

S.B. 132
HUMAN SERVICES AMENDMENTS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. Page 8, Line 241 through Page 9, Line 247:

- 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 assign the
stipulated private attorney guardian ad litem to the case in accordance with this section.
(b) If, under Subsection (3)(a), the parties have not stipulated to a private attorney guardian ad
litem, or if the stipulated private attorney guardian ad litem is unable to take the case, the court shall
appoint a private attorney guardian ad litem in accordance with Subsection (3)(c).
~~{(a)}~~ (c) The court shall state in ~~{its}~~ an order that the court is appointing a private 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)}~~ (c) to the
~~[Director of the Office of~~
246 ~~Guardian ad Litem]~~ {director} office, in care of the Private Attorney Guardian ad Litem program.
247 (4) The court shall:

2. Page 9, Line 273 through Page 10, Line 276:

- 273 (8) (a) Upon receipt of the court's order, described in ~~{Subsection}~~ Subsections
~~{(3)}~~ (3)(c) and (d), the ~~{director or the}~~
274 ~~{director's designee}~~ office shall assign the case to ~~{an eligible}~~ a private attorney guardian
ad litem, if
275 available ~~{and as established by rule under Subsection (17)}~~ , in accordance with this section .
(b)(i) If, after the initial assignment of a private attorney guardian ad litem, either party objects
to the assigned private attorney guardian ad litem, that party may file an objection with the court within
seven days after the day on which the party received notice of the assigned private attorney guardian ad
litem.
(ii) If, after the initial assignment of a private attorney guardian ad litem, either attorney for a
party discovers that the private attorney guardian ad litem represents an adverse party in a separate
matter, that attorney may file an objection with the court within seven days after the day on which the
attorney received notice of the private attorney guardian ad litem's representation of an adverse party in
a separate matter.

(iii) Upon receipt of an objection, the court shall determine whether grounds exist for the objection, and if grounds exist, the court shall order, without a hearing, the office to assign a new private attorney guardian ad litem, in consultation with the parties and in accordance with this section.

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

276

(9) (a) When appointing a private attorney guardian ad litem, the court shall: