

214 (ii) keeping sibling groups together, whenever practicable and in the best interests of
215 the children;

216 (g) the preference for kinship adoption over nonkinship adoption, if the parent-child
217 relationship is legally terminated;

218 (h) the potential for a guardianship placement if the parent-child relationship is legally
219 terminated and no appropriate adoption placement is available; and

220 (i) the use of an individualized permanency plan, only as a last resort.

221 (3) The [~~Office of the Guardian ad Litem~~] office shall implement policies and practice
222 guidelines that reflect the priorities described in Subsections (2)(e) through (i) for the
223 placement of children.

224 Section 8. Section **78A-2-705**, which is renumbered from Section 78A-2-228 is
225 renumbered and amended to read:

226 [~~78A-2-228~~]. **78A-2-705. Private attorney guardian ad litem --**

227 **Appointment -- Costs and fees -- Duties -- Conflicts of interest -- Pro bono obligation --**
228 **Indemnification -- Minimum qualifications.**

229 (1) The court may appoint [~~a private~~] an attorney as a private attorney guardian ad
230 litem to represent the best interests of the minor in any district court action when:

231 (a) child abuse, child sexual abuse, or neglect is alleged in any proceeding, and the
232 court has made a finding that an adult party is not indigent, as defined by Section 77-32-202; or

233 (b) the custody of, or parent-time with, a child is at issue.

234 (2) (a) The court shall consider the limited number of eligible private attorneys
235 guardian ad litem, as well as the limited time and resources available to a private attorney
236 guardian ad litem, when making an appointment under Subsection (1) and prioritize case
237 assignments accordingly.

238 (b) The court shall make findings regarding the need and basis for the appointment of a
239 private attorney guardian ad litem.

240 (c) A court may not appoint a private attorney guardian ad litem in a criminal case.

241 (3) ~~§→ [When appointing a private attorney guardian ad litem, the court shall:]~~

242 **(a) If the parties stipulate to a private attorney guardian ad litem, the office shall**
242a **assign the stipulated private attorney guardian ad litem to the case in accordance with this**
242b **section.**

242c **(b) If, under Subsection (3)(a), the parties have not stipulated to a private attorney guardian**
242d **ad litem, or if the stipulated private attorney guardian ad litem is unable to take the case, the**
242e **court shall appoint a private attorney guardian ad litem in accordance with Subsection (3)(c).**

242f ~~[(a)]~~ **(c) The court shall** ←§ state in §→ [its] an ←§ order that the court is appointing a private
242g attorney guardian ad litem, to

243 be assigned by the [~~Office of Guardian ad Litem~~] office, to represent the best interests of the

244 child in the matter ~~§~~ → [; and] . ← ~~§~~

245 ~~§~~→ [(b)] (d) The court shall ~~←§~~ send the order described in Subsection (3) ~~§~~→ [(a)]
 245a (c) ~~←§~~ to the [~~Director of the Office of~~
 246 Guardian ad Litem] ~~§~~→ [director] office ~~←§~~ , in care of the Private Attorney Guardian ad Litem
 246a program.

247 (4) The court shall:

248 (a) specify in the order appointing a private attorney guardian ad litem the specific
 249 issues in the proceeding that the private attorney guardian ad litem shall be involved in
 250 resolving, which may include issues relating to the custody of the child and a parent-time
 251 schedule;

252 (b) to the extent possible, bifurcate the issues described in Subsection (3)(a) from the
 253 other issues in the case in order to minimize the time constraints placed upon the private
 254 attorney guardian ad litem; and

255 (c) except as provided in Subsection (6), issue a final order within one year after the
 256 day on which the private attorney guardian ad litem is appointed in the case:

257 (i) resolving the issues described in Subsection (4)(a); and

258 (ii) terminating the private attorney guardian ad litem from the appointment to the case.

259 (5) The court shall issue an order terminating the appointment of a private attorney
 260 guardian ad litem made under this section if:

261 (a) after receiving input from the private attorney guardian ad litem, the court
 262 determines that the minor no longer requires the services of the private attorney guardian ad
 263 litem; or

264 (b) there has been no activity in the case for a period of six consecutive months.

265 (6) A court may issue an order extending the one-year period described in Subsection
 266 (4)(c) for a specified amount of time if the court makes a written finding that there is a
 267 compelling reason that the court cannot comply with the requirements described in Subsection
 268 (4)(c) within the one-year period.

269 (7) When appointing a private attorney guardian ad litem under this section, a court
 270 may appoint the same private attorney guardian ad litem who represents the minor in another
 271 proceeding, or who has represented the minor in a previous proceeding, if that private attorney
 272 guardian ad litem is available.

273 (8) ~~§~~→ (a) ~~←§~~ Upon receipt of the court's order, described in ~~§~~→ [Subsection] Subsections
 273a [(3)] (3)(c) and (d) ~~←§~~ , the ~~§~~→ [director or the]
 274 [~~director's designee~~] office ~~←§~~ shall assign the case to ~~§~~→ [an eligible] a ~~←§~~ private attorney
 274a guardian ad litem, if

275 available ~~§→ [and as established by rule under Subsection (17)]~~ , in accordance with this
275a section ←§ .

275b ~~§→~~ (b)(i) If, after the initial assignment of a private attorney guardian ad litem, either
275c party objects to the assigned private attorney guardian ad litem, that party may file an
275d objection with the court within seven days after the day on which the party received notice of
275e the assigned private attorney guardian ad litem.

275f (ii) If, after the initial assignment of a private attorney guardian ad litem, either
275g attorney for a party discovers that the private attorney guardian ad litem represents an
275h adverse party in a separate matter, that attorney may file an objection with the court within
275i seven days after the day on which the attorney received notice of the private attorney guardian
275j ad litem's representation of an adverse party in a separate matter. (iii) Upon receipt of an
275k objection, the court shall determine whether grounds exist for the objection, and if grounds
275l exist, the court shall order, without a hearing, the office to assign a new private attorney
275m guardian ad litem, in consultation with the parties and in accordance with this section.

275n (iv) If no alternative private attorney guardian ad litem is available, the office shall
275o notify the court. ←§