

FREQUENTLY ASKED QUESTIONS
GUARDIAN AD LITEM FOR INCAPACITATED PERSONS PROGRAM
PURSUANT TO CHAPTER 20 OF TITLE 64.2

1. What are the basic requirements to become qualified as a guardian ad litem for incapacitated persons?

- Be an active member in good standing of the Virginia State Bar.
- Complete the six hour required course, “Representation of Incapacitated Persons as a Guardian Ad Litem” offered by Virginia CLE. *There are no substitutions for this course.*
- Demonstrate familiarity with the court system and a general background in guardianship law by completion of one of the following:
 - Provision of assistance to one qualified guardian *ad litem* for an incapacitated person in two cases in the circuit court; or
 - Service as counsel for the petitioner in two cases involving an incapacitated person in the circuit court; or
 - Appointment by the circuit court as a guardian or conservator for an incapacitated person in two cases.
- Demonstrate proficiency in the representation of incapacitated persons by submitting a Nomination Certificate signed by the qualified guardian *ad litem* you have assisted in two cases in the circuit court, or, in lieu of serving as counsel for petitioner in two cases or appointment as a guardian or conservator in 2 cases) a Nomination Certificate signed by one circuit court judge before whom you have appeared.
- Send a letter to the Office of the Executive Secretary, Supreme Court of Virginia, requesting qualification, and including your social security number and the judicial circuits in which you would like to accept appointments as a guardian ad litem.

2. How long do I have to complete the basic requirements for qualification as a guardian *ad litem* for incapacitated persons?

All initial qualification requirements must be completed within the two-year period immediately prior to the date you request initial qualification as a guardian *ad litem*.

3. What documentation does the Supreme Court of Virginia need in order to complete my application?

- A **letter** requesting qualification and which states your social security number and the judicial circuits in which you would like to accept appointments as a guardian *ad litem*.
- If applicable, **written certification of your familiarity with the court system and a general background in guardianship law** as required by Standard I.B.4.e of the *Standards to Govern the Appointment of Guardians Ad Litem for Incapacitated Persons*.
- The **appropriate Nomination Certificate**.
 - If complying with the provision of assisting one qualified guardian ad litem for an incapacitated person in two cases, **a Nomination Certificate signed by the qualified GAL whom you assisted**.
 - In lieu of certifying your familiarity with the court system and a general background in guardianship law, as it relates to (i) serving as counsel for the petitioner in two cases involving an incapacitated person in the circuit court, or (ii) being appointed by the circuit court as a guardian or conservator for an incapacitated person in two cases, a **Nomination Certificate signed by one circuit court judge before whom you have appeared**.

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- A **Certification of Attendance form** for the Virginia CLE course, “Representation of Incapacitated Persons as a Guardian Ad Litem.”

4. Where do I obtain the necessary qualification forms?

Forms are included in the notebook provided at the initial course, “Representation of Incapacitated Persons as a Guardian Ad Litem.” Forms are also available online at:
http://www.courts.state.va.us/courtadmin/aoc/cip/programs/gal/incapacitated_persons/home.html,
under the “Forms” section.

5. For what period of time is my initial qualification valid?

Initial qualification is valid for a period of two years.

6. How do I maintain my qualification as a guardian ad litem for incapacitated persons?

- Complete six hours of approved continuing education every two years on topics relating to the representation of incapacitated persons as a guardian *ad litem*.
- File a certification of attendance form with the Office of the Executive Secretary, Supreme Court of Virginia, for each approved course.

7. How will I know if a course has been approved for credit?

A list of courses approved for continuing education credit for guardians *ad litem* is available online at:
http://www.courts.state.va.us/courtadmin/aoc/cip/programs/gal/incapacitated_persons/home.html,
under the “Continuing Education Courses-GALs for Incapacitated Persons” link.

If you are seeking information about a course not included on the list, please call 804-786-9543. If the course has not previously been submitted for credit approval, you will be asked to submit information outlined in Standard IV of the *Standards to Govern the Appointment of Guardians Ad Litem for Incapacitated Persons*.

8. Can CLE hours be carried over to the next qualification period?

No. To remain on the list of qualified guardians *ad litem*, 6 hours of continuing education credit must be completed within 2 years of your qualification date (i.e. If your qualification date is July 1, 2014, you must complete the 6 hours of continuing education by July 1, 2016). Failure to do so will result in your name being removed from the list of qualified guardians *ad litem*.

9. May I take the initial course, “Representation of Incapacitated Persons as a Guardian Ad Litem,” before I learn the results of my Bar Exam?

Yes, but you may not complete your qualification as a guardian *ad litem* before you are licensed.

10. May I take the initial course, “Representation of Incapacitated Persons as a Guardian Ad Litem,” and use it towards the 6-hour continuing education requirement?

Yes. However, continuing education credit for repeating the initial course is approved only once within a 6-year period. You may take the course for continuing education credit at any time following initial qualification, and then not again for 6 years. *Thus, this initial course may not be completed every two years and used towards the biennial continuing education requirement.*

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11. How can I be reinstated if my name is removed from the list of qualified guardians ad litem?

You may be removed from the list of qualified guardians *ad litem* if (i) you request to be removed, (ii) you fail to meet the biennial continuing education requirement, or (iii) your license to practice law in Virginia is suspended or revoked by the Virginia State Bar. You may again be included on the list of attorneys eligible for appointment as a guardian *ad litem* by submitting to the Office of the Executive Secretary:

1. **Within five years** of being removed from the list, certification of attendance indicating completion of six hours of continuing education and that such continuing education was completed within the past two years.
2. **If more than five years pass** since removal from the list, you must complete the initial qualification process as outlined in Standard I of the *Standards to Govern the Appointment of Guardians Ad Litem for Incapacitated Persons*.