

House Bill 1113
Senate Judiciary Committee
Testimony Presented by Sara Behrens
March 15, 2023

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1113. This bill amends sections 14-09-06.3 and 14-09-06.4 regarding parenting investigators and guardians ad litem. The amendments move all provisions regarding parenting investigators to section 14-09-06.3 and modify some language in section 14-09-06.4.

Section 14-09-06.3

- The title of the statute is updated to the current term “parenting investigations” rather than “custody investigations”
- The Supreme Court has enacted Rule of Court 8.6 governing the qualifications and duties of a parenting investigator. A parenting investigator must be on a roster of persons satisfying the qualifications in order to be appointed by the court. The roster is maintained by the State Court Administrator. Page 1, lines 13-14 provide for these rules to govern who is appointed a qualified parenting investigator.
- Page 1, lines 22-23 amend the statute to be in line with current practice. When the parenting investigator completes a report, the investigator files it with the court and serves it on the parties or their counsel.
- Page 2, lines 6-8 removes the requirement that the court enter an order for the costs to be paid by the parties. Instead, the common practice is that parenting investigators work out

the billing with the parties prior to the investigation. The court must, however, order that the county pay the investigator if the parties are found to be indigent.

- Page 2, lines 11-12, provides for the discharge of the parenting investigator following completion of the investigator's duties. This will provide a clear end to the parenting investigator's assignment on the case.
- Page 2, lines 13-16, provides civil immunity to the parenting investigator when acting in good faith. The good faith of the parenting investigator is presumed, but that presumption can be rebutted. Currently, the Code provides this immunity to in section 14-09-06.4.

Section 14-09-06.4

- The title adds "attorney" before guardian ad litem to make clear that the GAL must be an attorney. This is already provided for in Rule of Court 8.7. "Investigator" is removed as the parenting investigator is covered in the previous section.
- Page 2, lines 24-28, provides that the court can appoint a GAL if a motion is made by either party or the parties agree to the appointment. The court may appoint the GAL on its own initiative as well. "Investigator" is removed because it is covered in the prior section.
- Page 2, lines . 29-30 and Page 3, lines 1-5, add "attorney" prior to guardian ad litem and remove reference to the investigator as it is covered in the previous section.
- Page 3, lines 6-9, add "attorney prior to guardian ad litem, remove "investigator.".
- The section is also split into 4 subsections for clarity and ease of reading.