
By: **Delegate Pitkin**
Introduced and read first time: February 28, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Guardian Ad Litem - Custody or Visitation Proceedings**

3 FOR the purpose of authorizing the court to appoint a guardian ad litem in certain
4 custody or visitation proceedings; requiring the guardian ad litem to hold a
5 certain license and have experience in certain areas; requiring the guardian ad
6 litem to attend certain training; providing that the court must inform the
7 guardian ad litem of certain procedures; establishing the duties of the guardian
8 ad litem; defining a certain term; and generally relating to a guardian ad litem
9 in custody or visitation proceedings.

10 BY adding to
11 Article - Family Law
12 Section 9-101.2
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2001 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Family Law**

18 9-101.2.

19 (A) IN THIS SECTION, "GUARDIAN AD LITEM" MEANS AN ATTORNEY, SOCIAL
20 WORKER, OR PSYCHOLOGIST APPOINTED BY THE COURT TO REPRESENT THE BEST
21 INTEREST OF THE CHILD IN CUSTODY OR VISITATION PROCEEDINGS UNDER THIS
22 TITLE.

23 (B) THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR A CHILD IN A
24 CONTESTED CUSTODY OR VISITATION PROCEEDING IF THE COURT CANNOT
25 DETERMINE WHAT IS IN THE BEST INTEREST OF THE CHILD BASED SOLELY ON THE
26 EVIDENCE AND TESTIMONY PRESENTED DURING A PROCEEDING.

27 (C) ON APPOINTMENT OF THE GUARDIAN AD LITEM, THE COURT SHALL
28 INFORM THE GUARDIAN AD LITEM OF THE FOLLOWING:

1 (1) THE DATE THAT THE FINAL REPORT MUST BE SUBMITTED TO THE
2 COURT;

3 (2) WHAT ISSUES TO INVESTIGATE; AND

4 (3) HOW MANY HOURS TO SPEND INVESTIGATING THE CASE.

5 (D) THE GUARDIAN AD LITEM SHALL:

6 (1) HOLD A PROFESSIONAL LICENSE IN THE STATE; AND

7 (2) HAVE EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS:

8 (I) CHILD ABUSE AND NEGLECT;

9 (II) CHILD DEVELOPMENT;

10 (III) SEXUAL ABUSE;

11 (IV) SUBSTANCE ABUSE; OR

12 (V) DOMESTIC VIOLENCE.

13 (E) (1) A GUARDIAN AD LITEM SHALL ATTEND AT LEAST 6 HOURS OF
14 PROFESSIONAL DEVELOPMENT TRAINING ANNUALLY.

15 (2) THE PROFESSIONAL DEVELOPMENT TRAINING SHALL INCLUDE THE
16 LATEST INFORMATION IDENTIFYING:

17 (I) BEST PRACTICES IN CHILD ABUSE CASES;

18 (II) AT-RISK CHILDREN; AND

19 (III) THE CORRELATION BETWEEN DOMESTIC VIOLENCE AND CHILD
20 ABUSE.

21 (F) THE GUARDIAN AD LITEM SHALL:

22 (1) DETERMINE THE FACTS OF EACH CASE BY INTERVIEWING THE
23 CHILD, SOCIAL WORKERS, FAMILY MEMBERS, AND OTHER PERSONS, AND REVIEWING
24 REPORTS AND OTHER INFORMATION;

25 (2) MEET WITH AND OBSERVE THE CHILD, ASSESS THE CHILD'S NEEDS,
26 AND EXPLAIN THE PROCEEDINGS TO THE CHILD ACCORDING TO THE CHILD'S
27 ABILITY TO UNDERSTAND; AND

28 (3) SUBMIT A WRITTEN REPORT TO THE JUDGE REPORTING THE
29 OUTCOME OF THE INVESTIGATION AND RECOMMENDING APPROPRIATE TREATMENT
30 OR SERVICES FOR THE CHILD OR THE CHILD'S FAMILY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.