

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 01-07

**In the matter of amendment of Supreme Court
Rules chapter 35 - Eligibility for Appointment
as Guardian Ad Litem**

FILED

DEC 14, 2001

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On November 13, 2001, the court held a public hearing on the petition filed on April 5, 2001, by the Joint Legislative Council seeking to amend Supreme Court Rules chapter 35 relating to the eligibility for appointment as a guardian ad litem for a minor under Wis. Stat. chapter 767.

IT IS ORDERED that, effective July 1, 2003, Supreme Court Rules chapter 35 is amended as follows:

SECTION 1. 35.01 (intro.) of the Supreme Court Rules is amended to read:

35.01 Eligibility to accept an appointment. (intro.) Commencing on July 1, 1999, 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,~~767~~ or 938 of the statutes unless one of the following conditions has been met:

SECTION 2. 35.015 of the Supreme Court Rules is created to read:

35.015 Eligibility to accept an appointment. Commencing on July 1, 2003, 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 of the following conditions has been met:

(1) 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. At least 3 of the 6 hours shall be family court guardian ad litem education approved under SCR 35.03 (1m).

(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.

SECTION 3. 35.02 of the Supreme Court Rules is amended to read:

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.

SECTION 4. 35.03 (1) of the Supreme Court Rules is amended to read:

35.03 **(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. ~~The board of bar examiners may only approve courses of instruction or continuing legal education activities that are conducted after January 1, 1995.~~

SECTION 5. 35.03 (1m) of the Supreme Court Rules is created to read:

35.03 **(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 and 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.

SECTION 6. 35.03 (2) of the Supreme Court Rules is amended to read:

35.03 **(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) for each approved course of instruction and continuing legal education activity.

SECTION 7. 35.03(3) of the Supreme Court Rules is amended to read:

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

IT IS ORDERED that notice of this amendment of Supreme Court Rules chapter 35 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 14th day of December, 2001.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

