

§1554. Guardian ad litem responsibilities

1. Role of guardian ad litem. The court may appoint a guardian ad litem to provide information to assist the court in determining the best interests of the child involved in the determination of parental rights and responsibilities and guardianship of a minor under Title 18-C, in the determination of parental rights and responsibilities under Title 19-A, section 904 or 1653 and in the determination of contact with grandparents under Title 19-A, section 1803. The court shall appoint a guardian ad litem in a child protection case under Title 22, chapter 1071.

[PL 2017, c. 402, Pt. C, §10 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Standards of conduct. Guardians ad litem shall abide by the standards of conduct as adopted by rule by the Supreme Judicial Court.

[PL 2013, c. 406, §1 (NEW).]

3. General responsibilities. A person appointed by the court to serve as a guardian ad litem acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem. As a quasi-judicial officer, the guardian ad litem shall perform the assigned duties independently and impartially in all relevant matters within the scope of the order of appointment, respecting the court's obligation to dispose of all judicial matters promptly, efficiently and fairly as provided in the Maine Code of Judicial Conduct. A guardian ad litem shall:

A. Represent consistently the best interests of the child and provide information to the court that assists the court in determining the best interests of the child; [PL 2013, c. 406, §1 (NEW).]

B. Understand and uphold the law and court orders related to the guardian ad litem's appointment; [PL 2013, c. 406, §1 (NEW).]

C. Maintain the highest standards of professionalism, cultural sensitivity and ethics; [PL 2013, c. 406, §1 (NEW).]

D. Recognize that timely resolution of each matter serves the best interests of the child and the child's need for stability; [PL 2013, c. 406, §1 (NEW).]

E. Within the scope of authority defined by statute or court order, plan, carry out, document and complete thorough, appropriate and fair investigations in a timely fashion; [PL 2013, c. 406, §1 (NEW).]

F. Communicate in a developmentally appropriate way with the child; [PL 2013, c. 406, §1 (NEW).]

G. Make well-reasoned and factually based written recommendations regarding the best interests of the child as directed by the order of appointment; [PL 2013, c. 406, §1 (NEW).]

H. Pursuant to the order of appointment, include parties in the investigation, use effective communication techniques, recognize limitations that may be imposed by the financial resources of the parties as applicable and be aware of the cultural and socioeconomic status of the parties; and [PL 2013, c. 406, §1 (NEW).]

I. Complete assignments and written reports in a timely manner and communicate effectively with the court in motions, reports, recommendations and testimony. [PL 2013, c. 406, §1 (NEW).]

[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 402, Pt. C, §10 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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