

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1275  
Committee Substitute Without Prejudice 5/7/09  
PROPOSED COMMITTEE SUBSTITUTE H1275-PCS50762-RR-60**

Short Title: Civil Custody Guardian Program Study.

(Public)

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Sponsors:

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Referred to:

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April 9, 2009

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY  
ESTABLISHING A CIVIL CUSTODY GUARDIAN PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Legislative Research Commission may study the feasibility and desirability of creating a statewide Civil Custody Guardian Program. In conducting its study, the Commission may refer to the First or Second Edition of House Bill 1275 of the 2009 Session. Specifically, the Commission may do any of the following:

- (1) Review and evaluate other states' statutes and practices and North Carolina pilot programs that establish guardians or child conservators to help the courts, families, and especially children with issues involving custody and visitation.
- (2) Recommend standards for appointment and service as custody guardian addressing any of the following:
  - a. Qualification and certification of guardians.
  - b. Responsibilities of the guardians.
  - c. Compensation of the guardians.
  - d. Appointment and retention procedures for guardians.
  - e. Any other factor involving the appointment of the civil custody guardian.
- (3) Consider whether the standards for a custody guardian program should be statutory or through administrative rules.
- (4) Consider the impact of any recommendation upon services currently provided in North Carolina.
- (5) Evaluate the likely impact of a best practices recommendation on children, families, courts, attorneys, and the administration of justice.
- (6) Consider other relevant issues it deems appropriate.

**SECTION 2.** The cochairs of the Commission shall appoint the committee membership for the study authorized in Section 1 of this act as follows:

- (1) The President Pro Tempore of the Senate shall appoint the following:
  - a. Two Senators.
  - b. Two members of the Center for Cooperative Parenting.



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- 1 c. One representative of the Children's Law Center of Central North
- 2 Carolina.
- 3 d. One representative of the Family Section of the North Carolina Bar
- 4 Association.
- 5 e. One nonattorney serving as guardian ad litem.
- 6 f. One psychologist.
- 7 (2) The Speaker of the House shall appoint the following:
- 8 a. Two members of the House.
- 9 b. Two judges, one from the District Court and one from the Superior
- 10 Court.
- 11 c. One representative of the Council of Children's Rights in Charlotte.
- 12 d. One attorney serving as guardian ad litem.
- 13 e. One higher education faculty member.

14 **SECTION 3.** The Commission may report its interim findings from the study  
15 authorized by Section 1 of this act, together with any recommended legislation, to the 2010  
16 Regular Session of the 2009 General Assembly upon its convening. The Commission may  
17 make its final report from the study authorized by Section 1 of this act, including its findings  
18 and any recommended legislation, to the 2011 Regular Session of the General Assembly upon  
19 its convening.

20 **SECTION 4.** From the funds available to the General Assembly, the Legislative  
21 Services Commission may allocate additional monies to fund the work of the Legislative  
22 Research Commission with regard to the study authorized by Section 1 of this act.

23 **SECTION 5.** This act is effective when it becomes law.