

Boddiker, Ch  
Raecker  
Kreiman

HSB 102

JUDICIARY

SENATE/HOUSE FILE Successful  
BY (PROPOSED JUDICIAL 5/5  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the duties of a guardian ad litem appointed to  
2 represent a child in juvenile court proceedings.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.2, subsection 22, Code 1999, is  
2 amended to read as follows:

3 22. a. "Guardian ad litem" means a person appointed by  
4 the court to represent the interests of a child in any  
5 judicial proceeding to which the child is a party, and  
6 includes a court appointed special advocate, except that a  
7 court appointed special advocate shall not file motions or  
8 petitions pursuant to section 232.54, subsections 1 and 4,  
9 section 232.103, subsection 2, paragraph "c", and section  
10 232.111.

11 b. Unless otherwise enlarged or circumscribed by a court  
12 or juvenile court having jurisdiction over the child or by  
13 operation of law, the duties of a guardian ad litem with  
14 respect to a child shall include the following:

15 a- (1) Conducting in-person interviews with the child, if  
16 the child's age is appropriate for the interview, and  
17 interviewing each parent, guardian, or other person having  
18 custody of the child, if authorized by counsel.

19 b- (2) Conducting interviews with the child, if the  
20 child's age is appropriate for the interview, prior to any  
21 court-ordered hearing.

22 (3) Visiting the home, residence, or both home and  
23 residence of the child and any prospective home or residence  
24 of the child, including each time placement is changed.

25 c- (4) Interviewing any person providing medical, mental  
26 health, social, educational, or other services to the child,  
27 before any hearing referred to in subparagraph (2).

28 d- (5) Obtaining first-hand knowledge, if possible, of the  
29 facts, circumstances, and parties involved in the matter in  
30 which the person is appointed guardian ad litem.

31 e- (6) Attending any hearings in the matter in which the  
32 person is appointed as the guardian ad litem.

33 (7) Attending, if necessary, any departmental staff  
34 meeting or case conference regarding the child, and if  
35 necessary, any meeting with medical or mental health

**MEMORANDUM**

**TO: MEMBERS OF THE GENERAL ASSEMBLY**  
**FROM: IOWA JUDICIAL BRANCH**  
**DATE: FEBRUARY 3, 1999**  
**RE: TLSB 1283DP**

This bill is offered by the Judicial Branch on behalf of the Supreme Court Select Committee to Review State Court Practices in Child Welfare matters. Established in 1995, this committee is charged with assessing court performance in abuse, neglect, and foster care litigation; developing a plan to improve the administration of justice in foster care cases; and implementing a plan for improvement. As part of its review, the committee found practice standards for guardians ad litem vary substantially from jurisdiction to jurisdiction around the state. The purpose of this proposed legislation is to provide more specificity and uniformity in the duties of a guardian ad litem. This legislation will be helpful both to the guardian ad litem as well as the children whom they represent.

If you have questions, please contact David Boyd at 281-5241.

MAR 8 1999

Place On Calendar

*Substituted for by SF193  
4/5/99 (P.1028)*

**WITHDRAWN**  
*4/5/99  
P. 1029*

HOUSE FILE **515**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 102)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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**HF 515**

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12 or juvenile court having jurisdiction over the child or by  
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16 the child's age is appropriate for the interview, and  
17 interviewing each parent, guardian, or other person having  
18 custody of the child, if authorized by counsel.

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20 child's age is appropriate for the interview, prior to any  
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22 (3) Visiting the home, residence, or both home and  
23 residence of the child and any prospective home or residence  
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26 health, social, educational, or other services to the child,  
27 before any hearing referred to in subparagraph (2).

28 d- (5) Obtaining first-hand knowledge, if possible, of the  
29 facts, circumstances, and parties involved in the matter in  
30 which the person is appointed guardian ad litem.

31 e- (6) Attending any hearings in the matter in which the  
32 person is appointed as the guardian ad litem.

33 (7) Attending, if necessary, any departmental staff  
34 meeting or case conference regarding the child, and if  
35 necessary, any meeting with medical or mental health

1 providers, service providers, organizations, or educational  
2 institutions.

3 | c. The order appointing the guardian ad litem shall  
4 specify the duties of and grant authorization to the guardian  
5 ad litem to interview any relevant person and inspect and copy  
6 any records relevant to the proceedings, if not prohibited by  
7 federal law. The order shall specify that the guardian ad  
8 litem may interview any person providing medical, mental  
9 health, social, educational, or other services to the child,  
10 and may inspect and copy any records relevant to the  
11 proceedings.

12 EXPLANATION

13 | This bill makes changes in the duties applicable to a  
14 guardian ad litem appointed to represent a child's interest in  
15 juvenile court.

16 The bill includes within the duties of a guardian ad litem  
17 interviewing the child's parents, if the interview is  
18 authorized by the parents' counsel. Existing law does not  
19 require the guardian ad litem to first obtain authorization  
20 from the parents' counsel to conduct the interview.

21 | Under the bill, the guardian ad litem is not required to  
22 interview the child, if it is determined that the child is not  
23 of an age appropriate for the interview. Current law requires  
24 the guardian ad litem to interview the child without regard to  
25 age.

26 | If a child is placed outside the home, the bill includes  
27 within the duties of the guardian ad litem visitation of each  
28 new placement ordered by the court.

29 | In addition, the bill includes within the duties of the  
30 guardian ad litem attendance at any meeting held by the  
31 department of human services, educational institutions,  
32 service providers, or health care providers which are  
33 important to the child's case.

34 Under the bill, the court is required to list the guardian  
35 ad litem's duties in the order appointing the guardian ad

1 litem. The bill further provides that the order appointing  
2 the guardian ad litem shall also direct that the guardian ad  
3 litem is to have access to any relevant information in the  
4 child's case.

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