

# House Study Bill 102

## Bill Text

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1 1 Section 1. Section [232.2](#), subsection 22, Code 1999, is  
1 2 amended to read as follows:

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

1 11 b. Unless otherwise enlarged or circumscribed by a court  
1 12 or juvenile court having jurisdiction over the child or by  
1 13 operation of law, the duties of a guardian ad litem with  
1 14 respect to a child shall include the following:  
1 15

~~a.~~

- (1) Conducting in-person interviews with the child, if  
1 16 the child's age is appropriate for the interview, and  
1 17 interviewing each parent, guardian, or other person having  
1 18 custody of the child, if authorized by counsel.  
1 19

~~b.~~

- (2) Conducting interviews with the child, if the  
1 20 child's age is appropriate for the interview, prior to any  
1 21 court-ordered hearing.  
1 22 (3) Visiting the home, residence, or both home and  
1 23 residence of the child and any prospective home or residence  
1 24 of the child, including each time placement is changed.  
1 25

~~c.~~

- (4) Interviewing any person providing medical, mental  
1 26 health, social, educational, or other services to the child,  
1 27 before any hearing referred to in subparagraph (2).  
1 28

~~d.~~

- (5) Obtaining first-hand knowledge, if possible, of the  
1 29 facts, circumstances, and parties involved in the matter in  
1 30 which the person is appointed guardian ad litem.  
1 31

~~e.~~

- (6) Attending any hearings in the matter in which the  
1 32 person is appointed as the guardian ad litem.  
1 33 (7) Attending, if necessary, any departmental staff  
1 34 meeting or case conference regarding the child, and if  
1 35 necessary, any meeting with medical or mental health  
2 1 providers, service providers, organizations, or educational  
2 2 institutions.  
2 3 c. The order appointing the guardian ad litem shall  
2 4 specify the duties of and grant authorization to the guardian  
2 5 ad litem to interview any relevant person and inspect and copy  
2 6 any records relevant to the proceedings, if not prohibited by

2 7 federal law. The order shall specify that the guardian ad  
2 8 litem may interview any person providing medical, mental  
2 9 health, social, educational, or other services to the child,  
2 10 and may inspect and copy any records relevant to the  
2 11 proceedings.

2 12 EXPLANATION

2 13 This bill makes changes in the duties applicable to a  
2 14 guardian ad litem appointed to represent a child's interest in  
2 15 juvenile court.

2 16 The bill includes within the duties of a guardian ad litem  
2 17 interviewing the child's parents, if the interview is  
2 18 authorized by the parents' counsel. Existing law does not  
2 19 require the guardian ad litem to first obtain authorization  
2 20 from the parents' counsel to conduct the interview.

2 21 Under the bill, the guardian ad litem is not required to  
2 22 interview the child, if it is determined that the child is not  
2 23 of an age appropriate for the interview. Current law requires  
2 24 the guardian ad litem to interview the child with out regard  
2 25 to age.

2 26 If a child is placed outside the home, the bill includes  
2 27 within the duties of the guardian ad litem visitation of each  
2 28 new placement ordered by the court.

2 29 In addition, the bill includes within the duties of the  
2 30 guardian ad litem attendance at any meeting held by the  
2 31 department of human services, educational institutions,  
2 32 service providers, or health care providers which are  
2 33 important to the child's case.

2 34 Under the bill, the court is required to list the guardian  
2 35 ad litem's duties in the order appointing the guardian ad  
3 1 litem. The bill further provides that the order appointing  
3 2 the guardian ad litem shall also direct that the guardian ad  
3 3 litem is to have access to any relevant information in the  
3 4 child's case.

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