

**Rule 108. Guardian Ad Litem****Rule 108.01 Role of Guardian Ad Litem**

Whenever the court appoints a guardian ad litem, the guardian ad litem shall be furnished copies of all pleadings, documents and reports by the party or agency which served or submitted them. A party or agency submitting, providing, or serving reports and documents to or on a party or the court, shall provide copies promptly thereafter to the guardian ad litem.

Upon motion, the court may extend the guardian ad litem's powers as it deems necessary. Except upon a showing of exigent circumstance, the guardian ad litem shall submit any recommendations, in writing, to the parties and to the court at least 7 days before any hearing at which such recommendations shall be made. For purposes of all oral communications between a guardian ad litem and the court, the guardian ad litem shall be treated as a party.

(Amended effective January 1, 2005; amended effective January 1, 2020.)

**Rule 108.02 Guardian Ad Litem Not Lawyer for Any Party**

The guardian ad litem shall not be a lawyer for any party to the action.

**Cross Reference:** Minn. R. Civ. P. 17.

(Renumbered and amended effective January 1, 2005; renumbered from Rule 108.03 effective January 1, 2007.)

**Rule 108.03 [Renumbered Rule 108.02 effective January 1, 2007.]*****Task Force Comment - 1991 Adoption***

*This rule requires all discussions with a guardian ad litem regarding a case to be made as if the guardian ad litem were a party. It does not prohibit general discussions or briefing of guardians ad litem or potential guardians ad litem from taking place ex parte.*

*In personal injury actions, neither the lawyer nor any member of the lawyer's firm should be guardian. For the same reason, such a lawyer should not accept a referral fee with respect to the guardianship.*