

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 148

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1614, IDAHO CODE,  
TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF A GUARDIAN AD LITEM  
AND TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF COUNSEL FOR A  
GUARDIAN AD LITEM AND FOR A CHILD.

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

SECTION 1. That Section 16-1614, Idaho Code, be, and the same is hereby  
amended to read as follows:

16-1614. RIGHT TO APPOINTMENT OF GUARDIAN AD LITEM, COUNSEL -- FOR  
GUARDIAN AD LITEM, COUNSEL FOR CHILD. (1) In any proceeding under this chap-  
ter for a child under the age of twelve (12) years, the court shall appoint  
a guardian ad litem for the child or children ~~to serve at each stage of the~~  
~~proceeding and in appropriate cases~~ shall appoint counsel to represent the  
guardian, ~~and in appropriate cases, may appoint separate ad litem, unless~~  
~~the guardian ad litem is already represented by counsel for the child.~~ If a  
court does not have available to it a guardian ad litem program or a suffi-  
cient number of guardians ad litem, the court shall appoint counsel for the  
child. In appropriate cases, the court may appoint a guardian ad litem for  
the child and counsel to represent the guardian ad litem and may, in addi-  
tion, appoint counsel to represent the child.

~~(2) If a court does not have available to it a guardian ad litem program~~  
~~or a sufficient number of guardians ad litem, the court shall appoint sepa-~~  
~~rate counsel for the child. For a child under the age of twelve (12) years the~~  
~~attorney will have the powers and duties of a guardian ad litem. For a child~~  
~~twelve (12) years of age or older, the court may order that the counsel act~~  
~~with or without the powers and duties of a guardian ad litem~~ In any proceeding  
under this chapter for a child twelve (12) years of age or older, the court:

(a) Shall appoint counsel to represent the child and may, in addition,  
appoint a guardian ad litem; or

(b) Where appointment of counsel is not practicable or not appropriate,  
may appoint a guardian ad litem for the child and shall appoint counsel  
to represent the guardian ad litem, unless the guardian ad litem is al-  
ready represented by counsel.

(3) Counsel appointed for the child under the provisions of this sec-  
tion shall be paid for by the county unless the party for whom counsel is ap-  
pointed has an independent estate sufficient to pay such costs.