

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1683

By: Representatives Cabe and Pollan

"AN ACT TO AMEND SUBSECTION (e) OF SUBSECTION 1 OF SECTION 13 OF ACT 451 OF 1975, AS AMENDED [ARK. STAT. 45-413(1)(e)] TO ESTABLISH A 'GUARDIAN AD LITEM FUND'; TO ESTABLISH FEES TO BE DEPOSITED INTO SAID FUND; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (e) of Subsection 1 of Section 13 of Act 451 of 1975, as amended, the same being Arkansas Statute 45-413(1)(e), is hereby amended to read as follows:

"(e) (i) In all proceedings involving the custody of juveniles, the court shall appoint counsel or a guardian ad litem to represent the interests of the juvenile. Such counsel or guardian ad litem shall be given access to all reports relevant to the case and to any reports of examination of the juvenile's parents or other persons responsible for the care of the juvenile. Such counsel or guardian ad litem shall be charged with the representation of the juvenile's best interests, and shall make such further investigation as he deems necessary to ascertain the facts. Such counsel or guardian ad litem shall interview witnesses, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the juvenile. Such participation may include presentation of evidence, pre-hearing and post-hearing motions, examination and cross-examination of witnesses in any hearing involving the represented juvenile, and appeals.

(ii) The court after a determination of ability to pay, may order the parent or guardian of the estate of any child for whom a guardian ad litem is appointed to pay a user fee of up to \$100.00 for the services of a guardian ad litem. All money collected by the clerk of the appropriate court under this subsection shall be retained by the clerk who shall deposit the money in a special fund to be known as the 'Guardian ad Litem Fund'. The court shall

direct money from this fund be paid for use in providing guardian ad litem services, and the costs of representation for them. Any money remaining in the fund at the end of the fiscal year shall not revert to any other fund but carry over into the next fiscal year in the 'Guardian ad Litem Fund.'"

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

