



DATE: September 24, 2018

TO: Members, Legislative Study Committee on Child Placement and Support

FROM: Amber Peterson, Legal Advisor
Director of State Courts Office of Court Operations

SUBJECT: Training Requirements for Judges and Guardians ad Litem

This memorandum summarizes the requirements for judicial and guardian ad litem training under Supreme Court Rules 32 and 35. It also includes information on trainings they have received specific to domestic violence in family law cases.

Judicial Education

Judicial Education Requirements

The requirements for judicial education are governed by Supreme Court Rule 32. Judges are required to earn 60 credits during their 6-year term by participating in programs approved by the Judicial Education Committee. (SCR 32.02(1)) Credits may be earned by attending in-state or national education programs. (SCR 32.03) One credit is awarded for each half-day attendance at an in-state educational program and the Judicial Education Committee determines how many credits to award for an out-of-state program. (*Id.*) During each 6-year period, a judge shall attend at least once the Wisconsin Judicial College, the Criminal Law and Sentencing Institute, and a prison tour. (SCR 32.04)

The Judicial Education Committee consists of the following members (SCR 32.01):

1. Chief Justice or his/her designee
2. Chief Judge of the Court of Appeals or his/her designee
3. Director of State Courts
4. 2 Circuit Court Commissioners
5. 8 Circuit Court Judges
6. Deans of the University of Wisconsin and Marquette Law Schools or their designees
7. Dean of the Judicial College

Judicial Training on Domestic Violence

The Director of State Courts Office receives STOP grant funds from the US. Department of Justice's Office on Violence against women to provide training and resources for judges on handling cases involving domestic violence and sexual assault. Past training efforts and resources on domestic violence in family law cases include:

1. Sending approximately 10 Wisconsin judges each year to a four-day intensive training on domestic violence provided by the National Judicial Institute on Domestic Violence.
2. 7 one-day trainings for judges and court commissioners on the effects of domestic violence on children in family law cases held in fall 2018.
3. Presentations at Judicial Education programs including the 2016, 2017, and 2018 Family Law Seminars and the 2017 Judicial College.
4. Presentations and district judges meetings on the *Domestic Abuse Guidebook for Wisconsin Guardians ad Litem*.
5. Domestic violence benchcards for judges and court commissioners that address domestic violence considerations in family, criminal, and civil cases.
6. A chapter on Abuse/Harassment in the Family Law Benchbook

Guardian ad Litem Education

Guardian ad Litem of a Minor Education Requirements

The requirements for guardian ad litem (GAL) education are governed by Supreme Court Rule 35. To practice as a GAL in family cases, the lawyer must attend 6 hours of GAL education during his/her 2-year reporting period. (SCR 35.015(1)) At least 3 of the 6 hours must be family court GAL education. (*Id.*) The board of bar examiners approves GAL trainings if the trainings cover the role and responsibilities of the GAL and are designed to increase the attorney's competence to act as a GAL for a minor. (SCR 35.03(1)) Approved GAL training for those appearing in family court may be on any of the following subject areas (SCR 35.03(1m)(a)):

1. Proceedings under Chapter 767 (Actions Affecting the Family)
2. Child development and the effects of conflict and divorce on children
3. Mental health issues in divorcing families
4. Dynamics and impact of family violence
5. Sensitivity to various religious backgrounds, racial and ethnic heritages, and issues of cultural and socioeconomic diversity

Guardian ad Litem Training on Domestic Violence

In 2017, the Governor's Council on Domestic Abuse and End Domestic Abuse Wisconsin released a guidebook for GALs to educate them on how to handle cases with domestic violence. The guide, titled *Domestic Abuse Guidebook for Wisconsin Guardians ad Litem* is posted online:

<https://www.wicourts.gov/publications/guides/index.htm>. Since its release, End Domestic Abuse has provided approximately 10 trainings throughout the state for GALs and family attorneys.