

OFFICE OF LEGAL AFFAIRS

February 15, 2000

Nan Heald
Executive Director
Pine Tree Legal Assistance
88 Federal Street
P.O. Box 547
Portland, Maine 04112-0547

Re: *Guardian Ad Litem* Requirements

Dear Ms. Heald:

As Executive Director of Pine Tree Legal Assistance, you recently requested an opinion as to whether your staff attorney, serving as *guardian ad litem*, must complete citizen attestation forms for these cases.

The Legal Services Corporation (“LSC”) requirement to complete citizen attestation forms turns upon whether or not the *guardian ad litem* is providing “legal assistance.” (See 45 CFR § 1626.6(a), requiring citizen attestation forms from applicants for legal assistance). In your e-mail you stated Maine case law describes the services of a *guardian ad litem* as an “officer of the court,” who does “not have an attorney-client relationship with any parties.” However, the LSC regulations define “legal assistance” much broader than Maine state law. (See § 1600.1).

The determination of whether a *guardian ad litem* provides “legal assistance” is made through consideration of the state law, as well as the nature of the services performed, and is a case-by-case determination by the executive director. Based on the information provided, it is not conclusive that the *guardian ad litem* does not provide legal assistance to clients in court.

If the *guardian ad litem* is providing legal assistance, a citizen attestation form must be completed by the parent or legal guardian of the child. (See Preamble to Part 1626, *Section 1626.6 Verification of citizenship*, final para.). If the attorney is not providing legal assistance, there are no cases, and no need to comply with the § 1626.6(a) requirement of citizen attestation forms.

I hope that this adequately addresses your question. Please contact me if I can be of any further assistance.

Sincerely,

Kelline A. Carroll
Staff Attorney