

HB570 INTRODUCED



1 HB570
2 QNSIC14-1
3 By Representative Mooney
4 RFD: Judiciary
5 First Read: 05-Mar-26



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SYNOPSIS:

Under existing law, guardians ad litem are required to perform certain duties in order to protect the best interests of the child.

This bill would further provide for the duties of guardians ad litem, including, but not limited to, regular meetings with children and foster parents, conducting ongoing investigations and review of court cases, review of certain reports related to subject children, and when appropriate, filing pleadings to promote the best interests of children and timely permanent resolution of cases.

A BILL
TO BE ENTITLED
AN ACT

Relating to guardians ad litem; to amend Section 12-15-304, Code of Alabama 1975; to further provide for the duties of guardians ad litem.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-304, Code of Alabama 1975, is amended to read as follows:

"§12-15-304



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29 (a) In all dependency and termination of parental
30 rights proceedings, the juvenile court shall appoint a
31 guardian ad litem for a child who is a party to the
32 proceedings and whose primary responsibility shall be to
33 protect the best interests of the child.

34 (b) The guardian ad litem, irrespective of the age of
35 the child, shall:

36 (1) Meet with the child and speak with the child's
37 foster parents before every court hearing, when significant
38 events impact the child, and when the guardian ad litem is
39 apprised of emergencies, except where any such meeting is
40 impracticable due to exigent circumstances; and

41 (2) Explain, in terms understandable to the child, what
42 is expected to happen before, during, and after each juvenile
43 court hearing.

44 (c) The duties of the guardian ad litem shall include,
45 ~~but shall not be limited to,~~ the following:

46 (1) Conduct an ongoing,~~Irrespective of the age of the~~
47 ~~child, meet with the child prior to juvenile court hearings~~
48 ~~and when apprised of emergencies or significant events~~
49 ~~impacting the child. In addition, the guardian ad litem shall~~
50 ~~explain, in terms understandable to the child, what is~~
51 ~~expected to happen before, during, and after each juvenile~~
52 ~~court hearing.~~

53 ~~(2) Conduct a~~ thorough, and independent investigation,
54 including the following, at a minimum:

55 a. Face-to-face meetings to observe the child's
56 physical, mental, social, and educational well being.



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57 b. Ongoing communication with foster parents and
58 custodians, including review of reports prepared by foster
59 parents in the exercise of their right to be heard.

60 c. Personally review Department of Human Resources
61 court reports, Court Appointed Special Advocate reports,
62 Individualized Education Plans, Individualized Service Plan
63 reports, foster parent reports, and other information related
64 to the child including educational records, medical records,
65 mental health records, and any other relevant records
66 pertaining to the child.

67 (2) Attend and participate in the development and
68 negotiation of individualized service plans and proposed court
69 orders.

70 (3) Conduct an ongoing review of the progress of the
71 court case to promote the best interests of the child and to
72 promote a timely and permanent resolution to the case. Ongoing
73 review includes conducting monitoring of timely implementation
74 of individualized service plans and timely compliance with
75 court orders. When appropriate, the guardian ad litem shall
76 file pleadings with the court while the case is pending to
77 notify the court of delays and noncompliance.

78 (4) ~~(3)~~ Advocate for appropriate services for the child
79 and the family, which may include, but not be limited to,
80 trauma informed counseling for the child and trauma informed
81 training and ongoing coaching for the legal parents,
82 appropriate family members, and the foster parents.

83 (5) ~~(4)~~ Attend and be prepared to fully participate in
84 all ~~dependency juvenile court~~ hearings scheduled by the



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85 juvenile court, including examination and cross-examination of
86 witnesses, issuance of subpoenas, offering of testimony,
87 seeking discovery when appropriate, and filing ~~and file all~~
88 ~~necessary~~ pleadings to ~~facilitate~~ promote the best interests
89 of the child and timely, permanent resolution of the case.
90 Additionally, the guardian ad litem shall obtain copies of all
91 relevant proceedings and notices and participate in
92 depositions and negotiations.

93 (d) ~~(e)~~ Before being appointed by the juvenile court,
94 every guardian ad litem appointed in juvenile dependency or
95 termination of parental rights cases shall receive training
96 appropriate to their role.

97 (e) ~~(d)~~ Nothing in this section shall prohibit the
98 juvenile court from appointing trained volunteers in addition
99 to guardians ad litem in promoting the best interests of the
100 child.

101 (f) ~~(e)~~ A guardian ad litem may be appointed to protect
102 the best interests of more than one child of the same parent.
103 A guardian ad litem also may be appointed to protect the best
104 interests of both a minor (or otherwise incapacitated) parent
105 and the child."

106 Section 2. This act shall become effective on October
107 1, 2026.