

By: Senator(s) Nunnelee

To: Judiciary, Division A

SENATE BILL NO. 2007

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. (1) The court may appoint a guardian ad litem to
9 any 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 (2) (a) Except as otherwise provided in this section, the
16 court shall not assess guardian ad litem fees, court costs,
17 transportation costs or attorney fees against the Department of
18 Human Services, its county offices, nor any of its officers,
19 employees or representatives.

20 (b) The court shall not assess other fees, costs or
21 expenses against its department, its offices, officers, employees
22 or representatives, except as are specially required by statute to
23 be paid by the department or its representatives.

24 (c) If a proceeding is brought by the Department of
25 Human Services, it may pay a guardian ad litem fee for a minor
26 child or sibling group in an amount not to exceed Six Hundred
27 Fifty Dollars (\$650.00), if funds for this purpose are available
28 to the department.

29 **SECTION 2.** This act shall take effect and be in force from
30 and after July 1, 2005.