

Rule 905. General Responsibilities of Guardians Ad Litem**Rule 905.01 Generally**

In every family court and juvenile court case as defined in Rule 901.01 in which a guardian ad litem is appointed, the guardian ad litem shall:

(a) conduct an independent investigation to determine the facts relevant to the situation of the child or incompetent adult and the child's parent, legal custodian, or other household or family member, which must include, unless specifically excluded by the court:

(i) reviewing relevant documents, which in the case of an adoption shall include the adoption study report and the post-placement assessment report upon order of the court to the extent permitted by Minnesota Statutes, section 259.53, subdivision 3, paragraph (b);

(ii) meeting with and observing the child in the home setting and considering the child's or incompetent adult's wishes, as appropriate; and

(iii) interviewing parents, caregivers, and others relevant to the case;

(b) advocate for the best interests of the child or incompetent adult by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

(c) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child or incompetent adult;

(d) monitor the best interests of the child or incompetent adult throughout the judicial proceeding; and

(e) present written reports on the best interests of the child or incompetent adult that include conclusions and recommendations, and the facts upon which they are based.

(Renumbered and amended effective January 1, 2005; amended effective January 1, 2007.)

Advisory Committee Comment - 2006 Amendment

The responsibilities of a guardian ad litem are the same for all appointments made under these Rules, regardless of case type.

Rule 905.02 Representation of Child's Parent or Legal Custodian

In every matter where the guardian ad litem is appointed to represent a parent or legal custodian under Rule 903.02, subdivision 3, the guardian ad litem shall perform the following responsibilities:

(a) conduct an investigation to determine the facts relevant to the situation of the minor parent or incompetent adult and the family, which must include, unless specifically excluded by the court:

(i) reviewing relevant documents;

(ii) meeting with and observing the minor parent or incompetent adult in the home setting and considering the minor parent's, or incompetent adult's wishes, as appropriate; and

(iii) interviewing parents, caregivers, and others relevant to the case;

(b) advocate for the minor parent's or incompetent adult's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

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(c) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the minor parent or incompetent adult;

(d) monitor the minor parent's or incompetent adult's best interests throughout the judicial proceeding; and

(e) present written reports on the minor parent's or incompetent adult's best interests that include conclusions and recommendations and the facts upon which they are based.

(Adopted and amended effective January 1, 2007.)