

CONTINUING EDUCATION

[9/15/07]

The following information is provided only as a synopsis of selected Guardian ad Litem Board rules relating to continuing education. It is not a verbatim recitation of those rules. Persons interested in information concerning continuing education should consult the rule provisions at issue, since it is those provisions that are controlling.

I. General Continuing Education Requirement for Renewals.

The Guardian ad Litem Board adopted rules relative to continuing education effective September 15, 2007. See **Part Gal 403**. In normal circumstances, a GAL seeking to renew an existing certification ***will be required to complete at least 30 continuing education credits within the expiring period of certification.*** Accordingly, GALs seeking to renew their certification will normally be required to have completed a total of 30 continuing education credits in the 3 years before the certification expires. Since GALs certified before September 15, 2007 will not have had a full 3-year year period to complete these requirements at the time of their first renewal, the Board's rules contain special provisions applicable to these persons (See synopsis at Section V below).

Continuing education requirements that are *different* from the foregoing apply to GALs who have allowed their certification to expire, who are involved in a settlement or agreement with the Board, who have been suspended, or who have had their certification revoked. Persons in those circumstances should consult the rules of the Board for specific requirements.

II. Activity Qualifying for Continuing Education; Amount of Credit.

Persons seeking to renew an existing certification will, under normal circumstances, be required to complete 30 continuing education credits of the *particular types* specified by the Board in Gal 403.03. Generally, activities qualifying for credit include:

- (a) Attendance at a GAL certification course described in Gal 303.02 (b) (1) or (c), in addition to the training taken to obtain initial certification (*qualifies for a number of credits equivalent to the actual number of hours, or portion of an hour, of attendance*);
- (b) Attendance at a review course sponsored by the Board, as described in Gal 403.07 (*qualifies for a number of credits equivalent to the actual number of hours, or portion of an hour, of attendance*);
- (c) Participation in a training session approved by the Board according to Gal 403.04 (*qualifies for a number of credits equivalent to the actual number of hours, or portion of an hour, of attendance. Note: Persons wishing to seek general approval of a particular training session for credit that may be*

utilized by all GALs in attendance may ask the board for such approval, as described in Section IV B below);

- (d) *Instructing a course or training listed in (a), (b) or (c) above (qualifies for a number of credits 2 times the number of hours, or portion of an hour, spent in actual classroom instruction);*
- (e) *Instructing or mentoring supplemental training, supervised training or supplemental education described at Gal 402.01 (qualifies for a number of credits 2 times the number of hours, or portion of an hour, spent in actual instruction or mentoring activity);*
- (f) *Participating in an activity approved under Supreme Court Rule 53 [i.e., continuing legal education] that meets certain requirements (qualifies for a number of credits that is equivalent to the number of credit hours that would be allowed if submitted by an attorney for the purposes of continuing legal education);*
- (g) *Instructing an activity approved under Supreme Court Rule 53 [continuing legal education] that meets certain requirements (qualifies for a number of credits that is equivalent to the number of credit hours that would be allowed if submitted by an attorney for the purposes of continuing legal education);*
- (h) *Attending a college or university class or course that meets certain requirements and in which applicant received a grade of “B” or better (qualifies for a number of credits equivalent to the number of hours, or portion of an hour, of actual attendance in the class or course);*
- (i) *Instructing a college or university class or course that meets certain requirements (qualifies for a number of credits equivalent to 2 times the number of hours, or portion of an hour, spent in actual classroom instruction); and*
- (j) *Serving as a presiding officer or investigator for matter before the Board (qualifies for 10 continuing education credits for each matter assigned);*

Under Gal 403.02, all continuing education activity claimed for credit must:

- (1) Relate to activities undertaken by GALs in New Hampshire;
- (2) Unless allowed for the purposes of continuing legal education under (f) and (g) above, not simply involve independent reading or study;
- (3) Not merely introduce members of the general public to the activities of GALs;

- (4) Not simply involve the experience of actual service as a GAL; and
- (5) Accomplish one or more of the following objectives:
 - i. Update or enhance the professional knowledge, skill or competence of the GAL; or
 - ii. Provide the GAL with opportunities for professional growth and development specifically related to GAL practice.

III. Documentation of Continuing Education.

A GAL seeking renewal will normally record his or her continuing education activity on the **“Continuing Education Activity” attachment** available on the GAL website, that is part of the Board’s Application for Renewal, Reinstatement or Certification form. In most circumstances, and for most approved activities described above, the GAL will not be required to submit additional documentation of continuing education, although the Board may request further documentation if it has questions regarding the activity or number of credits claimed. See Gal 403.08. *Persons claiming credit for activities offered by or through the Board itself will normally be required to submit certificates of attendance at those classes at the time they apply for renewal.* See Gal 401.09 (u).

Additional documentation of participation in continuing education activities will usually be required when the GAL has allowed his or her certification to lapse, has been suspended, is subject to a settlement or agreement with the Board or has had his or her certification revoked. Persons in these circumstances should consult the rules of the Board applicable to their particular situation.

The Board’s **“Summary of Required Documentation for Renewals, Reinstatements and Recertifications”** and **“Renewal, Reinstatement and Recertification Application Checklist”** available on the GAL website, will provide persons seeking renewal with a specific list of continuing education documentation required in particular circumstances.

Although a renewing GAL is not usually obligated to submit documentation of completion of continuing education, *certified and formerly certified GALs are nonetheless required by the Board’s “Ethical Standards and Standards of Practice” to retain in their possession documentation of the completion of continuing education activities for a period of 4 years after claiming the activity for credit.* See Gal 505.01 (e); Gal 403.09. The documentation that a GAL is required to retain are such of the following items as will likely serve to verify that the activity meets continuing education requirements:

- Certificates of attendance or completion from the entity sponsoring the activity;

- Course outlines, syllabi, brochures or other descriptions of the courses, program, examination, presentation or activity from the sponsoring entity;
- Brochures or other descriptions of the organizations or entities sponsoring the course, program, examination, presentation or activity;
- Transcripts of courses attended;
- Verification of grades received;
- Verification of the duration or dates of courses, programs, examinations, presentations, seminars or meetings;
- Contracts, time sheets, billing records or other writings documenting the person's involvement in specified activity;
- Verification from the New Hampshire Bar Association or its Minimum Continuing Legal Education Board that a particular activity is accepted for the purposes of obtaining continuing legal education credit, the number of continuing legal education credits assigned to the activity or the nature of the course;
- Such other material as may document:
 - The person's participation in the course, program, examination, presentation or other activity;
 - The date, length or nature of the course, program, examination, presentation, seminar, meeting or other activity;
 - The professional qualifications of the person(s) presenting the course, program, examination, presentation or other activity; or
 - The number of credits claimed.

IV. Special Requests for Approval of Items for Continuing Education Credit.

A. Special Approval of Activities Not Listed in Gal 403.03

The rules of the Board allow some activities to be claimed for continuing education credit even if not of the specific type listed in Gal 403.03. See Gal 403.05. In order for unlisted activities to be accepted for credit, however, the Board must first have approved the activity for the purposes of continuing education. GALs seeking to have an unlisted activity that they have participated in, or will participate in, approved for credit can do so by following the procedures set forth at Gal 403.06. For the convenience of GALs

wishing to make such a request, a form is available from the Board entitled **“Request for Approval of Continuing Education Activity Not Listed in Gal 403.03”**, available on the GAL website. Such approval is individual to the person requesting it and approval of an unlisted activity by the Board in this context means only that the GAL making the request may use the specific activity towards his or her continuing education requirement. There is a separate procedure for obtaining overall approval of a training session for use toward credit by all GALs in attendance. See Section IV B below.

Individual requests for approval of unlisted activities may be made before or after the activity has occurred, but should normally be submitted well in advance of actually claiming the activities for credit. Doing so will allow the Board to consider whether the activity qualifies for credit and thereby help to avoid the possibility that the item might not be accepted toward the applicant’s continuing education when claimed. If you have not received approval of an unlisted activity for use as continuing education credit at the time of an application for renewal, a **request for such approval**, available on the GAL website, must be included with the renewal application materials. See Gal 401.09 (aa). Persons claiming unlisted activities at the time of renewal are asked to verify whether or not the requisite approval has been obtained. See **“Other Continuing Education” form**, available on the GAL website.

GALs submitting requests for approval of unlisted activities only at the time of their application for renewal run the risk that the request may not be granted, which may in turn result in a failure to meet the continuing education requirements required for renewal.

Separate requests for approval should be submitted for each unlisted activity.

B. Special Approval of Training Sessions for Continuing Education Credit (Gal 403.03 (c) and Gal 403.04).

Gal 403.03 (c) lists training sessions that have been approved by the Board as one of the types of items that a GAL may generally claim for credit. The Board’s rules contain provisions for petitioning for approval of such training sessions. See Gal 403.04. A fee of \$50 is required, see Gal 304.01 (g), and a form entitled **“Petition for Approval of Training as Qualifying for Continuing Education Credit”** is available from the Board on the GAL website, to assist in making such requests. Once a training session has been approved by the Board under Gal 403.04, GALs who attend the session may claim it as a “listed” continuing education activity under Gal 403.03 (c).

Requests for approval of training sessions must be submitted to the Board at least 120 days before the anticipated date of the training. The training itself must be of the nature described in Gal 403.02 and the request for approval must meet certain other requirements addressed in **Gal 403.04** and reflected on the Board’s petition form.

V. One-Time Waiver of Qualifications Relating to Continuing Education; Requests for Alterations of Time to Complete Continuing Education

A. One-Time Waiver

The rules of the Board that went into effect on September 15, 2007 generally provide that in order to qualify for certification renewal a GAL must have met the Board's new continuing education requirements in the previous 3-year period of certification. See Gal 403.01; Gal 404.03; Gal 303.03. Since some GALs certified before September 15, 2007 may find this difficult to accomplish within the remaining period of their initial certification, the Board's rules provide for a one-time waiver of continuing education qualifications. See Gal 401.11. Not all GALs certified before September 15, 2007 will find a waiver necessary. The waiver is intended to afford GALs additional time in which to comply with continuing education requirements and does not relieve the GAL from the obligation to ultimately fulfill those requirements.

For the convenience of GALs wishing to request this waiver, a form is available from the Board entitled "**Request for One-Time Experience and Continuing Education Waiver**", available on the GAL website. [Note: A temporary waiver may also be requested for volunteer and professional experience requirements that went into effect on September 15, 2007. That waiver may also be requested by utilizing this form].

To be eligible for the one-time waiver, the GAL must have been initially certified before September 15, 2007 and all required renewal materials must have been submitted to the Board within the 90-day period before the expiration of the GAL's initial (first) period of certification. **Gal 401.11** should be consulted for other specific requirements relating to the one-time, temporary waiver.

Continuing education credits taken in order to fulfill requirements subject to a waiver may not be counted as continuing education credits for any subsequent period of certification. Accordingly, GALs completing continuing education requirements during their first 3-year period of renewal pursuant to the waiver are nonetheless required to, in addition, complete their normal continuing education requirements for that period.

If the one-time waiver is granted, a GAL is required to notify the Board when he or she has fulfilled the continuing education requirements subject to the waiver. A form entitled "**Notification of Completion of Experience and/or Continuing Education Requirements Pursuant to One-Time Waiver of Gal 401.11**" is available from the Board for this purpose.

B. Requests for Alterations of Time to Complete Continuing Education

In some circumstances, GALs, whether or not certified before September 15, 2007, may require an alteration of time in which to complete continuing education requirements. The circumstances in which requests for an alteration of time would be allowable are addressed in **Gal 403.01 (m)**. A form entitled "**Request for Alteration of Time in Which to Complete Continuing Education**" is available from the Board.

If the request for an alteration of time is granted, a GAL is required to notify the Board when he or she has completed the continuing education requirements at issue. A form entitled “**Notification of Completion of Continuing Education Pursuant to Request for Alteration of Time**” is available from the Board on the GAL website, for this purpose.

Please Note

The foregoing information regarding continuing education is simply intended as a synopsis of some of the Board’s continuing education requirements and processes. It is not a verbatim recitation of all applicable rules and statutes. Those interested or involved in continuing education should consult the specific laws or rules at issue.