

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 653

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1633, IDAHO CODE,  
TO REVISE PROVISIONS RELATING TO THE DUTIES OF A GUARDIAN AD LITEM AND TO  
MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16-1633, Idaho Code, be, and the same is hereby  
amended to read as follows:

16-1633. GUARDIAN AD LITEM -- DUTIES. Subject to the direction of  
the court, the guardian ad litem shall advocate for the best interests of  
the child and shall have the following duties which shall continue until  
resignation of the guardian ad litem or until the court removes the guardian  
ad litem or no longer has jurisdiction, whichever first occurs:

(1) To conduct an independent factual investigation of the  
circumstances of the child including, without limitation, the circumstances  
described in the petition.

(2) To file with the court prior to any adjudicatory, review  
or permanency hearing a written report stating the results of the  
investigation, the guardian ad litem's recommendations and such other  
information as the court may require. In all post-adjudicatory reports,  
the guardian ad litem shall inquire of any child capable of expressing his  
or her wishes regarding permanency and, when applicable, the transition  
from foster care to independent living and shall include the child's express  
wishes in the report to the court. The guardian ad litem's written report  
shall be delivered to the court, with copies to all parties to the case at  
least five (5) days before the date set for the ~~adjudicatory~~ hearing. The  
report submitted prior to the adjudicatory hearing shall not be admitted  
into evidence at the ~~adjudicatory~~ hearing, and shall be used by the court  
only for disposition if the child is found to be within the purview of the  
act.

(3) To act as an advocate for the child for whom appointed at each  
stage of proceedings under this chapter ~~and is charged with the general  
representation of the child.~~ To that end, the guardian ad litem shall  
participate fully in the proceedings and to the degree necessary to  
adequately ~~represent the child~~ advocate for the child's best interests, and  
shall be entitled to confer with the child, ~~and~~ the child's siblings, ~~and~~  
the child's parents and any other individual or entity having information  
relevant to the child protection case.

(4) ~~To facilitate and negotiate to ensure that the court, the  
department, if applicable, and the child's attorney, if any, fulfill their  
obligations to the child in a timely fashion.~~

~~(5) To monitor the circumstances of a child, if the child is found to  
be within the purview of the act, to assure compliance with law and to assure~~

1 that the terms of the court's orders are being fulfilled and remain in the  
2 best interest of the child.

3 ~~(6) To meet with any parent having joint legal or physical custody of~~  
4 ~~the child, record the concerns of the parent, and report them to the court or~~  
5 ~~file an affidavit stating why no meeting occurred.~~

6 (75) To maintain all information regarding the case confidential and to  
7 not disclose the same except to the court or to other parties to the case.

8 (86) Such other and further duties as may be expressly imposed by the  
9 court order.