

IC 31-17-6

Chapter 6. Appointment of Guardians Ad Litem and Court Appointed Special Advocates

IC 31-17-6-1

Appointment

Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, IC 31-17-7, or IC 31-28-5, may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time. *As added by P.L.1-1997, SEC.9. Amended by P.L.133-2008, SEC.9.*

IC 31-17-6-2

Persons ineligible for appointment

Sec. 2. A court may not appoint a party to the proceedings, the party's employee, or the party's representative as the:

- (1) guardian ad litem;
- (2) court appointed special advocate;
- (3) guardian ad litem program; or
- (4) court appointed special advocate program;

for a child who is involved in the proceedings.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-3

Protection of best interests of child; term of appointment

Sec. 3. A guardian ad litem or court appointed special advocate shall represent and protect the best interests of the child. A guardian ad litem or court appointed special advocate serves until the court enters an order for removal.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-4

Officers of the court

Sec. 4. The guardian ad litem or the court appointed special advocate, or both, are considered officers of the court for the purpose of representing the child's interests.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-5

Representation by attorney

Sec. 5. The guardian ad litem or the court appointed special advocate may be represented by an attorney. If necessary to protect the child's interests, the court may appoint an attorney to represent the guardian ad litem or the court appointed special advocate.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-6

Subpoena powers; presentation of evidence

Sec. 6. A guardian ad litem or court appointed special advocate appointed by a court under this chapter may subpoena witnesses and present evidence regarding:

- (1) the supervision of the action; or
- (2) any investigation and report that the court requires of the guardian ad litem or court appointed special advocate.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-7

Continuing supervision

Sec. 7. The court may order a guardian ad litem or court appointed special advocate appointed by a court under this chapter (or IC 31-1-11.5-28 before its repeal) to exercise continuing supervision over the child to assure that the custodial or parenting time terms of an order entered by the court under IC 31-17-2 or IC 31-17-4 (or IC 31-1-11.5 before its repeal) are carried out as required by the court.

As added by P.L.1-1997, SEC.9. Amended by P.L.68-2005, SEC.53.

IC 31-17-6-8

Civil immunity

Sec. 8. Except for gross misconduct:

- (1) a guardian ad litem;
- (2) a court appointed special advocate;
- (3) an employee of a county guardian ad litem or court appointed special advocate program; or
- (4) a volunteer for a guardian ad litem or court appointed special advocate program;

who performs duties in good faith is immune from any civil liability that may occur as a result of the person's performance.

As added by P.L.1-1997, SEC.9.

IC 31-17-6-9

User fee; funds

Sec. 9. (a) The court may order either or both parents of a child for whom a guardian ad litem or court appointed special advocate is appointed under this chapter to pay a user fee for the services provided under this chapter. The court shall establish one (1) of the following procedures to be used to collect the user fee:

- (1) The court may order the clerk of the court to collect the user fee and deposit the user fee into the county's guardian ad litem fund or court appointed special advocate fund. The fiscal body of the county shall appropriate money collected as user fees under this chapter to the court having jurisdiction over custody actions for the court's use in providing guardian ad litem or court appointed special advocate services, including the costs of representation.
- (2) The court may order either or both parents to pay the user fee to the:
 - (A) guardian ad litem program that provided the services; or
 - (B) court appointed special advocate program that provided the services.
- (3) The court may order either or both parents to pay the user

fee to the individual or attorney guardian ad litem that provided the services.

(b) Money remaining in a county's:

(1) guardian ad litem fund; or

(2) court appointed special advocate fund;

at the end of the county's fiscal year does not revert to any other fund.

(c) If the court orders either or both parents to pay the user fee according to subsection (a)(2) or (a)(3) the program or the individual or attorney guardian ad litem shall report to the court the receipt of payment not later than thirty (30) days after receiving the payment.

As added by P.L.1-1997, SEC.9.