

Training and Continuing Education

National literature indicates that training is essential for the effectiveness of guardians *ad litem*, whether the guardian is an attorney or non-attorney, paid or volunteer. Without adequate training guardians may not understand issues involved in court proceedings involving abuse, neglect, custody, and visitation. Training also helps educate new guardians about their roles and responsibilities in judicial proceedings. Training can also help guardians who are not attorneys understand some of the technical aspects of judicial proceedings. In this chapter we review training and continuing education requirements for guardians *ad litem* in Minnesota. We asked:

- **What training is required for guardians *ad litem* and what training are they receiving?**
- **Is there a need for more systematic or mandatory basic training and continuing education for guardians *ad litem*?**

Using surveys, we asked court administrators and guardians about basic training and continuing education requirements for guardians in their jurisdictions, how many hours of training were required, and what was the nature of that training. We asked judges to identify what training guardians need, and we asked guardians what training they had received and what training should be provided.

As shown in this chapter, we found there are no universal standards for basic training or continuing education for guardians *ad litem*. In Minnesota, each county delivers training for guardians in its jurisdiction, resulting in a lack of uniform standards or consistent requirements for both basic training or continuing education. Many counties do not require any training for its guardians, and many guardians reported not receiving any training. The lack of consistent training standards can lead to uneven quality in guardian services around the state, and confusion for guardians and lawyers working in more than one county.

AN OVERVIEW OF GUARDIAN *AD LITEM* TRAINING

We contacted national associations and reviewed selected state statutes and guidelines to determine the nature, if any, of nationally-accepted guardian *ad litem* training requirements. The National Court-Appointed Special Advocates Association (NCASAA) has developed minimum standards for its member

Each county delivers training for its guardians, resulting in inconsistent standards and requirements.

organizations and recommended practices for other volunteer guardian *ad litem* programs. In Minnesota, the *Guidelines* developed in 1986 make suggestions for a minimum amount of guardian training. Based on a review of the NCASAA recommendations and *Guidelines* we found that:

- **While some standards exist for certain types of guardians, there are no universal requirements for the basic training or continuing education of all guardians *ad litem*.**

The NCASAA standards are designed to encourage consistent quality in volunteer guardian programs. At a minimum, NCASAA requires its member programs to have a written training curriculum. Volunteers must successfully complete a minimum of 15 hours of initial training which includes instruction on the court and child welfare systems, child abuse and neglect, relevant state and federal laws, permanency planning, cultural awareness, and guardian *ad litem* roles and responsibilities.¹ The Minnesota Association of Guardians *Ad Litem*, Inc. (MAGAL), a statewide organization for guardians, is a member of NCASAA. Guardian programs in eight Minnesota counties (Blue Earth, Carlton, Crow Wing, Hennepin, Olmsted, Ramsey, St. Louis, and Washington) are members of NCASAA and subject to its minimum standards.

As shown in Table 5.1, NCASAA also strongly recommends that volunteer guardian *ad litem* programs (1) provide 40 hours of initial training using its Comprehensive Training Program,² (2) a minimum of 10 hours continuing or in-service training per year, and (3) ongoing training on how guardian *ad litem* programs operate for attorneys involved in cases with volunteer guardians. While NCASAA training standards focus on juvenile court proceedings, they can also be applied to family court.

Minnesota's *Guidelines* state that prior to assignment of a first case, guardians "should be provided training that will equip them with the information and skills to allow them to carry out their responsibilities." The *Guidelines* suggest that "a formal orientation program of 18 to 24 hours would familiarize guardians *ad litem* with the local court process and position responsibilities" and that "ongoing training is essential for the guardian *ad litem* to maintain his/her professional skills."³ But aside from encouraging guardians to receive continuing education and participate in monthly in-service training, the *Guidelines* do not recommend specific continuing education requirements for guardians.

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¹ National Court-Appointed Special Advocates Association, *Standards and Recommended Management Practices for CASA/GAL Programs*, January 1, 1992, 2-3.

² NCASAA's Comprehensive Training Program for guardians in juvenile court was developed in Minnesota. It began as a research project sponsored by the Minnesota Supreme Court Permanent Families Task Force. The task force determined that one way to address the issue of permanence for children was to respond to concerns raised about effective training of volunteer guardians. Nine major skills areas were defined and incorporated into the curriculum. With financial support from the National Council of Juvenile and Family Court Judges and the Edna McConnell Clark Foundation, the training program was pilot tested and adopted as a national model by NCASAA.

³ Minnesota Judges Association, *Guidelines*, 20.

Table 5.1: Existing Standards and Recommendations for Guardian Training

	<u>Basic Training</u>	<u>Continuing Education</u>
National Court-Appointed Special Advocates Association: Requirements for member volunteer guardian programs	15 hours	
Recommendations for other volunteer guardian programs	40 hours	10 hours
Minnesota <i>Guidelines</i> : Recommendation for Minnesota guardian programs	18-24 hours	

Sources: NCASAA, *Standards and Recommended Management Practices for CASA/GAL Programs*, January 1, 1993; Minnesota Judges Association, *Guidelines for Guardians Ad Litem*, June 1986.

Minnesota's *Guidelines* do not recommend specific continuing education requirements for guardians.

We also examined national standards and Minnesota *Guidelines* for training curriculum and found:

- **There is more agreement on the curriculum for basic training than there is on standardized hourly training requirements.**

The NCASAA Comprehensive Training Program focuses on the following areas of instruction:

- Roles and responsibilities of a volunteer guardian *ad litem*
- Confidentiality and data practices
- Cultural awareness — understanding differences
- Child abuse and neglect — family and child dynamics
- Child development — states of growth and behavior
- Planning for a permanent, stable setting — child welfare system, community resources
- Communication and information gathering — report writing, interviewing techniques
- Juvenile court process — laws, operation of court system
- Advocacy — how to improve conditions for children

NCASAA also recommends that initial training include an opportunity to visit the courtroom to observe proceedings and that all new guardians receive copies of pertinent laws, regulations, and policies.

The Minnesota *Guidelines* suggest that initial training programs include many of the same topics recommended by NCASAA. In addition, the *Guidelines* suggest the guardian *ad litem* training curriculum include:

- Out-of-home placement issues with an emphasis on finding a permanent, stable home
- Types of petitions
- Role of various disciplines in family and juvenile court cases
- Custody issues
- Disabilities, such as chemical dependency, mental retardation, mental illness
- Minority rights
- Special needs of children
- Use of resources
- Program policies

In contrast to NCASAA's training program, the Minnesota *Guidelines* do not emphasize training related to advocacy skills or confidentiality and data practices. Also, while Minnesota's *Guidelines* stress training on minority rights, they do not specifically mention cultural awareness.

BASIC AND CONTINUING TRAINING REQUIREMENTS FOR GUARDIANS IN MINNESOTA

As noted earlier, responsibility for guardian training, like other guardian *ad litem* program components, has been delegated to individual counties. We surveyed judges, court administrators, and guardians to determine what training is required and what training is actually being provided in Minnesota counties. We found:

- **There are no uniform standards or requirements among Minnesota counties for either basic or continuing training for guardians *ad litem*.**

According to court administrators,

- **Thirty-three Minnesota counties do not have any basic training requirements for guardians.⁴**

Fifty-four Minnesota counties have some basic training requirements for guardians in juvenile and family court. Even among those counties with training requirements, the number of hours required for training varies from county to county. Table 5.2 shows that most (31) of the counties with basic training requirements require a minimum of 40 hours of training. Basic training requirements in family and juvenile court range from 4 to 50 hours. As shown in Figure 5.1, when examined by judicial district, there are no district-wide training requirements and counties with training requirements in the same judicial district

⁴ One county, Cass, has 40 hours of optional basic training.

Table 5.2: County Requirements for Guardian Training

	Basic Training	Continuing Education
Counties with no training requirements	33 ^a	57
Counties with some training requirements	54	30
Counties requiring: ^b		
40 hours of basic training	31	
20 hours of continuing training	5	
10 hours of continuing training	5	

^aCass County has optional basic training.

^bThese data represent the minimum hours required by most counties.

Many counties have no training requirements for guardians.

often have different minimum standards.⁵ The lack of training requirements in counties in the Ninth Judicial District, where most courts rely on paid attorneys or paid non-attorneys to provide guardian services, is particularly pronounced.

Some counties have different training requirements for family and juvenile court guardians. For instance, guardians in Hennepin County’s juvenile court must complete 40 hours of training, while family court guardians, who are usually attorneys, complete seven hours of training.⁶ Hubbard County requires family court guardians to complete 50 hours of training compared to 40 hours of required training for juvenile court guardians. Kandiyohi County requires all of its guardians to complete 36 hours of training for juvenile court; family court guardians complete an additional six hours of training.

When the numbers of guardians serving in each county are examined, we estimate that:

- **Nearly 16 percent of Minnesota’s guardians *ad litem* work in counties that do not have any requirements for basic training.**

About 58 percent of the guardians work in counties that require 40 or more hours of basic training and approximately 84 percent work in counties with some type of basic training requirement.⁷

When guardians were asked how many hours of basic training was required prior to their first case,

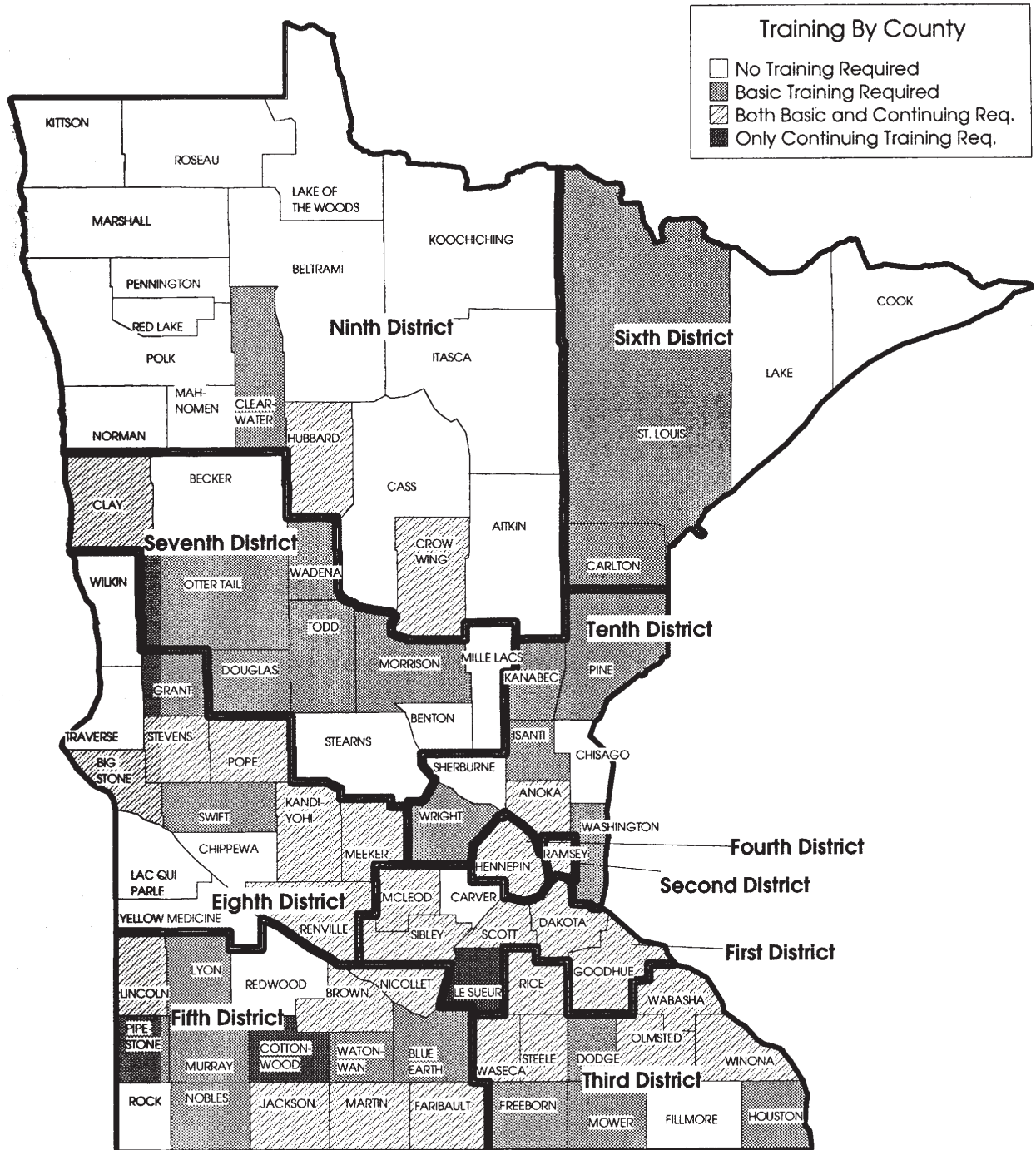
- **Nearly 17 percent of the state’s guardians *ad litem* reported that no basic training was required prior to their first case assignment.**

⁵ Ramsey County, whose boundaries are coterminous with the Second Judicial Court District, is an exception.

⁶ Hennepin County recently changed its training requirement for family court guardians. Beginning in 1995, paid attorney guardians in family court must complete 65 hours of basic training.

⁷ The estimate of guardians working in counties requiring 40 or more hours of training excludes 45 guardians *ad litem* serving in Hennepin County's family court.

Figure 5.1: Training Requirements for Guardians Ad Litem in Minnesota



Paid attorney guardians received less training than other types of guardians.

In contrast, nearly 57 percent of all guardians reported completing 40 or more hours of required training, while 83 percent of all guardians said they received some basic training. On average, guardians in Minnesota counties with training requirements reported completing 30 hours of training before accepting their first case. Volunteer guardians received more basic training than other types of guardian and paid attorney guardians received the least amount of training. Volunteers guardians in Hennepin and Ramsey counties reported an average of 38 and 37 hours of basic training respectively, followed by other volunteer guardians with 30 hours of basic training, paid non-attorney guardians with 25 hours, and paid attorneys guardians, including those in Hennepin County, with 4 hours.

One national study found that private attorneys serving as guardians *ad litem* received less training than volunteer guardians.⁸ Some court administrators told us that they either do not provide training to attorneys or that attorneys are not required to complete training. Some guardians and advocates expressed concern about the lack of specialized guardian training for attorneys, who comprised about 13 percent of the guardians we surveyed. Our survey results affirm the lack of training for attorneys. When asked about guardian training:

- **Over 44 percent of the practicing attorneys who serve as guardians reported that no training was required prior to their first case as a guardian.**

In contrast, only 14 percent of the guardians who were not attorneys said no training was required prior to their first case. Nearly 42 percent of the attorney guardians said they were required to complete 40 or more hours of training, compared to 60 percent for the guardians who were not attorneys.

Counties use a variety of methods to provide guardian training.

In addition to variation in guardian training requirements, counties use a variety of methods to provide basic training. One county requires only four hours of basic training, consisting entirely of in-service training. This compares to formalized 40-hour training programs with written curriculums. For example, Hennepin County juvenile court, Ramsey and Washington counties, and a number of other counties use a modified version of the NCASAA Comprehensive Training Program. Several counties contract with other counties for guardian training. For instance, Carlton, Nicollet, Kandiyohi, and Washington counties provide training for guardians from other counties, usually those with few guardians and small caseloads. In some counties, training is provided by the guardian *ad litem* program coordinator or an experienced guardian. Finally, private providers of guardian services, such as Guardian *Ad Litem* Services, Inc., train their own guardians. Responses from court administrators indicate that basic training requirements can differ from county to county even though the training is provided by the same private provider.

Although Minnesota counties are not consistent in requiring a minimum amount of basic training, this does not mean that comprehensive training programs are not

⁸ U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, *Final Report on the Validation and Effectiveness Study of Legal Representation Through Guardian Ad Litem* (Washington, D.C.: National Clearinghouse, 1994) 4-18 to 4-20.

available within the state. While we did not evaluate individual training programs, we were told about many training programs in Minnesota that program coordinators and guardians consider satisfactory models. Some examples include the training programs used in Ramsey and Washington counties, Hennepin County juvenile court, and Goodhue County.

We asked court administrators about continuing education requirements for guardians, and we found that:

- **Fifty-seven Minnesota counties do not have continuing education requirements for guardians.**

As shown in Table 5.2, thirty Minnesota counties require guardians to participate in continuing education. Court administrators from 23 of these counties identified specific requirements ranging from 6 to 60 hours of continuing education annually, for an average of 20.5 hours annually. The counties that require guardians to participate in continuing education account for an estimated 62 percent of all guardians in the state; two-thirds of these were from Hennepin and Ramsey counties. We also found that several counties, which did not require basic training, have requirements for continuing education.⁹ Some court administrators told us that, although they do not require continuing education, they encourage guardians to participate in additional training opportunities.

We also surveyed guardians about their continuing education requirements. While many guardians reported that they seek out continuing education opportunities, and we found that:

- **Nearly 59 percent of the guardians *ad litem* said they were not required to take any continuing education.**

Approximately 41 percent of the guardians responded that some continuing education was required annually. The most common response was ten hours of required continuing training annually reported by 16 percent of all guardians. Guardians received an average of 6 hours of continuing training annually. Volunteer guardians, including Hennepin County volunteers, received 8 hours of continuing training on average, followed by paid non-attorney guardians with 6 hours, and Ramsey County volunteer guardians with 5 hours of continuing training. Paid attorney guardians, including those in Hennepin County, did not report any continuing training.

TRAINING CURRICULUM FOR GUARDIANS IN MINNESOTA

We used the training curriculum suggestions contained in the 1986 *Guidelines*, supplemented with topics from the NCASAA curriculum (such as cultural awareness and advocacy skills), to identify priorities for both basic and continuing

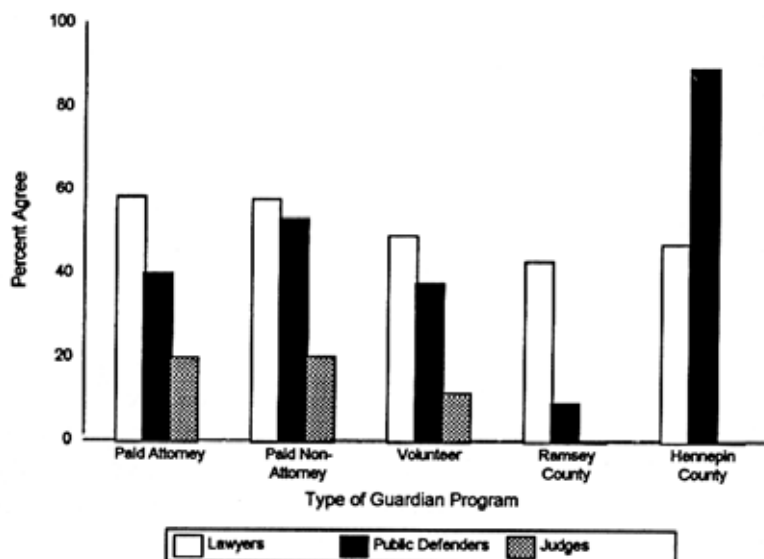
⁹ These counties are LeSueur, which reported requiring 20 hours of continuing training annually, and Cottonwood, which did not specify its continuing training requirement.

Judges think that guardians are adequately trained, but one-half of family practice lawyers and public defenders disagree.

training. We asked judges and lawyers to identify areas in which they thought guardians needed training, and we asked guardians what types of training they had received and desired.¹⁰

Judges, family practice lawyers, and public defenders disagreed on whether or not guardians were adequately trained and well informed about legal issues. While most judges responding to our survey agreed that guardians are adequately trained, one-half of family practice lawyers and public defenders said that guardians are not adequately trained. These general trends hold true across different types of guardian programs, with the following exceptions. As shown in Figure 5.2, all judges in Ramsey and Hennepin counties agreed that guardians are adequately trained, and over 89 percent of the public defenders in Hennepin County said that guardians are not adequately trained.

Figure 5.2: Percent of Lawyers, Public Defenders, and Judges Agreeing that Guardians Are Not Adequately Trained



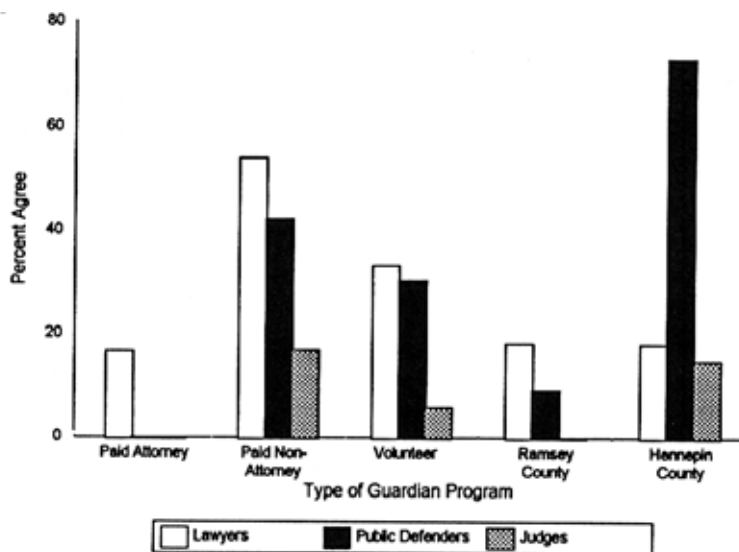
Note: Data from Ramsey and Hennepin counties are evaluated separately. Judges and attorneys were asked to "indicate how strongly you agree or disagree with the statement: guardians are usually not adequately trained."

Source: Office of the Legislative Auditor.

Similarly, nearly all judges agreed that guardians are well informed about legal issues, but 30 percent of the family practice lawyers and 42 percent of the public defenders responded that guardians were not well informed about legal issues. When examined by type of guardian as shown in Figure 5.3, judges, lawyers, and public defenders agreed that paid non-attorney guardians, followed by volunteer guardians, were not as well informed about legal issues as paid attorney guardians. Nearly 73 percent of the public defenders in Hennepin County responded that guardians are not well informed about legal issues.

¹⁰ We also asked court administrators to identify the number of hours of training received for each topic area. But, incomplete responses to this question made this data unusable.

Figure 5.3: Percent of Lawyers, Public Defenders, and Judges Agreeing that Guardians Are Not Well Informed About Legal Issues



Note: Data from Ramsey and Hennepin counties are evaluated separately. Judges and attorneys were asked to "indicate how strongly you agree or disagree with the statement: generally, guardians are not well informed about the legal system."

Source: Office of the Legislative Auditor.

The judges' confidence that guardians were adequately trained is also reflected in their responses to what training guardians need. Only one-half to two-thirds of the judges replied that new guardians need basic training in areas directly related to their roles and responsibilities, courtroom procedures and legal process, and other related topics. Similarly, less than 15 percent of the judges thought guardians needed continuing training.

We found that many of the topics in which judges and lawyers believe guardians need basic training are topics in which guardians reported that they currently receive training. But there were also some inconsistencies between basic training that judges and lawyers believe guardians need and the training guardians reported receiving. For instance, according to national literature, one of the primary roles of a guardian *ad litem* is to serve as an advocate for the best interests of the child. Yet, Minnesota's *Guidelines* do not list advocacy skills as part of its suggested guardian training curriculum. As shown in Table 5.3, only 36 percent of the judges replied that guardian training in advocacy skills is needed, and only two-thirds of the guardians reported receiving training in advocacy skills. Other inconsistencies include:

- **While judges, family practice lawyers, and public defenders consider training in alcohol/chemical abuse an area where guardians need training, only 61 percent of the guardians received training in this area.**

- **Seventy-five percent of the guardians reported receiving training in program policies and interviewing children, topics closely related to guardian duties, but only 45 percent of the judges thought training was needed in these areas.**

Table 5.3: Guardian Ad Litem Training Needed and Received

Training Topic	Basic Training				Continuing Education			
	Training Needs Cited By ^a				Training Needs Cited By ^a			
	Judges ¹	Family Practice Lawyers	Public Defenders	Training Received by Guardians ^b	Judges ¹	Family Practice Lawyers	Public Defenders	Training Received by Guardians ^b
Advocacy skills	36.4%	52.7%	40.9%	66.9%	5.7%	22.9	18.2	39.5%
Alcohol and chemical abuse	63.6	73.6	68.6	60.8	5.0	31.4	40.9	49.6
Child development	49.3	64.3	57.2	73.3	14.3	48.4	47.8	50.1
Conflict resolution	42.9	60.5	58.5	57.6	11.4	43.0	50.3	40.5
Courtroom procedures/legal process	70.2	64.2	81.3	8.6	35.7	43.4	40.5	
Cultural awareness	51.4	62.4	62.3	71.2	9.3	29.5	52.8	65.1
Custody issues	46.4	67.4	64.8	66.9	12.1	52.7	47.2	43.5
Disability/cultural awareness	47.1	60.5	61.0	63.2	9.3	29.1	47.2	50.9
Effects of child abuse and neglect	53.6	65.5	51.6	75.7	7.1	48.1	47.2	59.7
Family dynamics	50.0	63.2	60.4	64.3	10.0	40.7	50.3	43.2
Interviewing children	45.0	67.4	59.1	75.5	13.6	57.0	49.7	40.5
Interviewing skills	50.7	60.5	54.1	78.7	10.0	41.9	29.6	37.9
Minority rights	50.7	55.8	57.9	61.6	6.4	20.9	35.2	34.7
Out of home placement	52.9	56.6	61.0	73.3	10.0	35.7	47.2	39.5
Permanency planning	43.6	48.4	52.5	66.7	12.9	26.7	42.1	41.1
Program policies	45.7	49.6	50.3	75.7	3.6	17.4	20.8	39.5
Public speaking	24.3	31.4	37.1	21.9	3.6	8.1	11.3	9.9
Role and responsibilities of guardians	63.6	77.1	69.8	83.5	10.0	48.4	56.96	49.9
Roles of other professionals	62.9	62.4	64.2	69.9	3.6	27.1	41.5	34.7
State laws and regulations	52.9	64.0	58.5	73.9	8.6	37.2	38.4	50.1
Stress management skills	36.4	42.2	35.8	38.7	8.6	21.3	21.4	24.3
Time management	30.7	40.7	33.3	33.3	5.7	14.7	13.8	14.1
Types of petitions	62.9	57.8	59.1	71.5	5.0	17.4	17.0	24.5
Use of resources	41.4	54.7	49.7	71.2	10.0	25.6	23.9	42.7
Writing skills	41.4	47.7	44.7	44.0	4.3	15.5	15.5	21.9

^aPercentage of judges and attorneys who believe guardian *ad litem* training is needed in each topic.

^bPercentage of guardians *ad litem* who reported receiving training in each topic.

Note: Judges and attorneys were asked to “check the appropriate box to indicate the areas in which you believe (a) All new Guardians *Ad Litem* need BASIC training, (B) Most acting Guardians *Ad Litem* need ADDITIONAL training.”

Guardians were asked to “check the appropriate box to indicate those areas in which:
 You received BASIC training before beginning to act as a Guardian *Ad Litem*
 You received or had available ADDITIONAL or CONTINUING training

- **Two-thirds of family practice lawyers and public defenders identified custody issues as an area in which guardians need training, and two-thirds of the guardians said they received training on custody issues. However, less than one-half of the judges agreed that guardians need training in this area.**

These differences could reflect the absence of uniform training standards among counties across the state. They might also indicate that the lack of clearly articulated roles and responsibilities for guardians in counties across the state.

When examined by type of guardian, more of volunteer guardians received training in nearly every curriculum topic than either paid non-attorney or paid attorney guardians. For example, over 80 percent of volunteer guardians received training in roles of guardians, types of petitions, courtroom procedures, and cultural awareness. In contrast, fewer paid attorney guardians reported receiving training than other types of guardian. Except in the areas of state laws and regulations and writing skills, less than 50 percent of the paid attorney guardians received training in the areas examined. Generally, the proportion of paid non-attorney guardians receiving training fell between volunteer guardians and paid attorney guardians.

When guardians were asked in what areas they wanted to receive basic training, their responses focused on the legal process, such as types of petitions, courtroom procedures, state laws and regulations, and minority rights. The type of basic training desired varied by type of guardian. Paid attorney guardians indicated an interest in training on the roles of guardians and other professionals, advocacy skills, alcohol/chemical abuse, child development, family dynamics, and minority rights. In contrast, volunteer and paid non-attorney guardians said they wanted training in types of petitions, state laws and regulations, courtroom procedures/legal process, and out-of-home placement.

In the area of continuing education, most guardians said they received continuing training in cultural awareness, the effects of child abuse, disability/cultural awareness, and child development. We also found that:

- **About one-half of the guardians who reported receiving continuing education in various curriculum topics were not required to take continuing education.**

Our survey results indicate that about two-thirds of the volunteer guardians, including those in Hennepin County, and paid non-attorney guardians said they participated in continuing training that either was not required or that went beyond the minimum number of hours required.

The one curriculum item not mentioned in either the NCASAA program or in Minnesota's *Guidelines* is domestic abuse. In our interviews and in survey responses from guardians and attorneys, people have repeatedly expressed concern about the lack of guardian training on issues of family violence. The federal Child Abuse and Prevention Act required states to appoint guardians *ad litem* in cases involving child abuse, so most training has focused on the effects of child abuse and neglect. Based on our review of existing training programs, we found:

Paid attorney guardians want training on social issues and other guardians want training on legal procedures.

- **Guardians have received little basic or continuing training on domestic abuse and its effects on children and victims.**

The guardian *ad litem* system is properly a function of the judicial branch of government and most of the solutions to problems we found should come from the courts. We recommend that:

- **The Supreme Court should adopt a minimum hourly basic training requirement for all guardians *ad litem*, including attorneys, before assignment of their first case and a minimum hourly annual continuing education requirement.**

Based on our review of national training standards and existing hourly training requirements and curricula in Minnesota, we suggest that the Supreme Court consider requiring a minimum of 40 hours of basic training and 10 hours of continuing training annually. The Supreme Court should be responsible for implementing these requirements, including determining the content of such training and developing provisions for waivers of certain training program components based on previous training completed. Further we recommend:

- **The Supreme Court should provide basic and continuing training for guardians. The Court should allow those counties with adequate training programs already in place to continue to operate them.**
- **The Supreme Court should develop guidelines for guardian *ad litem* basic training and continuing education curricula. The guardian *ad litem* training curricula should include a component on family violence.**

Most of the guardians *ad litem* in Minnesota receive some basic training. All of the outstate Minnesota judicial districts have at least one county that does not require any basic guardian training. The Ninth Judicial District in northwest Minnesota, however, represents the largest block of counties without any basic training requirement. The guardians working in these counties are either attorney or non-attorney guardians. We encourage the Supreme Court to explore the feasibility of providing district-level training for those counties with few guardians and small caseloads that are unable to provide it themselves, focusing first on the Ninth Judicial District.

Finally, we recommend that:

- **The Supreme Court should work with the Minnesota State Bar Association to provide education on the purpose and roles of guardians *ad litem* in family and juvenile court.**

As noted earlier, some parents are confused about the roles of guardians. Family practice lawyers could provide valuable information to their clients on the roles and responsibilities of guardians *ad litem* and what a parent should expect if a guardian is appointed to represent the best interest of their child(ren).

The Supreme Court should consider requiring a minimum of 40 hours of basic training and 10 hours of continuing training.

SUMMARY

Adequate basic and continuing training is essential for guardians *ad litem* to be effective. While some national standards for training have been suggested for volunteer guardians, there are no universal training requirements for guardians. In Minnesota, responsibility for guardian training has been delegated to court districts and counties, resulting in a lack of uniform standards or requirements for either basic or continuing training. We found that 33 counties do not have minimum requirements for basic training and 57 counties lack standards for continuing education. Nearly one-fifth of all guardians reported that no basic training was required prior to their first case assignment and over one-half (59 percent) are not required to take any continuing training. Volunteer guardians received more basic training than any other type of guardian and paid attorney guardians received the least amount of training.

While judges appear to have confidence in guardians and believe they are adequately trained, nearly one-half of all family practice lawyers and public defenders agreed with the statement that “guardians are usually not adequately trained.” People told us that attorney guardians, while knowledgeable about the law, should receive training on complex social issues which bring many families into the courtroom. Many non-attorney guardians also expressed a desire for more training in legal procedures. Specifically, as noted in Chapter 3, non-attorney guardians need additional training on how to communicate properly with judges. We recommend that the Supreme Court develop minimum hourly requirements and guidelines for guardian *ad litem* basic and continuing training.