

HB 2101 -- GUARDIAN AD LITEM FEES

SPONSOR: Beard

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Standing Committee on Judiciary by a vote of 9 to 0. Voted "Do Pass-Consent" by the House Consent and Procedure Committee by a vote of 7 to 3.

Current law provides that, when a person is represented in a civil action by a legal aid society or other nonprofit organization that provides legal services to indigent persons, all costs related to the prosecution may be waived without a motion or court approval. This bill provides that this automatic waiver shall not include guardian ad litem fees. A party requesting waiver of guardian ad litem fees, who is represented by a legal aid society or other nonprofit, must file an updated certification form with the court prior to trial. Any party may present to the court additional evidence on the financial condition of the parties. Any failure to pay guardian ad litem fees shall not preclude a certifying party from filing future suits and shall not be used as a basis to limit the certifying party's prosecution or defense of the action.

This bill is similar to SB 128 and HB 765 (2017).

PROPOSERS: Supporters say that, currently, any time you have a party involved with legal aid, costs and expenses can be waived upon certification that the party is indigent. This sets out an exception for guardian ad litem fees. Any party, once a trial has ended, can file a motion to have the fees addressed. Judges cannot currently apportion any fees to the guardian ad litem.

Testifying for the bill were Representative Beard; Association of Circuit Judges; and the Missouri Coalition Against Domestic and Sexual Violence.

OPPOSERS: There was no opposition voiced to the committee.