

HB 1233 -- Court Proceedings Involving Children

Sponsor: Davis

Currently, a judge is required to appoint a guardian ad litem to appear for and represent any abused or neglected child who is the subject of a judicial proceeding. This bill requires the court to appoint a guardian ad litem only for a child 12 years of age or younger in these proceedings and allows appointment of a guardian ad litem for a child 13 years of age or older in certain specified proceedings only if it determines and makes specific findings on the record regarding the necessity for the representation by a guardian ad litem.

Currently, the court may designate volunteer advocates who may or may not be attorneys to assist in the performance of the guardian ad litem duties. The bill allows the court to appoint a volunteer advocate only if the court determines and makes specific findings on the record regarding a necessity for the designation of a volunteer advocate.

The bill also requires in certain specified court proceedings involving a child that the best interest of the child standard includes, but is not limited to, a rebuttable presumption that the care, custody, and control of the child be awarded to a parent or relative. If the court does not make that award, it must make specific findings on the record detailing the reasons for denying the care, custody, and control of the child to the parent or relative.