

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH60019-LUZ-154B (03/22)

Short Title: Authorize Appointment/GAL/Atty/Custody.

(Public)

Sponsors: Representatives Martin, Jackson, and Insko (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE APPOINTMENT OF A GUARDIAN AD LITEM OR AN
3 ATTORNEY FOR THE MINOR CHILD IN ACTIONS FOR CUSTODY OR
4 VISITATION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
5 CIVIL CUSTODY GUARDIANS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 50-13.1 is amended by adding the following new subsection to
8 read:

9 "(j) The chief district court judge in any judicial district may adopt local rules
10 authorizing the appointment of a guardian ad litem or attorney in child custody and visitation
11 cases. If the chief district court judge does not adopt local rules, the district court judges in that
12 district may not appoint guardians ad litem or attorneys in these cases. If authorized by the
13 chief district court judge, a judge presiding over an action for custody or visitation may appoint
14 a guardian ad litem or attorney for the minor child pursuant to local rules for the district in
15 which the action is pending. Local rules adopted pursuant to this subsection shall, at a
16 minimum, address the following:

17 (1) The role of the guardian ad litem, if appointed.

18 (2) The role of the attorney, if appointed.

19 (3) Qualifications of the guardian ad litem or attorney.

20 (4) Duties and responsibilities.

21 (5) Training.

22 (6) Ethical standards.

23 (7) Compensation.

24 (8) Any other factors the chief district court judge deems relevant to an
25 appointment under this subsection.

26 The court may require an appointment under this subsection without the consent of the parties
27 only if the court determines that the parties have the ability to pay for the services or that pro
28 bono services are available.

29 Except in actions arising out of the operation of a motor vehicle, a guardian ad litem or
30 attorney acting pursuant to this subsection shall not be liable for damages for acts or omissions
31 of ordinary negligence arising out of that person's duties and responsibilities as a guardian ad
32 litem."

33 SECTION 2. This act becomes effective October 1, 2010, and applies to custody
34 and visitation proceedings initiated on or after that date.

