

HB 2726 -- GUARDIANS AD LITEM

SPONSOR: Doll

This bill specifies that a judge must appoint a guardian ad litem for a pending proceeding in every case involving an abused or neglected child that results in a judicial proceeding. All agencies, law enforcement, or any other person with legal custody of a minor must provide the guardian ad litem with the location of the minor child, as well as all reports relevant to the case made to or by law enforcement or any other person. A court-appointed guardian ad litem may request permission from the court to withdraw in any proceeding for good cause shown.

The judge appointing the guardian ad litem must require the guardian to faithfully discharge his or her duties as provided in the Missouri Supreme Court Standards with comments for guardians ad litem. The court must provide a parent or parents with a copy of the Standards. The bill specifies the duties a guardian ad litem must perform in child abuse cases; in child placement cases; in cases involving termination of parental rights; in dissolution of marriage or legal separation cases where custody, visitation, or support of a child is a contested issue; and in adoption cases. In dissolution of marriage cases, the Department of Social Services and law enforcement must provide to the guardian within 30 days all reasonable information requested by the guardian.

Every 90 days during the appointment and prior to each hearing, the guardian ad litem will provide the parties to the proceeding with a statement reflecting each date services were rendered, a generalized description of services, the hourly rate charged, and the time spent on the date services were rendered. The court may, in its discretion, order one or both parties to pay the guardian ad litem a deposit to be applied to fees and costs, on its own motion or upon motion of the guardian.

The bill specifies that non-attorney volunteer advocates may assist in the performance of guardian ad litem duties but will not serve as guardian ad litem.