

915.37 Guardian ad litem for prosecuting child witnesses.

1. a. A prosecuting witness who is a child or who has a mental disability in a case involving a violation of [chapter 709](#) or [710A](#), or [section 726.2](#), [726.3](#), [726.6](#), or [728.12](#), is entitled to have the witness’s interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the prosecuting witness and the compatibility of the prosecuting witness and the prosecuting witness’s interests with the prospective guardian ad litem. If a guardian ad litem is currently appointed, or has previously been appointed, for the prosecuting witness in a proceeding under [section 598.12](#), a proceeding under [chapter 232](#), a proceeding in which the juvenile court has waived jurisdiction under [section 232.45](#), or any other proceeding substantially related to a matter arising under [this section](#), the court shall give appointment priority to the same guardian ad litem under [this section](#). When a guardian ad litem is appointed for a prosecuting witness with a mental disability, the court shall give appointment priority to an attorney who has background and training specific to persons with mental disabilities. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the prosecuting witness and advocate for the protection of the prosecuting witness but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court.

b. For purposes of [this subsection](#), “child” means a person under eighteen years of age.

c. For purposes of [this subsection](#), “mental disability” means one or more intellectual, developmental, or psychiatric disabilities that result in significant impairment to a person’s ability to comprehend, communicate, or learn.

2. References in [this section](#) to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in [section 232.2](#).

[98 Acts, ch 1090, §30, 84; 2009 Acts, ch 19, §3; 2021 Acts, ch 61, §2; 2023 Acts, ch 19, §1345; 2024 Acts, ch 1175, §4](#)

Subsection 1 amended