

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 1446

1 AN ACT TO AMEND SECTION 9-5-89, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE COURT SHALL NOT ASSESS GUARDIAN AD LITEM COSTS
3 AGAINST THE DEPARTMENT OF HUMAN SERVICES WHERE THE DEPARTMENT IS
4 NOT THE INITIATING PARTY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 9-5-89, Mississippi Code of 1972, is
7 amended as follows:

8 9-5-89. The court may appoint a guardian ad litem to any
9 infant or defendant of unsound mind, and allow him suitable
10 compensation payable out of the estate of that party, but the
11 appointment shall not be made except when the court * * *
12 considers it necessary for the protection of the interest of the
13 defendant; and a decree or judgment of any court shall not be void
14 or erroneous because of the failure to have a guardian ad litem.

15 The court shall not assess guardian ad litem fees, court
16 costs, transportation costs or attorney fees against the
17 Department of Human Services or its county offices or any of their
18 officers, employees or representatives. Further, the court shall
19 not assess other fees, costs or expenses against the department,
20 offices and/or representatives, except as are specially required
21 to be paid by the department or its representatives by statute.
22 However, if a proceeding is brought by the department, it may pay
23 a guardian ad litem fee for a minor child or sibling group in an
24 amount not to exceed Six Hundred Fifty Dollars (\$650.00), if funds
25 for that purpose are made available to the department.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2004.