

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1571

5 By: Representative C. Fite
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For An Act To Be Entitled

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

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13 CONCERNING ATTORNEY AD LITEM PROGRAMS;
14 AND TO AMEND THE LAW CONCERNING GUARDIANS
15 AD LITEM AND ATTORNEYS AD LITEM.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 9-13-106 is amended to read as follows:

22 9-13-106. Attorney ad litem programs.

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

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

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

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



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

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

6 (2) The circuit judge may:

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

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

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

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

15 (e)(1) A circuit judge may order the Administrative Office of the
 16 Courts to pay reasonable fees and expenses for attorney ad litem
 17 representation in domestic relations and adoption cases.

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

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

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

33 ~~(f)(g)~~ The ~~office~~ Administrative Office of the Courts shall establish
 34 guidelines to provide a maximum amount of expenses and fees per hour and per
 35 case that will be paid ~~pursuant to this section~~ if the Administrative Office
 36 of the Courts is ordered to pay any portion of the fees and expenses related

1 to the case.

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

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

13 (2) Statistics shall include:

14 (A) The ages of children served;

15 (B) Whether the custody issue arises at a divorce or post-
 16 divorce stage;

17 (C) Whether psychological services were ordered; and

18 (D) Any other relevant information.
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20 SECTION 2. Arkansas Code § 28-1-111 concerning guardians and attorneys
 21 ad litem is amended to add additional subsections to read as follows:

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

26 (2) The circuit judge may:

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

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

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

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

34 (d)(1) A circuit judge may order the Administrative Office of the
 35 Courts to pay reasonable fees and expenses for attorney ad litem
 36 representation in custody and adoption cases.

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

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

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

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

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

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

27 (2) Statistics shall include:

28 (A) The ages of children served;

29 (B) Whether the custody issue arises at a divorce or post-
30 divorce stage;

31 (C) Whether psychological services were ordered; and

32 (D) Any other relevant information.

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