Sixty-second Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2011

HOUSE BILL NO. 1078 (Representatives S. Meyer, Weisz, Delmore) (Senators J. Lee, Mathern)

AN ACT to amend and reenact section 27-20-48 of the North Dakota Century Code, relating to the immunity of a guardian ad litem.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-20-48 of the North Dakota Century Code is amended and reenacted as follows:

27-20-48. Guardian ad litem - Immunity.

The court at any stage of a proceeding under this chapter, on application of a party or on its own motion, shall appoint a lay guardian ad litem for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or their interests conflict with the child's or in any other case in which the interests of the child require a guardian. A party to the proceeding or that party's employee or representative may not be appointed. A guardian ad litem appointed under this section is immune from civil liability for damages for any act or omission arising out of that individual's duties and responsibilities as a guardian ad litem, unless the act or omission constitutes gross or willful negligence or gross or willful misconduct.

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	Speaker of the House			President of the Senate	
	Chief C	Chief Clerk of the House		Secretary of the Senate	
				Representatives of ls of that body as Ho	
House Vote:	Yeas 91	Nays 0	Absent 3		
Senate Vote:	Yeas 47	Nays 0	Absent 0		
Received by the Governor atM. on Approved atM. on					, 2011.
				Governor	
Filed in this office thisday of					, 2011,
at o'	clock	М.			
				Secretary of State	