

Petition to Amend Supreme Court Rule 35.015 (intro.) and (1), Relating to Qualifications for Appointment as a Guardian ad Litem in an Action Affecting the Family

My name is Kay Johnson and I am commenting from my own experience and also on behalf of 5 other parents from Wisconsin. I worked with these parents as either a coach or an expert witness on their family court cases. All cases were considered "high-conflict" and each had a guardian ad litem appointed. Without exception, every GAL, ignored or misinterpreted critical evidence concerning factors for determining placement and custody, including domestic abuse. Recommendations from the GAL were adopted by the Judge and resulted in significant trauma to the children and stripped the non-offending parent of regular and meaningful placement, without due process.

We oppose amending SCR 35.015 (intro) and (1) for the following 3 reasons.

1. Enacting this rule change masks the long-standing problem that attorneys, even with the additional training, struggle to meet the responsibilities of a guardian ad litem (GAL).

GALs are appointed to the most difficult, challenging, and potentially harmful cases in family court. The court knows that there is concern about the welfare of the child from the start. These cases, commonly referred to as "high-conflict", need GALs who are able to identify all types of adversities (16 factors) that contribute to childhood trauma and bring these issues to the attention of the court.

2. Enacting this rule change will not improve the performance of GALs.

The rules and statutes already reflect the importance of investigating for domestic abuse. In addition, Wisconsin has provided GALs with ample training opportunities and comprehensive resources to help them become competent in this area. Many have already attended 3 or more hours of training on domestic abuse/violence. Yet, from our experience, GALs still marginalize or ignore it. It would improve performance, if GALs were held accountable to investigate domestic abuse and all of the critical factors.

3. Today's high-conflict family courts require a GAL who has a comprehensive understanding of factors affecting families that go far beyond what can be legislated to lawyers by hours.

High-conflict cases are the very cases in which parents and children are being traumatized. The GAL is the one person who can alert the court to concerns that impact the mental and physical well-being of the child. This absolutely includes domestic violence, but it includes much more.

Lawyers may be less qualified to practice as GALs than individuals, whose primary profession already includes education in child development and trauma on children who are exposed to the common adversities seen in family court such as parental conflict, parental mental health, loyalty binds, dysfunctional family dynamics and family violence. It makes perfect sense to allow professionals who can bring all the desired educational credentials into the court's team to be appointed as GALs. These candidates may be social workers, counselors, psychologist, who can be required to take 6 hours of family law processes and procedures.

Respectfully Submitted,



Kay A Johnson