

**AMENDMENTS TO GUARDIAN AD LITEM  
STATUTES**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Matt Throckmorton**

**This act amends the Judicial Code. The act clarifies that the guardian ad litem director serves at the pleasure of the Judicial Council. The act clarifies the duties of an attorney guardian ad litem and removes from statute certain duties. The act removes the right and requirement of the attorneys guardian ad litem to provide a report and recommendations to the court. The act makes technical changes. The act provides an effective date.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-3a-312**, as last amended by Chapter 21, Laws of Utah 2001

**78-3a-350**, as last amended by Chapter 274, Laws of Utah 1998

**78-3a-911**, as last amended by Chapter 244, Laws of Utah 2001

**78-3a-912**, as last amended by Chapter 244, Laws of Utah 2001

**78-7-9**, as last amended by Chapter 244, Laws of Utah 2001

**78-7-45**, as enacted by Chapter 244, Laws of Utah 2001

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-3a-312** is amended to read:

**78-3a-312. Permanency hearing -- Final plan -- Petition for termination of parental rights filed -- Hearing on termination of parental rights.**

(1) (a) When reunification services have been ordered in accordance with Section 78-3a-311, with regard to a child who is in the custody of the Division of Child and Family Services, a permanency hearing shall be held by the court no later than 12 months after the original removal of the child.

(b) When no reunification services were ordered at the dispositional hearing, a permanency hearing shall be held within 30 days from the date of the dispositional hearing.

(2) (a) If reunification services were ordered by the court in accordance with Section

78-3a-311, the court shall, at the permanency hearing, determine whether the child may safely be returned to the custody of [~~his~~] the child's parent. If the court finds, by a preponderance of the evidence, that return of the child would create a substantial risk of detriment to the child's physical or emotional well-being, the child may not be returned to the custody of [~~his~~] the child's parent. The failure of a parent or guardian to participate in, comply with, in whole or in part, or to meet the goals of a court approved treatment plan constitutes prima facie evidence that return of the child to that parent would create a substantial risk of detriment.

(b) In making a determination under this Subsection (2), the court shall review the report prepared by the Division of Child and Family Services, [~~a report prepared~~] any admissible evidence offered by the child's guardian ad litem, any report prepared by a foster care citizen review board pursuant to Section 78-3g-103, any evidence regarding the efforts or progress demonstrated by the parent, and the extent to which the parent cooperated and availed himself of services provided.

(3) (a) With regard to a case where reunification services were ordered by the court, if a child is not returned to his parent or guardian at the permanency hearing, the court shall order termination of reunification services to the parent, and make a final determination regarding whether termination of parental rights, adoption, guardianship, or long-term foster care is the most appropriate final plan for the child, taking into account the child's primary permanency goal established by the court pursuant to Section 78-3a-311. If the child clearly desires contact with the parent, the court shall take the child's desire into consideration in determining the final plan. In addition, the court shall establish a concurrent plan that identifies the second most appropriate final plan for the child. The court may not extend reunification services beyond 12 months from the date the child was initially removed from his home, in accordance with the provisions of Section 78-3a-311, except that the court may extend reunification services for no more than 90 days if it finds that there has been substantial compliance with the treatment plan, that reunification is probable within that 90-day period, and that the extension is in the best interest of the child. In no event may any reunification services extend beyond 15 months from the date the child was initially removed from his home. Delay or failure of a parent to establish paternity or seek custody does not provide a basis for the court to extend services for that parent beyond that 12-month period.

(b) The court may, in its discretion, enter any additional order that it determines to be in the best interest of the child, so long as that order does not conflict with the requirements and provisions of Subsection (3)(a). The court may order the division to provide protective supervision or other services to a child and the child's family after the division's custody of a child has been terminated.

(4) If the final plan for the child is to proceed toward termination of parental rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45 calendar days after the permanency hearing.

(5) Any party to an action may, at any time, petition the court for an expedited permanency hearing on the basis that continuation of reunification efforts are inconsistent with the permanency needs of the child. If the court so determines, it shall order, in accordance with federal law, that the child be placed in accordance with the permanency plan, and that whatever steps are necessary to finalize the permanent placement of the child be completed as quickly as possible.

(6) Nothing in this section may be construed to:

(a) entitle any parent to reunification services for any specified period of time;

(b) limit a court's ability to terminate reunification services at any time prior to a permanency hearing; or

(c) limit or prohibit the filing of a petition for termination of parental rights by any party, or a hearing on termination of parental rights, at any time prior to a permanency hearing. If a petition for termination of parental rights is filed prior to the date scheduled for a permanency hearing, the court may consolidate the hearing on termination of parental rights with the permanency hearing. If the court consolidates the hearing on termination of parental rights with the permanency hearing, it shall first make a finding whether reasonable efforts have been made by the Division of Child and Family Services to finalize the permanency goal for the child, and any reunification services shall be terminated in accordance with the time lines described in Section 78-3a-311. A decision on the petition for termination of parental rights shall be made within 18 months from the date of the child's removal.

Section 2. Section **78-3a-350** is amended to read:

**78-3a-350. Separate procedures for minors committed to the Division of Child and**

**Family Services on grounds other than abuse or neglect -- Attorney general responsibility.**

(1) The processes and procedures described in Part 3, Abuse, Neglect, and Dependency Proceedings, designed to meet the needs of minors who are abused or neglected, are not applicable to a minor who is committed to the custody of the Division of Child and Family Services on a basis other than abuse or neglect and who are classified in the division's management information system as having been placed in custody primarily on the basis of delinquent behavior or a status offense.

(2) The procedures described in Subsection 78-3a-119(2)(a) are applicable to the minors described in Subsection (1).

(3) The court may appoint a guardian ad litem to represent the interests of a minor described in Subsection (1)[:], upon request of the minor or the minor's parent or guardian.

(4) As of July 1, 1998, the attorney general's office shall represent the Division of Child and Family Services with regard to actions involving minors who have not been adjudicated as abused or neglected, but who are otherwise committed to the custody of the division by the juvenile court, and who are classified in the division's management information system as having been placed in custody primarily on the basis of delinquent behavior or a status offense. Nothing in [this] Subsection [~~(4)~~] (3) may be construed to affect the responsibility of the county attorney or district attorney to represent the state in those matters, in accordance with the provisions of Section 78-3a-116.

Section 3. Section **78-3a-911** is amended to read:

**78-3a-911. Office of Guardian Ad Litem Director -- Appointment of director -- Duties of director -- Contracts in second, third, and fourth districts.**

(1) There is hereby created the Office of Guardian Ad Litem Director under the direct supervision of the Judicial Council in accordance with Subsection 78-3-21(13).

(2) (a) The Judicial Council shall appoint one person to serve full time as the guardian ad litem director for the state. The guardian ad litem director shall serve at the pleasure of the Judicial Council.

(b) The director shall be an attorney licensed to practice law in this state and selected on the basis of:

- (i) professional ability;
  - (ii) experience in abuse, neglect, and dependency proceedings;
  - (iii) familiarity with the role, purpose, and function of guardians ad litem in both juvenile and district courts; and
  - (iv) ability to develop training curricula and reliable methods for data collection and evaluation.
- (c) The director shall be trained in the United States Department of Justice National Court Appointed Special Advocate program prior to or immediately after his appointment.
- (3) The guardian ad litem director shall:
- (a) establish policy and procedure for the management of a statewide guardian ad litem program;
  - (b) manage the guardian ad litem program to assure that minors receive qualified guardian ad litem services in abuse, neglect, and dependency proceedings in accordance with state and federal law and policy;
  - (c) develop standards for contracts of employment and contracts with independent contractors, and employ or contract with attorneys licensed to practice law in this state, to act as attorney guardians ad litem in accordance with Section 78-3a-912;
  - (d) develop and provide training programs for attorney guardians ad litem and volunteers in accordance with the United States Department of Justice National Court Appointed Special Advocates Association standards;
  - (e) update and develop the guardian ad litem manual, combining elements of the National Court Appointed Special Advocates Association manual with specific information about the law and policy of this state;
  - (f) develop and provide a library of materials for the continuing education of attorney guardians ad litem and volunteers;
  - (g) educate court personnel regarding the role and function of guardians ad litem;
  - (h) develop needs assessment strategies, perform needs assessment surveys, and ensure that guardian ad litem training programs correspond with actual and perceived needs for training;

(i) design and implement evaluation tools based on specific objectives targeted in the needs assessments described in Subsection (3)(h);

(j) prepare and submit an annual report to the Judicial Council and the Health and Human Services Interim Committee regarding the development, policy, and management of the statewide guardian ad litem program, and the training and evaluation of attorney guardians ad litem and volunteers;

(k) hire, train, and supervise investigators; and

(l) administer the program of private guardians ad litem established by Section 78-7-45.

(4) A contract of employment or independent contract described under Subsection (3)(c) shall provide that attorney guardians ad litem in the second, third, and fourth judicial districts devote their full time and attention to the role of attorney guardian ad litem, having no clients other than the children whose interest they represent within the guardian ad litem program.

Section 4. Section **78-3a-912** is amended to read:

**78-3a-912. Appointment of attorney guardian ad litem -- Duties and responsibilities -- Training -- Trained staff and court-appointed special advocate volunteers -- Costs -- Immunity.**

(1) The court may appoint an attorney guardian ad litem to represent the best interest of a minor involved in any case before the court and shall consider only the best interest of a minor in determining whether to appoint a guardian ad litem.

(2) An attorney guardian ad litem shall represent the best interest of each minor who may become the subject of a petition alleging abuse, neglect, or dependency, from the date the minor is removed from [his] the minor's home by the Division of Child and Family Services, or the date the petition is filed, whichever occurs earlier.

(3) The Office of the Guardian Ad Litem Director, through an attorney guardian ad litem, shall:

(a) represent the best interest of the minor in all proceedings;

(b) be trained in applicable statutory, regulatory, and case law, and in accordance with the United States Department of Justice National Court Appointed Special Advocate Association

guidelines, prior to representing any minor before the court;

(c) conduct or supervise an independent investigation in order to obtain first-hand, a clear understanding of the situation and needs of the child;

~~[(d) personally or through a trained volunteer, paralegal, or other trained staff, determine the extent of contact the minor or his family has had with the Division of Child and Family Services;]~~

~~[(e) personally or through a trained volunteer, paralegal, or other trained staff, assess whether kinship placements have been adequately explored and investigated by the Division of Child and Family Services, and make recommendations to the court regarding the best interests of a child in kinship placements;]~~

~~[(f) personally or through a trained volunteer, paralegal, or other trained staff, assess whether there are alternatives to continued removal of the minor, including in-home services or removal of the perpetrator;]~~

~~[(g) personally or through a trained volunteer, paralegal, or other trained staff, review the Division of Child and Family Services' records regarding the minor and his family, and all other necessary and relevant records pertaining to the minor, including medical, psychological, and school records;]~~

~~[(h)]~~ (d) personally meet with the minor, personally interview the minor if the minor is old enough to communicate, determine the minor's goals and concerns regarding placement, and personally assess or supervise an assessment of the appropriateness and safety of the minor's environment in each placement;

~~[(i)]~~ (e) file written motions, responses, or objections at all stages of a proceeding when necessary to protect the best interest of a minor;

~~[(j) either personally or through a trained volunteer, paralegal, or other trained staff, conduct interviews, if appropriate and permitted by the Rules of Professional Conduct, with the minor's parents, foster parents, caseworkers, therapists, counselors, school personnel, mental health professionals, where applicable and, if any injuries or abuse have occurred or are alleged, review photographs, available video or audio tape of interviews with the minor, and contact appropriate health care facilities and health care providers;]~~

~~[(k) either personally or through a trained volunteer, paralegal, or other trained staff, identify appropriate community resources and advocate for those resources, when appropriate, to protect the best interest of the minor;]~~

~~[(l) personally attend all court hearings, and participate in all telephone conferences with the court unless the court waives that appearance or participation;]~~

~~[(m)]~~ (f) personally or through a trained volunteer, paralegal, or other trained staff, attend all administrative and foster care citizen review board hearings pertaining to the minor's case;

~~[(n) prepare for hearings;]~~

~~[(o) present witnesses and exhibits when necessary to protect the best interest of the minor;]~~

~~[(p)]~~ (g) participate in all appeals unless excused by order of the court;

~~[(q) calculate the schedule for administrative or foster care citizen review board hearings and other hearings required by state and federal law and regulation, and notify the Division of Child and Family Services if those hearings are not held in accordance with those requirements;]~~

~~[(r) conduct interviews with potential witnesses and review relevant exhibits and reports;]~~

~~[(s) make clear and specific recommendations to the court concerning the best interest of the minor at every stage of the proceeding, including all placement decisions, and ask that clear and specific orders be entered for the provision of services, treatment provided, and for the evaluation, assessment, and protection of the minor and his family;]~~

~~[(t)]~~ (h) be familiar with local experts who can provide consultation and testimony regarding the reasonableness and appropriateness of efforts made by the Division of Child and Family Services to maintain a minor in ~~[his]~~ the minor's home or to reunify a minor with ~~[his]~~ the minor's parent;

~~[(u)]~~ (i) to the extent possible, and unless it would be detrimental to the minor, personally or through a trained volunteer, paralegal, or other trained staff, keep the minor advised of the status of ~~[his]~~ the minor's case, all court and administrative proceedings, discussions, and proposals made by other parties, court action, and psychiatric, medical, or other treatment or diagnostic services that are to be provided to the minor;

~~[(v)]~~ (j) review proposed orders for, and as requested by the court, prepare proposed orders with clear and specific directions regarding services, treatment, and evaluation, assessment, and

protection of the minor and ~~his~~ the minor's family; and

~~[(w)]~~ (k) personally or through a trained volunteer, paralegal, or other trained staff, monitor implementation of a minor's treatment plan and any dispositional orders to determine whether services ordered by the court are actually provided, are provided in a timely manner, and attempt to assess whether they are accomplishing their intended goal~~[-and]~~.

~~[(x) inform the court promptly, orally or in writing, if:]~~

~~[(i) court-ordered services are not being made available to the minor and his family;]~~

~~[(ii) the minor's family fails to take advantage of court-ordered services;]~~

~~[(iii) court-ordered services are not achieving their purpose;]~~

~~[(iv) the division fails to hold administrative hearings or reviews as required by state and federal law and regulation; or]~~

~~[(v) any violation of orders, new developments, or changes have occurred that justify a review of the case.]~~

(4) (a) An attorney guardian ad litem may use trained volunteers, in accordance with Title 67, Chapter 20, Volunteer Government Workers Act, trained paralegals, and other trained staff to assist in investigation and preparation of information regarding the cases of individual minors before the court. An attorney guardian ad litem may not, however, delegate ~~his~~ the attorney's responsibilities described in Subsection (3).

(b) All volunteers, paralegals, and staff utilized pursuant to this section shall be trained in and follow, at a minimum, the guidelines established by the United States Department of Justice Court Appointed Special Advocate Association.

(c) The court may use volunteers trained in accordance with the requirements of Subsection (4)(b) to assist in investigation and preparation of information regarding the cases of individual minors within the jurisdiction.

(d) When possible and appropriate, the court may use a volunteer who is a peer of the minor appearing before the court, in order to provide assistance to that minor, under the supervision of an attorney guardian ad litem or the attorney's trained volunteer, paralegal, or other trained staff.

(5) The attorney guardian ad litem shall continue to represent the best interest of the minor

until released from [his] duties by the court.

(6) (a) The juvenile court is responsible for all costs resulting from the appointment of an attorney guardian ad litem and the costs of volunteer, paralegal, and other staff appointment and training, and shall use funds appropriated by the Legislature for the guardian ad litem program to cover those costs.

(b) (i) When the court appoints an attorney guardian ad litem under this section, the court may assess all or part of the attorney's fees, court costs, and paralegal, staff, and volunteer expenses against the minor's parents, parent, or legal guardian in a proportion that the court determines to be just and appropriate.

(ii) The court may not assess those fees or costs against a legal guardian, when that guardian is the state, or against a parent who is found to be impecunious. If a person claims to be impecunious, the court shall require of that person an affidavit of impecuniosity as provided in Section ~~[21-7-3]~~ 78-7-36 and the court shall follow the procedures and make the determinations as provided in Section ~~[21-7-4]~~ 78-7-36.

(7) An attorney guardian ad litem appointed under this section, when serving in the scope of his duties as guardian ad litem is considered an employee of the state for purposes of indemnification under Title 63, Chapter 30, Utah Governmental Immunity Act.

(8) (a) An attorney guardian ad litem shall represent the best interest of a minor. If the minor's wishes differ from the attorney's determination of the minor's best interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in addition to presenting [his] the attorney's determination of the minor's best interest. A difference between the minor's wishes and the attorney's determination of best interest may not be considered a conflict of interest for the attorney.

(b) The court may appoint one attorney guardian ad litem to represent the best interests of more than one minor child of a marriage.

~~[(c) An attorney guardian ad litem shall formulate an independent position, after considering all relevant evidence, in accordance with the requirements of Subsection (3). His recommendations to the court shall be a result of his independent investigation.]~~

(9) An attorney guardian ad litem shall be provided access to all Division of Child and Family Services records regarding the minor at issue and [~~his~~] the minor's family.

(10) An attorney guardian ad litem shall maintain current and accurate records regarding the number of times [~~he~~] the attorney has had contact with each minor and the actions [~~he~~] the attorney has taken in representation of the minor's best interest.

(11) (a) Except as provided in Subsection (11)(b), all records of an attorney guardian ad litem are confidential and may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise. This subsection supersedes Title 63, Chapter 2, Government Records Access and Management Act.

(b) All records of an attorney guardian ad litem are subject to legislative subpoena, under Title 36, Chapter 14, Legislative Subpoena Powers, and shall be released to the Legislature.

(c) Records released in accordance with Subsection (11)(b) shall be maintained as confidential by the Legislature. The Office of the Legislative Auditor General may, however, include summary data and nonidentifying information in its audits and reports to the Legislature.

(d) Because of the unique role of an attorney guardian ad litem described in Subsection (8), and the state's role and responsibility to provide a guardian ad litem program and, as *parens patriae*, to protect minors, Subsection (11)(b) constitutes an exception to Rules of Professional Conduct, Rule 1.6, as provided by Rule 1.6(b)(4). A claim of attorney-client privilege does not bar access to the records of an attorney guardian ad litem by the Legislature, through legislative subpoena.

Section 5. Section **78-7-9** is amended to read:

**78-7-9. Appointment of attorney guardian ad litem in child abuse and neglect proceedings.**

(1) If child abuse, child sexual abuse, or neglect is alleged in any proceeding in any state court, the court may upon its own motion or shall upon the motion of any party to the proceeding appoint an attorney guardian ad litem to represent the best interest of the child, in accordance with Sections 78-3a-911 and 78-3a-912.

(2) The court may appoint an attorney guardian ad litem, when it considers it necessary and appropriate, to represent the best interest of the child in all related proceedings conducted in any state

court involving the alleged abuse, child sexual abuse, or neglect.

(3) The attorney guardian ad litem shall be appointed in accordance with and meet the requirements of Sections 78-3a-911 and 78-3a-912.

(4) If an attorney guardian ad litem has been appointed for the child by any court in the state in any prior proceeding or related matter, the court may continue that appointment or may reappoint that attorney guardian ad litem, if still available, to act on behalf of the child.

(5) The court is responsible for all costs resulting from the appointment of an attorney guardian ad litem and shall use funds appropriated by the Legislature for the guardian ad litem program to cover those costs.

(6) (a) If the court appoints the Office of the Guardian Ad Litem in a civil case pursuant to this section, the court may assess all or part of those attorney's fees, court costs, paralegal, staff, and volunteer expenses against the minor's parent, parents, or legal guardian in an amount that the court determines to be just and appropriate.

(b) The court may not assess those fees or costs against a legal guardian, when that guardian is the state, or against a parent, parents, or legal guardian who is found to be impecunious. If a person claims to be impecunious, the court shall require of that person an affidavit of impecuniosity as provided in Section [~~21-7-3~~] 78-7-36 and the court shall follow the procedures and make the determinations as provided in Section [~~21-7-4~~] 78-7-36.

(c) If the court appoints the Office of the Guardian Ad Litem in a criminal case pursuant to this section and if the defendant is convicted of a crime which includes child abuse or neglect, the court shall include as part of the defendant's sentence all or part of the attorney's fees, court costs, and paralegal, staff, and volunteer expenses of the Office of the Guardian Ad Litem.

(7) An attorney guardian ad litem appointed in accordance with the requirements of this section and Sections 78-3a-911 and 78-3a-912 is, when serving in the scope of duties of an attorney guardian ad litem, considered an employee of this state for purposes of indemnification under the Governmental Immunity Act.

Section 6. Section **78-7-45** is amended to read:

**78-7-45. Private attorney guardian ad litem -- Appointment -- Costs and fees -- Duties**

**-- Conflicts of interest -- Pro bono obligation -- Indemnification -- Minimum qualifications.**

(1) (a) The court may appoint a private attorney as guardian ad litem to represent the best interests of the minor in any district court action in which the custody of or visitation with a minor is at issue. The attorney guardian ad litem shall be certified by the Director of the Office of the Guardian Ad Litem as having met the minimum qualifications for appointment, but shall not be employed by or under contract with the Office of the Guardian Ad Litem.

(b) If an attorney guardian ad litem has been appointed for the minor in any prior or concurrent action and that attorney guardian ad litem is available, the court shall appoint that attorney guardian ad litem, unless good cause is shown why another attorney guardian ad litem should be appointed.

(c) If, after appointment of the attorney guardian ad litem, an allegation of abuse [or], neglect, or dependency of the minor is made the court shall:

- (i) determine whether it is in the best interests of the minor to continue the appointment; or
- (ii) order the withdrawal of the private attorney guardian ad litem and appoint the Office of the Guardian Ad Litem.

(2) (a) The court shall assess all or part of the attorney guardian ad litem fees, courts costs, and paralegal, staff, and volunteer expenses against the parties in a proportion the court determines to be just.

(b) If the court finds a party to be impecunious, under the provisions of [~~Sections 21-7-3 and 21-7-4~~] Section 78-7-36, the court may direct the impecunious party's share of the assessment to be covered by the attorney guardian ad litem pro bono obligation established in Subsection (6)(b).

(3) The attorney guardian ad litem appointed under the provisions of this section shall:

(a) represent the best interests of the minor from the date of the appointment until released by the court;

(b) conduct or supervise an independent investigation in order to obtain a clear understanding of the situation and needs of the minor;

~~[(c) formulate an independent opinion of the best interests of the minor after considering all relevant evidence and make recommendations to the court concerning the best interest of the minor;]~~

~~[(d)]~~ (c) interview witnesses and review relevant records pertaining to the minor and the minor's family, including medical, psychological, and school records;

~~[(e)]~~ (d) if the minor is old enough to communicate and unless it would be detrimental to the minor:

(i) meet with and interview the minor;

(ii) determine the minor's goals and concerns regarding custody or visitation; and

(iii) counsel the minor regarding the nature, purpose, status, and implications of the case, of hearings, of recommendations, and proposals by parties and of court orders;

~~[(f)]~~ (e) conduct discovery, file pleadings and other papers, prepare and review orders, and otherwise comply with the Utah Rules of Civil Procedure as necessary to protect the best interest of the minor;

~~[(g)]~~ (f) unless excused by the court, prepare for and attend all mediation hearings and all court conferences and hearings, and present witnesses and exhibits as necessary to protect the best interests of the minor;

~~[(h)]~~ (g) identify community resources to protect the best interests of the minor and advocate for those resources; and

~~[(i)]~~ (h) participate in all appeals unless excused by the court.

(4) (a) The attorney guardian ad litem shall represent the best interests of a minor. If the minor's wishes differ from the attorney's determination of the minor's best interests, the attorney guardian ad litem shall communicate to the court the minor's wishes and the attorney's determination of the minor's best interests. A difference between the minor's wishes and the attorney's determination of best interests is not sufficient to create a conflict of interest.

(b) The court may appoint one attorney guardian ad litem to represent the best interests of more than one minor child of a marriage.

(5) An attorney guardian ad litem appointed under this section is immune from any civil liability that might result by reason of acts performed within the scope of duties of the attorney guardian ad litem.

(6) (a) Upon the advice of the Director of the Office of the Guardian Ad Litem, the Judicial

Council shall by rule establish the minimum qualifications and requirements for appointment by the court as an attorney guardian ad litem.

(b) An attorney guardian ad litem may be required to appear pro bono in one case for every five cases in which the attorney is appointed with compensation.

(7) This section shall be effective in the Second, Third, and Fourth Judicial Districts on July 1, 2001, and in the remaining judicial districts of the state on July 1, 2002.

**Section 7. Effective date.**

This act takes effect on July 1, 2002.