

CHAPTER SCR 36

ELIGIBILITY FOR APPOINTMENT AS GUARDIAN AD LITEM FOR AN ADULT

SCR 36.01 Eligibility to accept an appointment.
 SCR 36.02 Effect of acceptance.

SCR 36.03 Approval of guardian ad litem education.

Note: SCR Chapter 36 was created July 1, 2004; amended July 1, 2012.

SCR 36.01 Eligibility to accept an appointment. Commencing on July 1, 2004, a lawyer may not accept an appointment by a court as a guardian ad litem for an adult in an action or proceeding under chs. 54 or 55, stats., unless any of the following conditions have been met:

(1) The lawyer has attended 30 hours of guardian ad litem education approved under SCR 36.03.

(2) The lawyer has attended 6 hours of guardian ad litem education approved under SCR 36.03 during the combined current reporting period specified in SCR 31.01 (7) at the time he or she accepts an appointment and the immediately preceding reporting period.

(3) The appointing court has made a finding in writing or on the record that the action or proceeding presents exceptional or unusual circumstances for which the lawyer is otherwise qualified by experience or expertise to represent the best interests of the adult.

History: Sup. Ct. Order No. 03–03, 2004 WI 3, 267 Wis. 2d xiii; Sup. Ct. Order No. 03–03A, 2012 WI 13, 339 Wis 2d xli.

SCR 36.02 Effect of acceptance. A lawyer’s acceptance of appointment as a guardian ad litem for an adult in an action or proceeding under chs. 54 or 55, stats., constitutes the lawyer’s representation to the appointing court that the lawyer is eligible to accept the appointment under SCR 36.01 and is governed by SCR

20:3.3.

History: Sup. Ct. Order No. 03–03, 2004 WI 3, 267 Wis. 2d xiii; Sup. Ct. Order No. 03–03A, 2012 WI 13, 339 Wis 2d xli.

SCR 36.03 Approval of guardian ad litem education.

(1) The board of bar examiners shall approve courses of instruction at a law school in this state and continuing legal education activities that the board determines to be on the subject of the role and responsibilities of a guardian ad litem for an adult or on the subject matter of proceedings under chs. 54 or 55, stats., and that are designed to increase the attendee’s professional competence to act as guardian ad litem for an adult in those proceedings. The board of bar examiners may approve courses of instruction or continuing legal education activities that are conducted after January 1, 1995.

(2) The board of bar examiners shall designate, under SCR 31.05 (3) and 31.07, the number of hours applicable to SCR 36.01 (1) and (2) for each approved course of instruction and continuing legal education activity.

(3) Approval of a course of instruction or continuing legal education activity under sub. (1) constitutes approval of that course or activity for purposes of continuing legal education under SCR ch. 31.

(4) The procedure for obtaining approval of courses of instruction and continuing legal education activities is specified in SCR 31.08.

History: Sup. Ct. Order No. 03–03, 2004 WI 3, 267 Wis. 2d xiii; Sup. Ct. Order No. 03–03A, 2012 WI 13, 339 Wis 2d xli.