

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

As Engrossed: H3/4/21

A Bill

HOUSE BILL 1571

5 By: Representative C. Fite
6 By: Senator Rice
7

For An Act To Be Entitled

9 AN ACT CONCERNING ATTORNEY AD LITEM PROGRAMS; TO
10 AMEND THE LAW CONCERNING GUARDIANS AD LITEM AND
11 ATTORNEYS AD LITEM; AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING ATTORNEY AD LITEM PROGRAMS;
16 AND TO AMEND THE LAW CONCERNING GUARDIANS
17 AD LITEM AND ATTORNEYS AD LITEM.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 9-13-106 is amended to read as follows:
23 9-13-106. Attorney ad litem programs.

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

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

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

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



1 qualifications.

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

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

7 (2) The circuit judge may:

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

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

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

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

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

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

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

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

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

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

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

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

14 (2) Statistics shall include:

15 (A) The ages of children served;

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

18 (C) Whether psychological services were ordered; and

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

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

27 (2) The circuit judge may:

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

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

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

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

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

1 Administrative Office of the Courts for attorney ad litem representation.

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

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

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

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

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

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

28 (2) Statistics shall include:

29 (A) The ages of children served;

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

32 (C) Whether psychological services were ordered; and

33 (D) Any other relevant information.

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35 /s/C. Fite
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