

April 8, 2009

H 1275. ESTABLISH CIVIL CUSTODY GUARDIAN PROGRAM. Filed 4/8/08. *AN ACT ESTABLISHING THE CIVIL CUSTODY GUARDIAN PROGRAM.*

Establishes a new GS Chapter 50, Article 6 as title indicates. Adds new GS 50 -110 to authorize a court in its discretion, upon either its own motion or the motion of either party, to appoint someone to serve as a civil custody guardian. Directs court to set forth specific duties of the guardian in a written order of appointment. Allows a guardian to be an attorney, a mental health professional, or any other individual with appropriate training and qualifications. Directs guardian to carry out duties set forth in appointment order. Requires guardian to make independent and informed recommendations in a written report, unless otherwise directed by court.

Adds new GS 50-111 to direct the Conference of Chief District Judges to prescribe uniform statewide advisory guidelines for appointment of guardians. Directs conference to review such guidelines at least once every four years. Shields guardians from liability arising out of duties as a guardian, except insofar as actions arising out of the operation of a motor vehicle are concerned.

Applies to contested custody proceedings initiated on or after date the act becomes law.

Intro. by Insko.

GS 50

May 7, 2009

H 1275. ESTABLISH CIVIL CUSTODY GUARDIAN PROGRAM. Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Amends GS 50-111 to clarify that the uniform statewide advisory guidelines for the appointment of civil custody guardians may address not just compensation of the civil custody guardian (as provided in the 1st edition) but also how to determine allocation of compensation of the civil custody guardian between the parties to the action.

July 9, 2009

H 1275. CIVIL CUSTODY GUARDIAN PROGRAM STUDY (NEW). Filed 4/8/09. House committee substitute deletes all provisions of the 2nd edition and replaces it with *AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ESTABLISHING A CIVIL CUSTODY GUARDIAN PROGRAM.* Authorizes the Legislative Research Commission (Commission) (1) to study the feasibility and desirability of creating a statewide Civil Custody Guardian Program and (2) to refer to the 1st or 2nd edition of House Bill 1275 of the 2009 Session in conducting its study. Delineates specific tasks in which the Commission may engage, topics it is to address, and issues that it may consider. Also provides criteria for the appointment of members to the Commission, with eight members appointed by the President Pro Tempore of the Senate and seven members appointed by the Speaker of the House of Representatives. Authorizes the Commission to report its interim findings, along with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening. Provides that the Commission may make its final report, including its findings and any recommended legislation, to the 2011 Regular Session of the General Assembly upon its convening. Provides that the Legislative Services Commission may allocate additional monies from the funds available to the General Assembly to fund the work of the Legislative Research Commission on this study.