## HOUSE RESEARCH =

## Bill Summary =

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## Overview

This bill establishes a State Guardian Ad Litem Board and directs certain existing sources of funding to the board.

## Section

Account. Directs the commissioner of management and budget to deposit certain guardian ad litem reimbursements into a special revenue fund account with the State Guardian Ad Litem Board, established later in the bill. Currently, these reimbursements are deposited into an account subject to the control of the district courts.

Revenue would be required to be spent in the district in which it is collected.

- Guardian ad litem fees. Directs the commissioner of management and budget to deposit certain guardian ad litem reimbursements into a special revenue fund account with the State Guardian Ad Litem Board, established later in the bill. Currently, these reimbursements are deposited into an account subject to the control of the district courts. Revenue would be required to be spent in the district in which it is collected.
- Court expenses. Requires the State Guardian Ad Litem Board to pay for reasonable compensation for an attorney to serve as counsel for a guardian ad litem, if necessary. This section also eliminates obsolete language related to certain expenses in the Eighth Judicial District.
- Guardian ad litem fees. Directs the commissioner of management and budget to deposit certain guardian ad litem reimbursements into a special revenue fund account with the State Guardian Ad Litem Board, established later in the bill. Currently, these reimbursements are deposited into an account subject to the control of the district courts. Revenue would be required to be spent in the district in which it is collected.
- State Guardian Ad Litem Board. Establishes a State Guardian Ad Litem Board in the judicial branch, but not subject to administrative control of the judiciary. The structure of the board would be similar to the Board of Public Defense.

  The board would consist of seven members: three appointed by the Supreme Court, two

of which must be attorneys and one must be a member of the public; and four appointed by the governor. Qualifications for board members are provided.

The board would be required to establish and administer a statewide guardian ad litem program to advocate for the best interests of children, minor parents, and incompetent adults in court. The board is also required to recommend a budget for the program to the legislature, establish procedures for distributing funding, and establish other standards for the program. Certain discretionary powers are also granted to the board. The board would be required to appoint a program administrator. Duties of the administrator are provided.

Beginning in FY 2011, the board would be permitted to contract with the state court administrator for administrative services.

Records of the board would be subject to disclosure as permitted under court rules. Certain provisions related to fees and costs in civil actions would apply to the board.

- Guardian ad litem fees. Directs the commissioner of management and budget to deposit certain guardian ad litem reimbursements into a special account with the State Guardian Ad Litem Board, established earlier in the bill. Currently, these reimbursements are deposited into an account subject to the control of the district courts. Revenue would be required to be spent in the district in which it is collected.
- **Transition.** Provides that the State Guardian Ad Litem Board must be established by October 1, 2010, and provides procedures for transferring powers to the board.
- **Funding; transfer.** Provides for transferring of \$12.367 million from funds for the guardian ad litem accounts to the board and for expenses associated with establishing the board. The legislature would be required to provide additional appropriations in the future for expenses of the board.
- **Effective date.** Provides an effective date for the bill.