

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1983. Appointment of Guardian Ad Litem.

Because minor children cannot make legal decisions for themselves, nor bind themselves legally to any contractual obligations, therefore in any legal proceeding where the legal interests of a juvenile, other minor or other legally incompetent individual and the legal interests of the parents or other legal guardians of the juvenile, other minor or other legally incompetent individual are considered to be adverse or in conflict with each other, a guardian ad litem will be appointed for the juvenile, other minor or other legally incompetent individual by the court to provide an independent adult to act on behalf of the juvenile, other minor or other legally incompetent individual in the legal proceeding, and to make certain that the interests and legal rights of the juvenile, other minor or other legally incompetent individual are given adequate consideration and are adequately protected in that process. The legal protective status of a guardian ad litem will exist only within the confines of the particular court case in which the appointment was made.

(a) The Superior Court may, and in wardship cases shall, appoint a guardian ad litem for a juvenile, other minor or other legally incompetent individual, to serve until discharged by the court.

(b) A guardian ad litem appointed pursuant to this section is an advocate for a juvenile, other minor or other legally incompetent individual whose welfare is a matter of concern for the court and shall be distinguished from a guardian ad litem appointed pursuant to actions brought under the Probate Code, 8 CMC § 2101 et seq., or appointed pursuant to the court's probate rules. Nothing in this section shall be interpreted to modify any of the duties and obligations of a guardian ad litem appointed pursuant to the Uniform Parentage Act, 8 CMC § 1700 et seq.

(c) The Superior Court may, at its discretion, establish a Guardian Ad Litem Program within the family court, to serve as a system to provide training and supervision to volunteers who serve as court-appointed special advocates for juveniles, other minors or other legally incompetent individuals during proceedings pursuant to this chapter and for children in abuse and neglect proceedings within the family court, and in any other matters in which appointment of a protective guardian ad litem is appropriate.

Source: PL 16-47, § 35(c), modified.

Commission Comment: The Commission replaced “this act” with “this chapter” pursuant to 1 CMC § 3806(d). The Commission corrected manifest errors by inserting “a” before juvenile, where appropriate, and deleting an extra comma in subsection (c) pursuant to 1 CMC § 3806(g).