

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/4/21
A Bill

HOUSE BILL 1571

By: Representative C. Fite
By: *Senator Rice*

For An Act To Be Entitled

AN ACT CONCERNING ATTORNEY AD LITEM PROGRAMS; TO
AMEND THE LAW CONCERNING GUARDIANS AD LITEM AND
ATTORNEYS AD LITEM; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING ATTORNEY AD LITEM PROGRAMS;
AND TO AMEND THE LAW CONCERNING GUARDIANS
AD LITEM AND ATTORNEYS AD LITEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-13-106 is amended to read as follows:
9-13-106. Attorney ad litem programs.

(a) The Director of the Administrative Office of the Courts is authorized to establish attorney ad litem programs to represent children in ~~guardianship cases in~~ circuit court when custody is an issue.

(b) When a circuit judge determines that the appointment of an attorney ad litem would facilitate a case in which custody is an issue and further protect the rights of the child, the circuit judge may appoint a private attorney to represent the child.

(c)(1) The Supreme Court, with advice of the circuit judges, shall adopt standards of practice and qualifications for service for attorneys who seek to be appointed to provide legal representation for children ~~in guardianship cases.~~

(2)(A) In extraordinary cases, the circuit court may appoint an attorney ad litem who does not meet the required standards and



qualifications.

(B) The attorney may not be appointed in subsequent cases until he or she has made efforts to meet the standards and qualifications.

(d)(1) When a circuit judge appoints an attorney ad litem in a case, the court may order financially able parents or custodians to pay all or part of the attorney ad litem's fees and expenses.

(2) The circuit judge may:

(A) Determine an hourly rate of pay for the attorney ad litem's fee;

(B) Establish qualifying expenses for purposes of reimbursement; and

(C) Order any party to pay the attorney ad litem a retainer.

(3) The court may order any party to the case to pay all or a portion of the attorney ad litem's fees and expenses.

(e)(1) A circuit judge may order the Administrative Office of the Courts to pay fees and expenses pursuant to the guidelines of the Administrative Office of the Courts for attorney ad litem representation.

~~(2) When attorneys are appointed pursuant to subsection (b) of this section~~ When attorneys ad litem are appointed and the court orders the payment of fees and expenses by the Administrative Office of the Courts, the fees for services and ~~reimburseable~~ reimbursable expenses shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

~~(f)(1)~~ (f)(1) ~~When a judge orders the payment of funds for the fees and expenses authorized by this section to be paid through the Administrative Office of the Courts, the judge shall transmit a copy of the order to the office~~ Administrative Office of the Courts, which is authorized to pay the funds.

~~(2) The~~ When a judge orders the Administrative Office of the Courts to pay in a case, the court may also require the parties to pay all or a portion of the fees and expenses, depending on the ability of the parties to pay.

~~(f)(g)~~ The office Administrative Office of the Courts shall establish guidelines to provide a maximum amount of expenses and fees per hour and per case that will be paid pursuant to this section if the Administrative Office

of the Courts is ordered to pay any portion of the fees and expenses related to the case.

~~(g)~~(h) In order to ensure that each judicial district will have an appropriate amount of funds to utilize for ad litem representation in custody cases, the funds appropriated shall be apportioned based upon a formula developed by the ~~office~~ Administrative Office of the Courts, promulgated by rule, and approved by the Arkansas Judicial Council, Inc. and the Legislative Council.

~~(h)(1)~~(i)(1) The ~~office~~ Administrative Office of the Courts shall develop a statistical survey that each attorney who serves as an ad litem shall complete upon the conclusion of the case if any portion of the attorney's fees or expenses is paid by the Administrative Office of the Courts.

(2) Statistics shall include:

- (A) The ages of children served;
- (B) Whether the custody issue arises at a divorce or post-divorce stage;
- (C) Whether psychological services were ordered; and
- (D) Any other relevant information.

SECTION 2. Arkansas Code § 28-1-111 concerning guardians and attorneys ad litem is amended to add additional subsections to read as follows:

(c)(1) When a circuit judge appoints an attorney ad litem in a guardianship or adoption case, the court may order financially able parties or custodians to pay all or part of the attorney ad litem's fees and expenses.

(2) The circuit judge may:

- (A) Determine an hourly rate of pay for the attorney ad litem's fee;
- (B) Establish qualifying expenses for purposes of reimbursement; and
- (C) Order any party pay the attorney ad litem a retainer.

(3) The court may order any party to the case to pay all or a portion of the attorney ad litem's fees and expenses.

(d)(1) A circuit judge may order the Administrative Office of the Courts to pay fees and expenses pursuant to the guidelines of the

Administrative Office of the Courts for attorney ad litem representation.

(2) When attorneys ad litem are appointed and the court orders the payment of fees and expenses by the Administrative Office of the Courts, the fees for services and reimbursable expenses shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(e)(1) When a judge orders the payment of funds for the fees and expenses to be paid through the Administrative Office of the Courts, the judge shall transmit a copy of the order to the Administrative Office of the Courts, which is authorized to pay the funds.

(2) When a judge orders the Administrative Office of the Courts to pay in a case, the court may also require the parties to pay all or a portion of the fees and expenses, depending on the ability of the parties to pay.

(f) The Administrative Office of the Courts shall establish guidelines to provide a maximum amount of expenses and fees per hour and per case that will be paid if the Administrative Office of the Courts is ordered to pay any portion of the fees and expenses related to the case.

(g) In order to ensure that each judicial district will have an appropriate amount of funds to utilize for ad litem representation in custody cases, the funds appropriated shall be apportioned based upon a formula developed by the Administrative Office of the Courts, promulgated by rule, and approved by the Arkansas Judicial Council, Inc. and the Legislative Council.

(h)(1) The Administrative Office of the Courts shall develop a statistical survey that each attorney who serves as an ad litem shall complete upon the conclusion of the case if any portion of the attorney's fees or expenses is paid by the Administrative Office of the Courts.

(2) Statistics shall include:

- (A) The ages of children served;
- (B) Whether the custody issue arises at a divorce or post-divorce stage;
- (C) Whether psychological services were ordered; and
- (D) Any other relevant information.

/s/C. Fite