

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 1275
Committee Substitute Without Prejudice 5/7/09
Committee Substitute #2 Favorable 7/9/09**

Short Title: Civil Custody Guardian Program Study.

(Public)

Sponsors:

Referred to:

April 9, 2009

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

4 The General Assembly of North Carolina enacts:

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

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

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

- 30 (1) The President Pro Tempore of the Senate shall appoint the following:
31 a. Two Senators.
32 b. Two members of the Center for Cooperative Parenting.
33 c. One representative of the Children's Law Center of Central North
34 Carolina.
35 d. One representative of the Family Section of the North Carolina Bar
36 Association.



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

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

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

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