October of 2018, State Bar of Wisconsin, p. 3-20. The *Handbook* also encourages and recommends use of the screening tools in the *Domestic Abuse Guidebook*. *GAL Handbook*, p. 3-24.

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While it is important for all Guardians ad Litem in family court obtain domestic abuse training, it is of particular important to low income litigants. With the rising cost of family law attorneys and the limited resources of legal aid firms like Legal Action, many family court litigants represent themselves. This is not often by choice, but because there are no other options. Unlike many other countries, there is no right to counsel in family court in the United States. Unlike many other states, Wisconsin does not provide any direct state funding for legal aid. Often the Guardian ad Litem may be the only attorney involved in a family court case. It is therefore essential for Guardians at Litem to be well trained in domestic abuse issues.

The requirements of Rule Petition 19-13 are modest. While it would not solve all problems in family court, it would be a good step toward improvement of our family court system. Legal Action of Wisconsin, Inc. therefore respectfully requests the court adopt Rule Petition 19-13 as proposed.

Sincerely,

Legal Action of Wisconsin, Inc.

/s/

Korey C. Lundin

Family Law Priority Coordinator

/s/

Deedee D. Peterson

Executive Director