

FREQUENTLY ASKED QUESTIONS
GUARDIANS AD LITEM FOR INCAPACITATED PERSONS PROGRAM
PURSUANT TO CHAPTER 20 OF TITLE 64.2

1. What are the basic requirements to become qualified as a guardian *ad litem* for incapacitated persons?

- Be an active member in good standing of the Virginia State Bar.
- Complete the six-hour required course, “Representation of Incapacitated Persons as a Guardian *Ad Litem*,” offered by Virginia CLE. *There are no substitutions for this course.*
- Demonstrate familiarity with the court system and a general background in guardianship law by completion of one of the following:
 - Provision of assistance to one qualified guardian *ad litem* for an incapacitated person in two cases in the circuit court; or
 - Service as counsel for the petitioner in two cases involving an incapacitated person in the circuit court; or
 - Appointment by the circuit court as a guardian or conservator for an incapacitated person in two cases.
- Demonstrate proficiency in the representation of incapacitated persons by submitting a Nomination Certificate signed by the qualified guardian *ad litem* you have assisted in two cases in the circuit court, or, in lieu of serving as counsel for the petitioner in two cases or appointment as a guardian or conservator in two cases, a Nomination Certificate signed by one circuit court judge before whom you have appeared.
- Send a letter to the Office of the Executive Secretary, Supreme Court of Virginia, requesting qualification and including the judicial circuits in which you would like to accept appointments as a guardian *ad litem*.

2. How long do I have to complete the basic requirements for qualification as a guardian *ad litem* for incapacitated persons?

All initial qualification requirements must be completed within the two-year period immediately prior to the date you request initial qualification as a guardian *ad litem*.

3. What documentation does the Supreme Court of Virginia require for initial qualification as a guardian *ad litem* for incapacitated persons?

- A **letter** requesting qualification, and which states the judicial circuits in which you would like to accept appointments as a guardian *ad litem*.
- If applicable, **written certification of your familiarity with the court system and a general background in guardianship law** as required by Standard I.B.4.d of the Standards to Govern the Appointment of Guardians *Ad Litem* for Incapacitated Persons.
- **Nomination Certificate**
 - If complying with the provision of assisting one qualified guardian *ad litem* for an incapacitated person in two cases, a **Nomination Certificate signed by the qualified guardian *ad litem* whom you assisted.**
 - In lieu of certifying your familiarity with the court system and a general background in guardianship law, as it relates to (i) serving as counsel for the petitioner in two cases involving an incapacitated person in the circuit court, or (ii) being appointed by the circuit court as a guardian or conservator for an incapacitated person in two cases, a **Nomination Certificate signed by one circuit court judge before whom you have appeared.**

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- **Certification of Attendance form** for the Virginia CLE course, “Representation of Incapacitated Persons as a Guardian *Ad Litem*.”

4. Where do I obtain the necessary qualification forms?

Forms are included in the notebook provided at the initial course, “Representation of Incapacitated Persons as a Guardian *Ad Litem*.” Forms are also available online at: www.vacourts.gov, specifically under the “Forms” section that is in the Guardians Ad Litem for Incapacitated Persons webpage.

5. For what period of time is my initial qualification valid?

Initial qualification is valid for a period of two years.

6. How do I maintain my qualification as a guardian *ad litem* for incapacitated persons?

- Complete six hours of approved continuing education every two years on topics related to the representation of incapacitated persons as a guardian *ad litem*.
- Certify attendance using the secure online Guardian Ad Litem Information System (GALIS) by logging in to the Virginia State Bar’s website at https://www.vsb.org/Site/Sign_In using your email address of record and password; or
- File a certification of attendance form with the Office of the Executive Secretary, Supreme Court of Virginia, for each approved course.

7. How will I know if a course has been approved for credit?

A list of courses approved for continuing education credit for guardians *ad litem* is available online at: <https://www.courts.state.va.us/courtadmin/aoc/cip/programs/gal/adult/home.html>, specifically by accessing the link entitled, “Continuing Education Courses for GALs for Incapacitated Persons,” which is in the Guardians Ad Litem for Incapacitated Persons webpage.

If you are seeking information about a course that is not included on the list, please call 804-786-6455. If the course has not previously been submitted for credit approval, you will be asked to submit information outlined in Standard IV of the Standards to Govern the Appointment of Guardians *Ad Litem* for Incapacitated Persons.

8. Can CLE hours be carried over to the next qualification period?

No. To remain on the list of qualified guardians *ad litem*, 6 hours of continuing education credit must be completed within your two-year qualification period and reported to the Office of the Executive Secretary of the Supreme Court of Virginia by your qualification end date (i.e., If your qualification period is between January 1, 2023 and December 31, 2024, you must complete 6 hours of continuing education by December 31, 2024.). Failure to do so will result in your name being removed from the list of qualified guardians *ad litem*.

9. May I take the initial course, “Representation of Incapacitated Persons as a Guardian *Ad Litem*,” before I learn the results of my Bar Exam?

Yes, but you may not complete Standards I.2.a, I.2.b, I.2.c, I.3.ii, or request qualification as a guardian *ad litem*, before you are licensed.

10. May I take the initial course, “Representation of Incapacitated Persons as a Guardian *Ad Litem*,” and use it towards the 6-hour continuing education requirement?

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Yes. However, continuing education credit for repeating the initial course is approved only once within a 6-year period. After initial qualification, you may take the course for continuing education credit within your two-year qualification period, then not again for 6 years. *Thus, this initial course may not be completed every two years to fulfill the biennial continuing education requirement.*

How may I be reinstated if my name is removed from the list of qualified guardians *ad litem*?

You may be removed from the list of qualified guardians *ad litem* if (i) you submit a written request to be removed, (ii) you fail to meet the biennial continuing education requirement, or (iii) your license to practice law in Virginia is suspended or revoked by the Virginia State Bar. You may again be included on the list of attorneys eligible for appointment as a guardian *ad litem* by submitting to the Office of the Executive Secretary:

1. **Within five years** of being removed from the list, certification of attendance indicating completion of six hours of continuing education and that such continuing education was completed within the past two years.
2. **If more than five years pass** since removal from the list, you must complete the initial qualification process as outlined in Standard I of the Standards to Govern the Appointment of Guardians *Ad Litem* for Incapacitated Persons.