



THE SUPREME COURT OF MINNESOTA  
25 CONSTITUTION AVENUE  
SAINT PAUL, MINNESOTA 55155

SUE K. DOSAL  
STATE COURT ADMINISTRATOR

(612) 296-2474

February 16, 1995

James R. Nobles, Legislative Auditor  
Office of the Legislative Auditor  
Centennial Building  
St. Paul, MN 55155

Dear Mr. Nobles:

Thank you for this opportunity to respond to your examination of Minnesota's guardian *ad litem* services.

Both the Minnesota judicial system and the legislature have a strong interest in assuring that guardian *ad litem* services are delivered in an efficient and effective manner; that guardians are recruited, screened, and trained to fulfill the responsibilities with which they are charged, and that adequate mechanisms for the supervision and discipline of guardians are available. This report examines thoroughly the development of guardian *ad litem* services in the State of Minnesota and identifies key issues which require our attention.

Historically, the choice of the guardian delivery model and issues relating to training, supervision, discipline, and removal of guardians have been local prerogatives dependent upon the varying human and fiscal resources available to the counties, which have been charged by the Legislature with the funding responsibility for these programs. While this delivery system has functioned reasonably well in the Child in Need of Protective Services (CHIPS) cases, in recent years we have witnessed greater criticism of guardians *ad litem*s as their services have been increasingly used in family law cases. The need for an objective evaluation of the best interest of the child regarding custody, visitation, and support, especially in the light of zealous advocacy by the parental parties to a dissolution action, is essential to the judge who must decide what the future will hold for the child. Undoubtedly, much of the criticism arises, not from the guardian's performance *per se*, but from the circumstances in which the need for the appointment of a guardian occurs. At the same time, the perception by some of a special relationship between the guardian and the judge, the lack of supervision by someone other than the judge making the appointment, the failure to clearly articulate the role and responsibilities of the guardian in all judicial appointment orders, and the insufficiency of complaint mechanisms regarding guardian behavior are issues which concern the

judiciary and which we agree should be addressed.

As you are aware, many of the recommendations made by your office in this report are the subject of current court initiatives. In particular, the need for uniform policies on the roles and responsibilities of guardians, providing essential direction for guardians, judges, and litigants, has been of particular concern to the court and it has begun taking steps to meet those needs. In addition, the judiciary has recognized the immediate need for uniform, statewide guardian ad litem basic and continuing education, especially as new policies and practices are implemented. Issues relating to selection, supervision and monitoring of the work of guardians, particularly where established program coordinator positions do not exist also must be addressed. These issues have been identified in the judiciary's FY96-97 budget request.

The recommendation mandating written guardian *ad litem* reports requires mention. While we recognize the value and importance of prior notice of the guardian's recommendations and sources of information to parties and their attorneys, the requirement that all reports be in writing poses a significant resource problem, particularly to volunteer programs and especially in Hennepin County. Issues of resource limitations undoubtedly may limit or affect the timing of the implementation of this and other report recommendations.

The judiciary is committed to finding adequate solutions to the problems identified in your report to ensure that the effective, efficient, and responsible delivery of guardian *ad litem* services is enhanced to the benefit of the litigants, attorneys, guardians, courts, and, most especially, to the children who are subject to the jurisdiction of the state judicial system.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue K. Dosal". The signature is fluid and cursive, with the first name "Sue" being the most prominent.

Sue K. Dosal  
State Court Administrator

SKD:sjr