

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1275
PROPOSED COMMITTEE SUBSTITUTE H1275-PCS50674-SA-31

Short Title: Establish Civil Custody Guardian Program.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING THE CIVIL CUSTODY GUARDIAN PROGRAM.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 50 of the General Statutes is amended by adding the
5 following new Article to read:

6 "Article 6.

7 "Civil Custody Guardians.

8 **"§ 50-110. Appointment of civil custody guardian.**

9 (a) In actions for custody and visitation, the court may in its discretion, upon motion of
10 either party or upon its own motion, appoint an individual to serve the court as a civil custody
11 guardian. The court shall set forth specific duties of the civil custody guardian in a written
12 order of appointment.

13 (b) A civil custody guardian appointed by the court may be an attorney, a mental health
14 professional, or any other individual with appropriate training and qualifications. The civil
15 custody guardian shall investigate, report, and make recommendations as specifically directed
16 by the court in the appointment order. Unless otherwise directed by the court, the civil custody
17 guardian shall make independent and informed recommendations to the court in the form of a
18 written report.

19 (c) In addition to the preparation of a written report, the duties of the civil custody
20 guardian may include interviewing the children and parties, interviewing other persons
21 possessing relevant information, obtaining relevant documentary evidence, and conferring with
22 counsel for the parties.

23 **"§ 50-111. Uniform advisory guidelines.**

24 (a) The Conference of Chief District Judges shall prescribe uniform statewide advisory
25 guidelines for the appointment of civil custody guardians and develop further criteria for
26 determining when a civil custody guardian may be appointed. The advisory guidelines may
27 address or provide for any of the following:

28 (1) Qualifications of the civil custody guardian.

29 (2) Responsibilities of the civil custody guardian.

30 (3) Rates of compensation of the civil custody guardian and how to determine
31 allocation of compensation of the civil custody guardian between the parties
32 to the action.

33 (4) Appearance at trial and testimony of the civil custody guardian.

34 (5) Modification or termination of the civil custody guardian appointment.



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1 (6) Establishment of local rules for the appointment of civil custody guardians.

2 (7) Any other factor involving the appointment of the civil custody guardian.

3 (b) Periodically, but at least once every four years, the Conference of Chief District
4 Judges shall review the guidelines. The Conference shall give the Administrative Office of the
5 Courts and the general public an opportunity to provide the Conference with information
6 relevant to the development and review of the guidelines.

7 "**§ 50-112. Civil custody guardian immunity.**

8 A civil custody guardian shall not be liable for damages for acts or omissions of ordinary
9 negligence arising out of the civil custody guardian's duties and responsibilities as a civil
10 custody guardian. This section shall not apply to actions arising out of the operation of a motor
11 vehicle."

12 **SECTION 2.** This act is effective when it becomes law and applies to contested
13 custody proceedings initiated on or after that date.