

Mentoring Guidelines for Guardians Ad Litem

Preparing Attorneys to Become Qualified for Appointment

Introduction

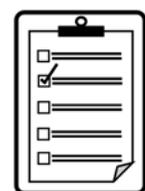
The STANDARDS TO GOVERN THE APPOINTMENT OF GUARDIANS AD LITEM FOR CHILDREN PURSUANT TO § 16.1-266, CODE OF VIRGINIA establish that attorneys who seek to become qualified as a guardian ad litem must, among other requirements, “demonstrate familiarity with the court system and a general background in juvenile law.” To fulfill this requirement under Standard I.B.2.b., a prospective guardian ad litem may provide assistance to a qualified guardian ad litem in two cases involving children in the juvenile and domestic relations district court. By assisting a qualified guardian ad litem who has agreed to serve as a mentor, the prospective guardian ad litem has an opportunity to learn how to effectively handle cases in this role. It is recommended that mentors will have served as qualified guardians ad litem for children for at least five years.

These guidelines provide a framework for the mentoring process by setting expectations for what will be covered and what the attorney will learn assisting a qualified guardian ad litem in cases involving children. The guidelines focus on custody, visitation, and child dependency cases (e.g., abuse or neglect, entrustment, foster care, termination of parental rights), but may be adapted to other case types approved by the court. Under the standard, the attorney seeking qualification “associates” with a qualified guardian ad litem. A minimum six-month period of association is recommended to thoroughly cover the guidelines.

Prerequisites for Prospective Guardian Ad Litem

As a foundation for providing assistance to a guardian ad litem in cases, the attorney is encouraged to complete the initial guardian ad litem qualification course, *Representation of Children as a Guardian Ad Litem*.

A qualified guardian ad litem may be identified from the Directory of Qualified GALs for Children available at www.vacourts.gov. The juvenile and domestic relations district court clerk may have a list of experienced guardians ad litem who are regularly appointed to represent children in that court. Local bar associations may also maintain a list of members who are qualified and willing to serve as mentors for prospective guardians ad litem.



Mentoring Guidelines

To gain familiarity with the court system and a general background in juvenile law, an attorney may provide assistance to a qualified guardian ad litem in two cases. These guidelines offer a suggested framework for this practical component of guardian ad litem education by outlining points of discussion, preparation and experience in custody, visitation, and child dependency cases (e.g., abuse or neglect, entrustment, foster care, termination of parental rights). Note that the items outlined may not be directly applicable in the two specific cases, but may be covered by examples from the mentor’s experience serving as a qualified guardian ad litem for children.

Initiation of Mentorship

For the qualified guardian ad litem: Secure permission from counsel of record and self-represented parties for the attorney to be present and involved in the case.

Note: The court appointed guardian ad litem in a case represents the child and agrees to help prepare an attorney to become qualified by mentoring; the attorney seeking qualification learns by providing assistance to the guardian ad litem but does not represent the child.

Recommendations by Case Type

Custody & Visitation Cases



I. Attend...

- Settlement conferences.
- The trial (all hearings).
- Meetings with the child. These meetings should be separate from the parents and include advising the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the guardian ad litem, the court process and the possible consequences of the legal action.
- Meetings with the parties, within ethical bounds. If appropriate, hold meetings with each parent and the child(ren) together and complete at least one home visit with each party.
- Meetings with at least one counsel for the parties. Meetings may be in-person or by conference call. At least one meeting should include disclosure or discussion of the recommendations of the qualified guardian ad litem.
- Meetings with the child's teacher. These meetings may be in-person or by conference call.
- Witness interviews. If it is not possible for the prospective guardian ad litem to attend witness interviews, review a list of witnesses that need to be interviewed or subpoenaed, and why.



II. Review...

- School records.
- Medical records.
- Local child welfare agency (e.g., Department of Social Services, Department of Human Services, Department of Family Services) records.
- The report of the Court Appointed Special Advocate (CASA).
- Police reports.
- The questionnaire sent out by the guardian ad litem and the responses received.
- Parental capacity evaluations.
- Counselor's records.



III. Discuss...

- The different standards for parent v. parent custody and visitation, and third party custody and visitation.

Child Dependency Cases



I. Attend...

- The following hearings:
 1. A preliminary (5-day) hearing.
 2. An adjudicatory hearing.
 3. A disposition hearing.
 4. A foster care review hearing, a permanency planning hearing, or a termination of parental rights hearing.

Note: Because the above-referenced hearings take place over a course of months, the hearings attended by the prospective guardian ad litem do not need to relate to the same case.

- Meetings with the child. These meetings should be separate from the parties and interested persons and include advising the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the guardian ad litem, the court process and the possible consequences of the legal action. If at all possible, meetings should take place at the child's foster home or residential placement.
- Meetings with the local child welfare agency (e.g., Department of Social Services, Department of Human Services, Department of Family Services) worker assigned to the child's case.
- Meetings with the parties, within ethical bounds, and their counsel.
- Meetings with the child's foster parent(s).
- Meetings with the Court Appointed Special Advocate (CASA).

Note: The meetings referenced above may be in-person or by conference call.
- Witness interviews. If it is not possible for the prospective guardian ad litem to attend witness interviews, review a list of witnesses that need to be interviewed or subpoenaed, and why.
- A family partnership meeting or team decision making meeting.
- A supervised visit.



II. Review...

- Child dependency court orders (e.g., DC-526, EMERGENCY REMOVAL ORDER, DC-528, PRELIMINARY REMOVAL ORDER, DC-561, ADJUDICATORY ORDER FOR ABUSE OR NEGLECT CASES, DC-553, DISPOSITIONAL ORDER FOR UNDERLYING PETITION, FOSTER CARE PLAN, DC-555, FOSTER CARE REVIEW ORDER, DC-557, PERMANENCY PLANNING ORDER, and DC-531, INVOLUNTARY TERMINATION OF PARENTAL RIGHTS ORDER).
- Local child welfare agency (e.g., Department of Social Services, Department of Human Services, Department of Family Services) records.
- School records.
- The child's medical records. Review any medical conditions the child has been diagnosed with and the medications the child is taking.
- The parties' medical records. These records may be available to the guardian ad litem through releases, or provided by counsel or the parties.
- Counselor's records.
- Court records.

- [] Police reports.
- [] The report of the CASA.
- [] Entrustment agreements.



Discuss...

- [] Prior to each hearing referenced above, review with the prospective guardian ad litem the purpose of the hearing and possible outcomes.

Custody, Visitation, and Child Dependency Cases



Discuss...

- [] The manner in which guardians ad litem receive appointments, how paperwork is disseminated, and who to call when questions arise.
- [] The guardian ad litem’s recommendations, the process by which the recommendations were reached (e.g., relevant legal and factual issues considered), and the manner in which recommendations may be communicated to the court.
- [] Billing requirements, including proper completion of the DC-40, LIST OF ALLOWANCES, and billing detail.
- [] Guardian ad litem travel, including permissions required by the court and obtaining guidance from the court related to billing and reimbursement of expenses.
- [] Discovery. For circuit court proceedings, review depositions or discovery requests.
- [] Witness subpoenas and subpoenas duces tecum.

Conclusion of Mentorship

For either participant: Arrange a brief meeting with the clerks of the courts in which the attorney intends to practice. The clerk in each locality is a valuable source of information about local procedures, services, and the court culture. Written materials to support practice may be available. Open communication with guardians ad litem is preferred and encouraged by most clerks, who sometimes receive communications and concerns from parties for the attention of the guardian ad litem in advance of court hearings.

For either participant: Introduce the prospective guardian ad litem to the judge or judges of the courts in which the attorney intends to practice.

For the qualified guardian ad litem: Upon satisfactory demonstration of familiarity with the court system and a general background in juvenile law by the attorney who has provided assistance in the cases, use the NOMINATION FORM - QUALIFIED GUARDIAN AD LITEM to indicate that the requirements of the standard have been met and whether these guidelines were followed.



For the prospective guardian ad litem: Return case specific documents or notes to the guardian ad litem. You may retain notes on the role and practices of a guardian ad litem for future reference.

For the prospective guardian ad litem: Submit the completed, signed nomination form to the Office of the Executive Secretary, Supreme Court of Virginia. Additional requirements for initial qualification are listed in the STANDARDS TO GOVERN THE APPOINTMENT OF GUARDIANS AD LITEM FOR CHILDREN PURSUANT TO § 16.1-266 available on the Virginia Judicial System’s [Guardian Ad Litem for Children](#) page.