

Senate Study Bill 1092

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.

3 5 LSB 1283DP 78

3 6 jm/cf/24