

By: Senator(s) Tindell, Hill

To: Judiciary, Division A

SENATE BILL NO. 2673
(As Passed the Senate)

1 AN ACT TO CREATE THE GUARDIAN AD LITEM TRANSPARENCY AND
2 OVERSIGHT PANEL; TO PRESCRIBE THE MEMBERSHIP OF THE PANEL; TO
3 REQUIRE REPORTING OF INFORMATION TO THE ADMINISTRATIVE OFFICE OF
4 COURTS BY GUARDIANS AD LITEM, CHANCERY JUDGES AND YOUTH COURT
5 JUDGES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) The Guardian Ad Litem Transparency and
8 Oversight Panel is created to address and investigate the
9 appointment of guardians ad litem as required by statute or
10 ordered by a court, determine the frequency of such appointments,
11 and compile an analysis of the costs to the various counties and
12 to parties. The Chairman of the Senate Judiciary Committee,
13 Subdivision A, shall chair the panel. The other members shall be
14 the following fourteen (14) persons:

15 (a) The Chair of the Conference of Chancery Court
16 Judges, or a designee;

17 (b) The Chair of the Conference of County Court Judges,
18 or a designee;



19 (c) The Chair of the Council of Youth Court Judges, or
20 a designee;

21 (d) A youth court referee appointed by the Chair of the
22 Council of Youth Court Judges;

23 (e) The Chair of the Senate Judiciary Committee,
24 Division B, or a designee;

25 (f) The Senate Chair of the Investigate State Offices
26 Joint Committee;

27 (g) The Chair of the House of Representatives Judiciary
28 "A" Committee, or a designee;

29 (h) The Chair of the House of Representatives Judiciary
30 "B" Committee, or a designee;

31 (i) The Chair of the House of Representatives Youth and
32 Family Affairs Committee, or a designee;

33 (j) The Director of the Administrative Office of
34 Courts, or a designee;

35 (k) The Director of the Mississippi Judicial College,
36 or a designee;

37 (l) Two (2) attorneys who are regularly appointed as
38 guardians ad litem, appointed by the Chief Justice of the Supreme
39 Court; and

40 (m) A youth court prosecutor appointed by the Chief
41 Justice of the Supreme Court.



42 (2) All appointed members of the panel shall be appointed
43 within thirty (30) days of the date of passage of this act.
44 Members of the panel shall serve without compensation.

45 (3) A vacancy in the panel shall not affect its powers, but
46 shall be filled as prescribed in subsection (1) of this section.
47 The task force shall hold its first meeting within sixty (60) days
48 of the effective date of this act, on the call of the chairperson
49 of the task force. A majority of the membership of the panel
50 shall constitute a quorum, and the panel shall meet at the call of
51 the chairperson, or upon an affirmative vote of a majority of the
52 panel. All members must be notified in writing of all meetings at
53 least five (5) days before the date on which a meeting of the
54 panel is scheduled.

55 (4) The duties of the panel shall be to:

56 (a) (i) Compile and analyze the information required
57 to be submitted in Section 2 of this act, and ultimately to
58 recommend legislation to improve the guardian ad litem system.

59 (ii) Assess the feasibility and potential benefit
60 or detriment of counties employing a full-time guardian ad litem
61 and make a finding and recommendation.

62 (b) Report its findings and recommendations to the
63 Legislature by December 1 of each year of its existence.

64 (5) The Performance Evaluation and Expenditure Review Joint
65 Committee of the Legislature shall assist the panel in carrying
66 out its duties required by this section. The Director of the



67 Joint Committee on Performance Evaluation and Expenditure Review
68 shall designate an appropriate employee to act as a point of
69 contact for staff support to the panel. In addition, the panel
70 may consult with employees of any state agency or department
71 necessary to accomplish the panel's responsibilities under this
72 section.

73 (6) This section shall stand repealed on December 31, 2020.

74 **SECTION 2.** (1) On or before August 1, 2017, a person who
75 was appointed as a guardian ad litem by a youth court or chancery
76 court must report to the Administrative Office of Courts the
77 person's total invoiced amounts and total gross income received
78 from all guardian ad litem appointments for the 2016 calendar year
79 and the person's hourly rates. From and after April 30, 2018, and
80 each year thereafter, a person who has been appointed as a
81 guardian ad litem by a youth court or chancery court must report
82 to the Administrative Office of Courts on or before April 30 of
83 each year the person's total invoiced amounts and total gross
84 income received from all guardian ad litem appointments during the
85 preceding calendar year. A report made under this subsection (1)
86 may be made with any degree of specificity the reporter considers
87 appropriate and shall be a public record.

88 (2) On or before August 1, 2017, and on April 30 of each
89 year thereafter, the senior youth court judge or referee of each
90 county and the senior chancellor must report to the Administrative
91 Office of Courts the total number of contempt motions filed in the



92 chancery and youth court based upon failure to pay guardian ad
93 litem fees, and the number of incarcerations ordered for failure
94 to pay guardian ad litem fees.

95 (3) This section shall stand repealed on December 31, 2020.

96 **SECTION 3.** This act shall take effect and be in force from
97 and after its passage, and it is the intent of the Legislature
98 that the guardian ad litem report of invoices and compensation and
99 the youth court and chancery court report of contempt motions and
100 incarcerations required in Section 2 of this act shall be
101 retroactive to January 1, 2017, for the substance of the reports
102 that are required to be filed on or before April 30, 2018, and
103 shall be retroactive to January 1, 2016, for the substance of the
104 reports that are required to be filed on or before August 1, 2017.

