

FIRST REGULAR SESSION

HOUSE BILL NO. 1271

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

2466H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 210.160, 210.830, 452.423, and 487.110, RSMo, and to enact in lieu thereof eleven new sections relating to proceedings involving children.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 210.160, 210.830, 452.423, and 487.110, RSMo, are repealed and
2 eleven new sections enacted in lieu thereof, to be known as sections 210.160, 210.830,
3 210.1400, 210.1403, 210.1406, 210.1409, 210.1412, 210.1415, 452.423, 484.355, and
4 487.110, to read as follows:

210.160. 1. In every case involving an abused or neglected child which results in a
2 judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

3 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165
4 except proceedings under subsection 6 of section 210.152, sections 210.700 to 210.760,
5 sections 211.442 to 211.487, or sections 453.005 to 453.170~~], or proceedings to determine~~
6 ~~custody or visitation rights under sections 452.375 to 452.410];~~ or

7 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,
8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections
9 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

10 2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad
11 litem to appear for and represent an abused or neglected child involved in proceedings arising
12 under subsection 6 of section 210.152.

13 3. **All parties shall be notified by the court of the parties' rights to request**
14 **without cause one disqualification of a guardian ad litem within thirty days of**
15 **appointment. Outside of the thirty-day period or after one disqualification has been**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 made by a party, a party who may be aggrieved may make a written, in camera motion
17 to the court alleging the reason for disqualifying a guardian ad litem. The judge may
18 rule sua sponte or order a hearing. Causes for which a guardian ad litem may be
19 disqualified include, but are not limited to:

20 (1) Failure to communicate with the court, other attorneys, or legal guardians or
21 custodians;

22 (2) Failure to gather nonrepetitive information relevant to advocating for the
23 best interests of the child that the guardian ad litem does not already possess from a
24 witness, medical professional, childcare provider, or any other person who may hold
25 information;

26 (3) Failure to meet with the child between the appointment and the second
27 hearing; and

28 (4) Failure to respond to requests for communications within a reasonable time
29 frame.

30 4. All agencies, law enforcement, or any other person with legal or physical
31 custody of a minor child shall provide the guardian ad litem [~~shall be provided~~] with the
32 location of the minor child and all reports relevant to the case made to or by any agency,
33 law enforcement, or person[~~s~~]. The guardian ad litem shall be provided with contact
34 information for all relevant parties, shall have access to all school records of the child,
35 shall have access to all records of such agencies, law enforcement, or persons relating to the
36 child or such child's family members or placements of the child, and upon appointment by the
37 court to a case, shall be informed of and have the right to attend any and all family support
38 team meetings and educational meetings involving the child and any meeting in which the
39 best interests of the child are being determined. Any person, law enforcement, or
40 agency with legal custody of the minor child shall execute all releases for information
41 required by the guardian ad litem. The legal guardian or custodian of the minor child,
42 employees of the division, officers of the court, and employees of any agency involved shall
43 fully inform the guardian ad litem of all aspects of the case of which they have knowledge or
44 belief. The department of social services and law enforcement shall provide to the
45 guardian ad litem all reasonable information requested by the guardian ad litem within
46 two business days of the request.

47 5. The guardian ad litem shall hold the client file including, but not limited to,
48 documents and records under subsection 4 of this section, under the same rules as
49 holding a client file for an individual client. If a successor guardian ad litem is
50 appointed under a court order, the initial guardian ad litem shall give the client file to
51 the successor guardian ad litem, but such file may exclude any work product or
52 opinions. All information releases executed by the guardian ad litem shall transfer to

53 **the successor guardian ad litem. The initial guardian ad litem may keep a copy of the**
54 **file for his or her records.**

55 [4-] 6. The appointing judge shall require the guardian ad litem to faithfully discharge
56 such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad
57 litem and appoint another. The appointing judge shall have the authority to examine the
58 general and criminal background of persons appointed as guardians ad litem, including
59 utilization of the family care safety registry and access line pursuant to sections 210.900 to
60 210.937, to ensure the safety and welfare of the children such persons are appointed to
61 represent. The judge in making appointments pursuant to this section shall give preference to
62 persons who served as guardian ad litem for the child in the earlier proceeding, unless there is
63 a reason on the record for not giving such preference. **The court shall provide the parent or**
64 **parents with a copy of the Missouri supreme court standards with comments for**
65 **guardians ad litem.**

66 [5-] 7. The guardian ad litem may be awarded a reasonable fee for such services to be
67 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by
68 any party to the proceedings or from public funds. However, no fees as a judgment shall be
69 taxed against a party or parties who have not been found to have abused or neglected a child
70 or children **except as provided under sections 452.375 to 452.410.** Such an award of
71 guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final
72 judgment shall be enforceable against the parties in accordance with chapter 513.

73 [6-] 8. The court may designate volunteer advocates, who may or may not be
74 attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties
75 for the court. Nonattorney volunteer advocates **may assist in the performance of guardian**
76 **ad litem duties but** shall not **serve as guardians ad litem or** provide legal representation.
77 The court shall have the authority to examine the general and criminal background of persons
78 designated as volunteer advocates, including utilization of the family care safety registry and
79 access line pursuant to sections 210.900 to [210.937] **210.936**, to ensure the safety and
80 welfare of the children such persons are designated to represent. The volunteer advocate shall
81 be provided with all reports relevant to the case made to or by any agency or person, shall
82 have access to all records of such agencies or persons relating to the child or such child's
83 family members or placements of the child, and upon designation by the court to a case, shall
84 be informed of and have the right to attend any and all family support team meetings
85 involving the child. Any such designated person shall receive no compensation from public
86 funds. This shall not preclude reimbursement for reasonable expenses.

87 **9. On or before January 1, 2024, the office of chief disciplinary counsel (OCDC)**
88 **shall establish and facilitate a complaint procedure for allegations that the guardian ad**
89 **litem did not properly behave under the rules of professional conduct as set forth by the**

90 Missouri supreme court or supreme court standards for guardians ad litem. The
91 complaint procedure shall be in writing and made available to the public.

92 **10. A court-appointed guardian ad litem may request permission from the court**
93 **to withdraw in any proceeding for cause shown.**

94 ~~[7.]~~ **11.** Any person appointed to perform guardian ad litem duties shall have
95 completed a training program in permanency planning and shall advocate for timely court
96 hearings whenever possible to attain permanency for a child as expeditiously as possible to
97 reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer
98 advocate shall have access to a court appointed attorney guardian ad litem should the
99 circumstances of the particular case so require.

210.830. The child shall be made a party to any action commenced under sections
2 210.817 to 210.852. If he or she is a minor, he or she may be represented by a next friend
3 appointed for him or her for any such action. The child's mother or father or the ~~[family~~
4 ~~support]~~ **children's** division or any person having physical or legal custody of the child may
5 represent him or her as his or her next friend. A guardian ad litem shall be appointed for the
6 child only if child abuse or neglect is alleged, or if the child is named as a defendant, or if the
7 court determines that the interests of the child and his or her next friend are in conflict. **If the**
8 **children's division is involved, the guardian ad litem appointment shall be governed by**
9 **section 210.160. Otherwise, the guardian ad litem appointment shall be under and**
10 **governed by section 452.423.** The natural mother, each man presumed to be the father under
11 section 210.822, and each man alleged to be the natural father, shall be made parties or, if not
12 subject to the jurisdiction of the court, shall be given notice of the action in a manner
13 prescribed by the court and an opportunity to be heard. The court may align the parties.

210.1400. 1. The "Office of Guardian Ad Litem" is hereby created and
2 **established for the purpose of implementing a pilot program to provide guardians ad**
3 **litem to appear for and represent children in cases relating to child abuse or neglect.**
4 **Guardians ad litem provided under the provisions of sections 210.1400 to 210.1415 shall**
5 **abide by standards of representation and case load limits as determined by the office**
6 **and shall be funded jointly out of the guardian ad litem fund established under section**
7 **210.1409 and by counties that elect to participate in the pilot program.**

8 **2. The governor shall appoint a director of the office of guardian ad litem as**
9 **head of the office. He or she shall qualify and be sworn into office by a judge of the**
10 **supreme court. He or she shall be an attorney with substantial experience in child abuse**
11 **or neglect cases. He or she shall have experience in administration of personnel and**
12 **shall be dedicated to the goal of providing quality legal representation for abused or**
13 **neglected children.**

14 **3. The director shall be devoted full time to the duties of his or her office and**
15 **shall not otherwise engage in the practice of law. His or her term of office shall be four**
16 **years and until the appointment and qualification of a successor. His or her term may**
17 **be renewable at the discretion of the governor. He or she may be removed by the**
18 **governor during his or her term in office for good cause shown, after notice and hearing.**

19 **4. The salary of the director shall be set by the governor.**

210.1403. 1. The office of guardian ad litem shall administer a guardian ad litem
2 **program. The program shall employ or contract with, supervise, and manage attorneys**
3 **providing legal representation as guardians ad litem in the following cases and actions:**

4 **(1) Child protection cases under this chapter;**

5 **(2) Children in need of supervision cases under this chapter to the extent an**
6 **attorney has been appointed to serve only as a guardian ad litem; and**

7 **(3) Termination of parental rights actions brought as a result of a child**
8 **protection or child in need of supervision action.**

9 **2. (1) The office shall adopt policies, rules, and regulations governing standards**
10 **for the legal representation by attorneys acting as guardians ad litem in cases under the**
11 **program and for the training of such attorneys. Any attorney providing services to the**
12 **program as a guardian ad litem shall meet the standards established by the office for the**
13 **program. The office shall adopt standards of representation to ensure that guardians ad**
14 **litem have sufficient time to get to know the child to whom they are appointed and the**
15 **child's case in order to effectively represent the child's best interest. Case load limits**
16 **may be imposed in order to ensure enough time is devoted to each case.**

17 **(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is**
18 **created under the authority delegated in this section shall become effective only if it**
19 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
20 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
21 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
22 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
23 **then the grant of rulemaking authority and any rule proposed or adopted after August**
24 **28, 2023, shall be invalid and void.**

25 **3. (1) The office shall submit an annual report to the chairs of the house budget**
26 **committee and the senate committee on appropriations on or before December first of**
27 **each year of the reimbursement for legal representation of children by attorneys as**
28 **guardians ad litem in child protection or children in need of supervision cases. The**
29 **report shall include the number of cases and the amount of funds expended for**
30 **reimbursements and the amounts of matching moneys from participating counties**
31 **under section 210.1409 for each of the two immediately preceding fiscal years.**

32 **(2) Counties not participating in the program shall submit a report to the chairs**
33 **of the house budget committee and the senate committee on appropriations on or before**
34 **December first of each year. The report shall contain the same information required to**
35 **be reported under subdivision (1) of this subsection.**

210.1406. 1. In cases specified under subsection 1 of section 210.1403, if the
2 **county in which the court is located participates in the program:**

3 **(1) The court shall appoint the program to provide services when appointing a**
4 **guardian ad litem; and**

5 **(2) The court shall assign an attorney participating in the program to act as**
6 **guardian ad litem in accordance with the court's order.**

7 **2. An attorney accepting a guardian ad litem assignment under the program**
8 **shall be employed by or under contract with the program to provide services in**
9 **accordance with program requirements. The contract shall specify the fees to be paid**
10 **for the assignment, which may be a defined hourly or per case rate or a defined sum.**
11 **Fees paid by the program may vary based upon the type and difficulty of the case,**
12 **location, work required, and experience.**

210.1409. 1. The office of guardian ad litem shall enter into agreements with
2 **each county participating in the program. Agreements shall require counties to comply**
3 **with all program rules and policies. The agreement shall establish the compensation**
4 **rate within the county for attorneys providing legal representation as guardians ad litem**
5 **in program cases and the reimbursement requirements.**

6 **2. The program shall pay from the guardian ad litem fund established under**
7 **subsection 3 of this section one hundred percent of the fees for the legal representation**
8 **of children by attorneys as guardians ad litem in program cases. Participating counties**
9 **shall reimburse the program an amount equal to no less than twenty-five percent of the**
10 **agreed program fees and no less than twenty-five percent of the program's**
11 **administrative cost prorated by program funds expended in each county. The**
12 **program shall invoice the county for its proportionate share. In the event a county does**
13 **not make payments within ninety days, the state treasurer may deduct the amount from**
14 **sales tax revenues due to the county from the state and shall credit the amount to the**
15 **program account.**

16 **3. (1) There is hereby created in the state treasury the "Guardian Ad Litem**
17 **Fund", which shall consist of moneys appropriated to the fund by the general assembly**
18 **and any reimbursements received under this section. The state treasurer shall be**
19 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
20 **may approve disbursements. The fund shall be a dedicated fund and, upon**

21 **appropriation, moneys in the fund shall be used solely for the administration of sections**
22 **210.1400 to 210.1415.**

23 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
24 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
25 **general revenue fund.**

26 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
27 **other funds are invested. Any interest and moneys earned on such investments shall be**
28 **credited to the fund.**

29 **4. Agreements entered into under this section shall include a provision for each**
30 **county in which guardians ad litem employed by or under contract with the program**
31 **are located to provide adequate space and utility services for the use of the program's**
32 **guardians ad litem. If suitable office space for all guardians ad litem cannot be**
33 **provided, the county shall provide, based upon a proportional share, a monthly stipend**
34 **to all program guardians ad litem housed in private facilities. The proportional share**
35 **shall be determined by the program, based upon the counties served by each guardian**
36 **ad litem not provided suitable office space. The stipend shall be paid directly by the**
37 **county to the program guardian ad litem.**

210.1412. Notwithstanding any other provision of law, any attorney providing
2 **services for the office under the guardian ad litem program shall, for matters arising out**
3 **of such services, be considered a state employee.**

210.1415. Each guardian ad litem appointed under sections 210.1400 to 210.1415
2 **shall conduct himself or herself as provided under sections 210.160 and 211.462.**

452.423. 1. **(1) In all proceedings for child custody or for dissolution of marriage or**
2 **legal separation where custody, visitation, or support of a child is a contested issue, the court**
3 **may appoint a guardian ad litem. Such appointment may be for a limited purpose if made**
4 **on the court's own motion, the motion of a party, or by agreement of the parties. Such**
5 **limited purpose shall be specified in the court's appointment order. The court shall**
6 **make a written order when making the appointment that names the attorney to be**
7 **appointed as guardian ad litem and state the reasons for which the guardian ad litem is**
8 **appointed. The court shall provide the parties a copy of the Missouri supreme court**
9 **standards governing guardians ad litem at the time of the appointment.**

10 **(2) Within twenty-one days of appointment, the guardian ad litem, or a delegate**
11 **from the guardian ad litem's office who is a licensed social worker, counselor, or**
12 **therapist, shall arrange a face-to-face meeting with the parents and the child. The**
13 **meeting with the child shall occur in a private setting at a time and place that allows the**
14 **guardian ad litem to observe the child and gather the unobstructed input of the child as**
15 **to the child's custodial arrangement, safety, and needs, to the extent reasonably possible,**

16 **and the need for further meetings and investigation. The guardian ad litem shall**
17 **continue to maintain regular contact with the child for the duration of the appointment.**
18 **Such duty shall not be designated to any volunteer advocate or other person other than**
19 **a social worker, counselor, or therapist working within the guardian ad litem's office;**
20 **however, nothing in this subdivision shall be construed to prohibit a volunteer advocate**
21 **or a delegate of the guardian ad litem's office from meeting with the child. Upon motion**
22 **of the guardian ad litem and for good cause, the court may excuse this requirement or**
23 **allow it to take place virtually.**

24 **(3) All parties shall be notified by the court of the parties' rights to request**
25 **without cause one disqualification of a guardian ad litem [shall be ordered in any legal**
26 **proceeding only pursuant to this chapter, upon the filing of a written application by any party**
27 **within ten days of appointment, or within ten days of August 28, 1998, if the appointment**
28 **occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a**
29 **guardian ad litem appointed under this subsection in each proceeding, except a party may be**
30 **entitled to additional disqualifications of a guardian ad litem for good cause shown] within**
31 **thirty days of appointment. Outside of the thirty-day period or after one**
32 **disqualification has been made by a party, a party who may be aggrieved may make**
33 **a written, in camera motion to the court alleging the reason for disqualifying a guardian**
34 **ad litem. The judge may rule sua sponte or order a hearing. Causes for which a**
35 **guardian ad litem may be disqualified include, but are not limited to:**

36 **(a) Failure to communicate with the court, other attorneys, or legal guardians or**
37 **custodians;**

38 **(b) Failure to gather nonrepetitive information relevant to advocating for the**
39 **best interests of the child that the guardian ad litem does not already possess from a**
40 **witness, medical professional, child care provider, or any other person who may hold**
41 **information;**

42 **(c) Failure to meet with the child or the child's parents between the appointment**
43 **and the second hearing;**

44 **(d) Failure to respond to requests for communications within a reasonable time**
45 **frame; and**

46 **(e) Any coercion or manipulation of the child or parties by the guardian ad**
47 **litem.**

48 **2. The court shall appoint a guardian ad litem in any proceeding in which child abuse**
49 **or neglect is alleged with specificity. Such appointment shall be for the purpose of**
50 **advocating for the best interests of the child. If the court determines the allegations of**
51 **abuse or neglect are made in bad faith, the guardian ad litem fees shall be reimbursed**

52 by the party making the allegations in bad faith and the guardian ad litem may be
53 discharged by the court.

54 3. The guardian ad litem shall be awarded a reasonable fee for his or her
55 services. Such fee shall be set by the court. If the fee is based upon an hourly rate, the
56 guardian ad litem shall provide detailed invoices to the court prior to any award of fees.
57 The court may redact such invoices prior to the invoices being placed in the court file.
58 In its discretion and subject to subsection 2 of this section, the court may:

59 (1) Issue a direct payment order to the parties;

60 (2) Allocate reasonable costs and fees for services provided by the guardian ad
61 litem to the parties to the proceeding. Upon motion of the court or the guardian ad
62 litem, the court may order one or both parties to pay the guardian ad litem a deposit to
63 be applied to such fees and costs; or

64 (3) Award such fees as a judgment to be paid by any party to the proceedings or
65 from public funds.

66

67 The award of guardian fees shall constitute a final judgment in favor of the guardian ad
68 litem. The final judgment shall be enforceable against the parties in accordance with
69 chapter 513. Local courts are responsible for utilizing lists of available and qualified
70 guardians ad litem. Such lists shall be readily available to the public.

71 4. The guardian ad litem shall:

72 (1) Be the legal representative of the **best interests of the** child at the hearing, and
73 may examine, cross-examine, subpoena witnesses and offer testimony;

74 (2) Prior to the hearing, conduct all necessary interviews with persons having contact
75 with or knowledge of the child in order to ~~[ascertain the child's wishes,]~~ **gather unobstructed**
76 **input as to the child's custodial arrangement**, feelings, attachments ~~[and]~~, attitudes, **and**
77 **needs**. If appropriate, the child should be interviewed;

78 (3) ~~[Request the juvenile officer to cause a petition to be filed in the juvenile division~~
79 ~~of the circuit court if the guardian ad litem believes the child alleged to be abused or~~
80 ~~neglected is in danger]~~ **Respond to requests for communication within a reasonable time**
81 **frame in accordance with subdivision (3) of subsection 1 of this section;**

82 (4) **If required or requested by the court or as deemed necessary by the guardian**
83 **ad litem, submit a proposed parenting plan on behalf of the best interests of the minor**
84 **child before the case is submitted to the court; and**

85 (5) **If the guardian ad litem's current caseload does not permit timely execution**
86 **of duties, decline an appointment by the court.**

87 5. All agencies, law enforcement, or any other person with legal or physical
88 custody of a minor child shall provide the guardian ad litem with the location of the

89 **minor child and all reports relevant to the case made to or by any agency, law**
90 **enforcement, or person. The guardian ad litem shall be provided with contact**
91 **information for all relevant parties, shall have access to all records of such agencies, law**
92 **enforcement, or persons relating to the child or such child's family members or**
93 **placements of the child, and upon appointment by the court to a case, shall be informed**
94 **of and have the right to attend any and all family support team meetings involving the**
95 **child and any meeting in which the best interests of the child are being determined. Any**
96 **person, law enforcement, or agency with legal custody of the minor child shall execute**
97 **all releases for information required by the guardian ad litem. The legal guardian or**
98 **custodian of the minor child, employees of the children's division, officers of the court,**
99 **schools, and employees of any agency involved shall fully inform the guardian ad litem**
100 **of all aspects of the case of which they have knowledge or belief. The department of**
101 **social services and law enforcement shall provide to the guardian ad litem all reasonable**
102 **information requested by the guardian ad litem within two business days of the request.**

103 **6. The guardian ad litem shall hold the client file including, but not limited to,**
104 **documents and records under subsection 6 of this section, under the same rules as**
105 **holding a client file for an individual client. If a successor guardian ad litem is**
106 **appointed under a court order, the initial guardian ad litem shall give the client file to**
107 **the successor guardian ad litem but may withhold work product or opinions. The initial**
108 **guardian ad litem may keep a copy of the file for his or her records, and any previously**
109 **signed release shall be valid as to any successor guardian ad litem.**

110 **7. On or before January 1, 2024, the office of chief disciplinary counsel shall**
111 **establish and maintain a complaint procedure for allegations that the guardian ad litem**
112 **did not properly behave under the rules of professional conduct or guidelines for**
113 **guardians ad litem as set forth by the Missouri supreme court. The complaint**
114 **procedure shall be in writing and made available to the public.**

115 **[4-] 8. The appointing judge shall require the guardian ad litem to faithfully discharge**
116 **such guardian ad litem's duties, including any duties required under Missouri supreme**
117 **court guidelines for a guardian ad litem, and upon the guardian ad litem's failure to do so**
118 **shall discharge such guardian ad litem and appoint another. The judge in making**
119 **appointments pursuant to this section shall give preference to persons [who served as**
120 **guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record**
121 **for not giving such preference] familiar with the child or the case who have not previously**
122 **served as an attorney for a different party.**

123 **[5- The guardian ad litem shall be awarded a reasonable fee for such services to be set**
124 **by the court. The court, in its discretion, may:**

125 ~~(1) Issue a direct payment order to the parties. If a party fails to comply with the~~
126 ~~court's direct payment order, the court may find such party to be in contempt of court; or~~
127 ~~(2) Award such fees as a judgment to be paid by any party to the proceedings or from~~
128 ~~public funds. Such an award of guardian fees shall constitute a final judgment in favor of the~~
129 ~~guardian ad litem. Such final judgment shall be enforceable against the parties in accordance~~
130 ~~with chapter 513.]~~

484.355. All family and juvenile courts and guardians ad litem appointed by
2 **those courts shall adhere to the following standards established for guardians ad litem**
3 **by the Missouri supreme court in addition to those developed by Missouri supreme**
4 **court rule under section 484.350:**

5 **(1) The guardian ad litem shall provide factual information to the court and**
6 **diligently advocate a position in the best interests of the child. He or she shall be**
7 **prepared to participate fully in any proceedings and not merely defer to the other**
8 **parties. He or she may examine, cross-examine, subpoena witnesses, and offer**
9 **testimony as it relates to the appointment. He or she, when appropriate to represent the**
10 **best interests of the child, shall file petitions, motions, parenting plans, responses, or**
11 **objections. The guardian ad litem shall maintain independent representation of the best**
12 **interests of the child;**

13 **(2) The guardian ad litem and the child shall have access to each other at**
14 **reasonable times and places, and such access shall not be restricted or limited by any**
15 **agency or person without good cause;**

16 **(3) The guardian ad litem shall explain, when appropriate, the court process and**
17 **the role of the guardian ad litem to the child and provide the child with a means to**
18 **contact the guardian ad litem;**

19 **(4) The guardian ad litem shall appear at all court proceedings in which he or**
20 **she is appointed; and**

21 **(5) The guardian ad litem shall protect the interests of the child who is a witness**
22 **in any judicial proceeding in which he or she has been appointed. In matters for which**
23 **he or she has been appointed, the guardian ad litem shall be present during any**
24 **conferences between the counsel for a party and the child. He or she shall be notified of**
25 **all proceedings or meetings involving the child.**

487.110. The uniform child custody jurisdiction **and enforcement** act, as enacted in
2 sections [~~452.440 to 452.550~~] **452.700 to 452.930**, shall apply to all **child custody**
3 **proceedings, as defined in section 452.705**, in the family court.