

By: Senator(s) Nunnelee

To: Judiciary, Division A

SENATE BILL NO. 2959

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 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES WHERE THE  
4 DEPARTMENT IS 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 such party, but the  
11 appointment shall not be made except when the court shall consider  
12 it necessary for the protection of the interest of such defendant;  
13 and a decree or judgment of any court shall not be void or  
14 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 Mississippi Department of Human Services or its county offices nor  
18 any of their officers, employees or representatives. Further, the  
19 court shall not assess other fees, costs or expenses against said  
20 department, offices and/or representatives, except as are  
21 specially required to be paid by the department of its  
22 representatives by statute. Provided, however, that if a  
23 proceeding is brought by the Mississippi Department of Human  
24 Services, it may pay a guardian ad litem fee for a minor child or  
25 sibling group in an amount not to exceed Six Hundred Fifty Dollars  
26 (\$650.00), if funds for such purpose are made available to the  
27 department.

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