

Hear it From the Judge

Judge Randall J. Slieter

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8th Judicial District Judge

Olivia, MN

What is a Guardian for the Case?

Many cases that come before the Court involve children who are unable to speak for themselves and may be at odds with their parents. It is these cases in which the Court appoints a guardian ad litem or, guardian for the case. What does this mean? How long does this appointment last? Who becomes a guardian?

A guardian ad litem is a person who is appointed by the Court to advocate for the best interests of the child during the course of that case. The phrase – ad litem – derives from Latin and means – for the suit. Thus, the guardian serves until the case is complete. This fact is a primary difference from a separate proceeding in probate Court in which a guardian may be appointed to act on someone’s behalf on a long term basis.

The primary type of case in which a guardian ad litem is appointed is in child protection cases. The other common areas of law to which appointment may occur are divorce proceedings. In all cases, the guardian ad litem is obligated to follow the rules of Court and may not serve as attorney for the child.

To qualify as a guardian ad litem, one must meet the standards as set forth by the Office of State Court Administrator. As noted on the State Court website, a guardian ad litem is defined as “professionals who are paid staff people or volunteers and are appointed by the Juvenile or Family Court to represent a maltreated child’s best interests in court proceedings.” Among other goals of the guardian ad litem program is to ensure the “most vulnerable children ... are the top priorities of the entire state court system.”

To be considered as a guardian ad litem a person must have a college degree in psychology, social work, education, nursing, law, or child-related discipline or have an equivalent combination of training, education or experience. Additional requirements may seem self evident. This person must have an interest in children, have good listening and writing skills, have knowledge and appreciation of ethnic and cultural differences, be able to maintain confidentiality and to relate to family and other individuals involved in a case.

One additional area of qualification that may be most critical is the ability to utilize common sense and good judgment in very traumatic situations. For more information on program details, please visit www.mncourts.gov

Guardians ad litem are considered a party to child protection cases. Therefore, the guardian is able to take part in all Court proceedings and to speak directly to the Judge about what she or he believes to be in the child's best interests.

In these difficult cases involving children, the Guardian ad litem is one of the most important parties involved in the case. We are fortunate in the Minnesota judicial system to have very capable guardians ad litem.