

IC 31-32-3

Chapter 3. Guardians Ad Litem and Court Appointed Special Advocates

IC 31-32-3-1

Appointment

Sec. 1. (a) The juvenile court may appoint a guardian ad litem or a court appointed special advocate, or both, for the child at any time.

(b) The juvenile court may appoint an early intervention advocate for a child who is participating in a preventative program for at-risk children that has been established by the court under section 11 of this chapter.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.5.

IC 31-32-3-2

Persons ineligible for appointment

Sec. 2. A court may not appoint a party to the proceedings, an employee of a party to the proceedings, or a representative of a party to the proceedings as the:

- (1) guardian ad litem;
- (2) court appointed special advocate;
- (3) guardian ad litem program; or
- (4) court appointed special advocate program;

for a child involved in the proceedings.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-3

Appointment of child's attorney as guardian ad litem or court appointed special advocate

Sec. 3. A guardian ad litem or court appointed special advocate need not be an attorney, but the attorney representing the child may be appointed the child's guardian ad litem or court appointed special advocate.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-4

Representation by attorney

Sec. 4. The guardian ad litem or the court appointed special advocate may be represented by an attorney.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-5

Court appointment of attorney

Sec. 5. If necessary to protect the child's interests, the court may appoint an attorney to represent the guardian ad litem or the court appointed special advocate. The court may only appoint one (1) attorney under this section.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-6

Representation of best interests of child

Sec. 6. A guardian ad litem or court appointed special advocate shall represent and protect the best interests of the child.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-7

Officers of the court

Sec. 7. The guardian ad litem or the court appointed special advocate, or both, shall be considered officers of the court for the purpose of representing the child's interests.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-8

Term of appointment

Sec. 8. (a) A guardian ad litem or court appointed special advocate serves until the juvenile court enters an order for discharge under IC 31-34-21-11 or IC 31-37-20-7.

(b) An early intervention advocate serves until the plan developed for an at-risk child under section 11 of this chapter has been terminated.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.6.

IC 31-32-3-9

Fees

Sec. 9. If any fees arise, payment shall be made under IC 31-40.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-10

Civil immunity; employee of or volunteer for an early intervention advocate; preventative program staff member

Sec. 10. Except for gross misconduct, if:

- (1) a guardian ad litem;
- (2) a court appointed special advocate;
- (3) an employee of a county guardian ad litem or court appointed special advocate program;
- (4) a volunteer for a county guardian ad litem or court appointed special advocate program;
- (5) an early intervention advocate; or
- (6) an employee of or volunteer for an early intervention advocate or staff member of a preventative program established by the court under section 11 of this chapter;

performs the person's duties in good faith, the person is immune from any civil liability that may occur as a result of that person's performance during the time that the person is acting within the scope of the person's duties.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.7.

IC 31-32-3-11

Voluntary preventative program for at-risk children; criminal history check of staff and early intervention advocate; authorized

actions; confidential information; request for assistance; civil and criminal immunity

Sec. 11. (a) A juvenile court may establish a voluntary preventative program for at-risk children.

(b) A juvenile court that establishes a program under subsection (a) may, after conducting a criminal history check of every individual who is likely to have contact with a child, appoint staff and an early intervention advocate to implement, coordinate, and carry out the purposes of the program. The court may not appoint an individual under this subsection if the results of the criminal history check disclose that the individual has a record of:

- (1) a conviction for a felony;
- (2) a conviction for a misdemeanor relating to the health and safety of a child; or
- (3) a juvenile adjudication for an act that, if committed by an adult, would be a felony listed in IC 31-27-4-13(a).

(c) The program staff or an early intervention advocate appointed under subsection (b) may:

- (1) receive information concerning an at-risk child from any person; and
- (2) use the information received under subdivision (1) to create, implement, and maintain an individualized plan for the at-risk child and the child's family if the child's parent, guardian, or custodian has consented to the participation of the child in the program. The individualized plan created under this subdivision may include a program of counseling, tutoring, or mentoring.

(d) All information received under the program by the program staff or an early intervention advocate:

- (1) is confidential; and
- (2) may be disclosed only to the following:
 - (A) Program staff or an early intervention advocate appointed to the program under subsection (b).
 - (B) Any person or entity engaged by a person described in clause (A) in creating, implementing, and maintaining a plan for an at-risk child and the child's family.
 - (C) The juvenile court.

(e) The privileged communication between:

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a juvenile client and a:
 - (A) licensed social worker;
 - (B) licensed clinical social worker;
 - (C) licensed marriage and family therapist;
 - (D) licensed mental health counselor;
 - (E) licensed addiction counselor; or
 - (F) licensed clinical addiction counselor;
- (4) a school counselor and a student; or
- (5) a school psychologist and a student;

may not prevent an individual described in this subsection from reporting to, requesting assistance from, or cooperating with program

staff or an early intervention advocate under this section.

(f) Any individual may request that a child receive assistance under a program established under subsection (a) if the individual believes a child may be an at-risk child.

(g) After receiving a request that a child receive assistance under a program described in subsection (a), or after receiving information that a child may be an at-risk child, program staff or an early intervention advocate shall determine whether the child would benefit from the program. If the program staff or early intervention advocate determines that the child would benefit from the program, the staff or early intervention advocate shall inform the parent, guardian, or custodian of the determination and request that the parent, guardian, or custodian permit the child to participate in the program. The child (and the parent, guardian, or custodian) may participate in the program only with the consent of the parent, guardian, or custodian.

(h) A person who:

(1) makes a good faith request under subsection (f);

(2) in good faith provides information concerning a child to program staff or an early intervention advocate appointed under subsection (b); or

(3) in good faith participates in a plan under this section;

is immune from civil or criminal liability.

(i) Except as provided under IC 31-33-5, no information received under the program by the program staff or an early intervention advocate may be used against the child in a criminal or civil proceeding.

As added by P.L.183-2011, SEC.8.