

FIRST REGULAR SESSION

# HOUSE BILL NO. 1315

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

1855H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 210.830, 211.462, 452.402, 452.423, 453.025, and 455.513, RSMo, and to enact in lieu thereof seven new sections relating to guardians ad litem.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.830, 211.462, 452.402, 452.423, 453.025, and 455.513, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 210.830, 211.462, 452.402, 452.423, 453.025, 455.513, and 484.355, to read as follows:

210.830. **1.** The child shall be made a party to any action commenced under sections 210.817 to 210.852. If he or she is a minor, he or she may be represented by a next friend appointed for him or her for any such action. The child's mother or father or the family support division or any person having physical or legal custody of the child may represent him or her as his or her next friend. A guardian ad litem shall be appointed for the child only if child abuse or neglect is alleged, or if the child is named as a defendant, or if the court determines that the interests of the child and his or her next friend are in conflict. **Within twenty-one days of appointment, the guardian ad litem shall meet face-to-face with the parents and the child and provide the parents with a copy of the Missouri supreme court standards governing guardians ad litem. The meeting with the child shall occur in a private setting at a time and place that allows the guardian ad litem to observe the child and ascertain the child's wishes, safety, and needs, to the extent reasonably possible, and the need for further meetings and investigation. Such initial meeting shall take place away from the courthouse. The guardian ad litem shall continue to maintain contact with the child for the duration of the appointment. Such duty shall not be designated to any volunteer advocate or other person; however, nothing in this subsection shall be construed to**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **prohibit a volunteer advocate from meeting with the child.** The natural mother, each man  
18 presumed to be the father under section 210.822, and each man alleged to be the natural father,  
19 shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the  
20 action in a manner prescribed by the court and an opportunity to be heard. The court may align  
21 the parties.

22 **2. The guardian ad litem:**

23 **(1) Shall respond to all requests for communication within ninety-six hours; and**

24 **(2) May make informal recommendations during the pendency of a matter under**  
25 **this section, which shall be presented in a written motion to the court signed by the**  
26 **guardian ad litem and noticed for hearing. Until such time as ruled upon by the court,**  
27 **such recommendations shall not take effect.**

28 **3. Upon written request by a party, a guardian ad litem shall provide within thirty**  
29 **days of such written request an itemized accounting of all time expended in the case by the**  
30 **guardian ad litem up to the date of the request. The guardian ad litem may redact certain**  
31 **personally identifying information contained in such accounting provided to the requesting**  
32 **party.**

33 **4. Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
34 **enumerated under this section or under section 484.355 may apply by in camera motion**  
35 **for appointment of a substitute guardian ad litem for cause shown. In the event a guardian**  
36 **ad litem is discharged for cause shown, legal immunity shall not be a defense in any**  
37 **subsequent litigation between the parties and guardian ad litem.**

211.462. 1. In all actions to terminate parental rights, if not previously appointed  
2 pursuant to section 210.160, a guardian ad litem shall be appointed for the child as soon as  
3 practicable after the filing of the petition. **Within twenty-one days of appointment, the**  
4 **guardian ad litem shall meet face-to-face with the parents and the child and provide the**  
5 **parents with a copy of the Missouri supreme court standards governing guardians ad**  
6 **litem. The meeting with the child shall occur in a private setting at a time and place that**  
7 **allows the guardian ad litem to observe the child and ascertain the child's wishes, safety,**  
8 **and needs, to the extent reasonably possible, and the need for further meetings and**  
9 **investigation. Such initial meeting shall take place away from the courthouse. The**  
10 **guardian ad litem shall continue to maintain contact with the child for the duration of the**  
11 **appointment. Such duty shall not be designated to any volunteer advocate or other person;**  
12 **however, nothing in this subsection shall be construed to prohibit a volunteer advocate**  
13 **from meeting with the child.**

14 **2. The parent or guardian of the person of the child shall be notified of the right to have**  
15 **counsel, and if they request counsel and are financially unable to employ counsel, counsel shall**

16 be appointed by the court. Notice of this provision shall be contained in the summons. When  
17 the parent is a minor or incompetent the court shall appoint a guardian ad litem to represent such  
18 parent.

19 3. The guardian ad litem ~~shall~~ during all stages of the proceedings:

20 (1) **Shall** be the legal representative of the child, and may examine, cross-examine,  
21 subpoena witnesses and offer testimony. The guardian ad litem may also initiate an appeal of  
22 any disposition that he determines to be adverse to the best interests of the child;

23 (2) **Shall** be an advocate for the child during the dispositional hearing and aid in securing  
24 a permanent placement plan for the child. To ascertain the child's wishes, feelings, attachments,  
25 and attitudes, he shall conduct all necessary interviews with persons, other than the parent,  
26 having contact with or knowledge of the child and, if appropriate, with the child;

27 (3) **Shall** protect the rights, interest and welfare of a minor or incompetent parent by  
28 exercising the powers and duties enumerated in subdivisions (1) and (2) of this subsection;

29 (4) **Shall respond to all requests for communication within ninety-six hours; and**

30 (5) **May make informal recommendations during the pendency of a matter under**  
31 **this section, which shall be presented in a written motion to the court signed by the**  
32 **guardian ad litem and noticed for hearing. Until such time as ruled upon by the court,**  
33 **such recommendations shall not take effect.**

34 4. **Upon written request by a party, a guardian ad litem shall provide within thirty**  
35 **days of such written request an itemized accounting of all time expended in the case by the**  
36 **guardian ad litem up to the date of the request. The guardian ad litem may redact certain**  
37 **personally identifying information contained in such accounting provided to the requesting**  
38 **party.**

39 5. **Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
40 **enumerated under this section or under section 484.355 may apply by in camera motion**  
41 **for appointment of a substitute guardian ad litem for cause shown. In the event a guardian**  
42 **ad litem is discharged for cause shown, legal immunity shall not be a defense in any**  
43 **subsequent litigation between the parties and guardian ad litem.**

44 6. Court costs shall be paid by the county in which the proceeding is instituted, except  
45 that the court may require the agency or person having or receiving legal or actual custody to pay  
46 the costs.

452.402. 1. The court may grant reasonable visitation rights to the grandparents of the  
2 child and issue any necessary orders to enforce the decree when a grandparent has been  
3 unreasonably denied visitation for a period exceeding sixty days, and:

4 (1) The parents of the child have filed for a dissolution of their marriage. A grandparent  
5 shall have the right to intervene in any dissolution action solely on the issue of visitation rights.

6 Grandparents shall also have the right to file a motion to modify the original decree of  
7 dissolution to seek visitation rights when visitation has been denied to them;

8 (2) One parent of the child is deceased and the surviving parent denies reasonable  
9 visitation to a parent of the deceased parent of the child; or

10 (3) The child has resided in the grandparent's home for at least six months within the  
11 twenty-four month period immediately preceding the filing of the petition.

12

13 Except as otherwise provided in subdivision (1) of this subsection, if the natural parents are  
14 legally married to each other and are living together with the child, a grandparent may not file  
15 for visitation pursuant to this subsection.

16 2. Before ordering visitation, the court shall, in addition to the requirements of  
17 subsection 1 of this section, determine if the visitation by the grandparent would be in the child's  
18 best interests. Visitation may only be ordered when the court finds such visitation to be in the  
19 best interests of the child. The court may order reasonable conditions or restrictions on  
20 grandparent visitation.

21 3. If the court finds it to be in the best interests of the child, the court may appoint a  
22 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice  
23 law in Missouri. ~~[The guardian ad litem may, for the purpose of determining the question of~~  
24 ~~grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a~~  
25 ~~party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.]~~  
26 **Within twenty-one days of appointment, the guardian ad litem shall meet face-to-face with**  
27 **the parents and the child and provide the parents with a copy of the Missouri supreme**  
28 **court standards governing guardians ad litem. The meeting with the child shall occur in**  
29 **a private setting at a time and place that allows the guardian ad litem to observe the child**  
30 **and ascertain the child's wishes, safety, and needs, to the extent reasonably possible, and**  
31 **the need for further meetings and investigation. Such initial meeting shall take place away**  
32 **from the courthouse. The guardian ad litem shall continue to maintain contact with the**  
33 **child for the duration of the appointment. Such duty shall not be designated to any**  
34 **volunteer advocate or other person; however, nothing in this subsection shall be construed**  
35 **to prohibit a volunteer advocate from meeting with the child.**

36 4. **The guardian ad litem:**

37 (1) **Shall be an attorney licensed to practice law in Missouri;**

38 (2) **May, for the purpose of determining the question of grandparent visitation**  
39 **rights, participate in the proceedings as if such guardian ad litem were a party;**

40 (3) **Shall respond to all requests for communication within ninety-six hours; and**

41 (4) **May make informal recommendations during the pendency of the matter under**

42 **this section, which shall be presented in a written motion to the court signed by the**  
43 **guardian ad litem and noticed for a hearing. Until such time as ruled by the court, such**  
44 **recommendation shall not take effect.**

45 **5. Upon written request by a party, a guardian ad litem shall provide within thirty**  
46 **days of such written request an itemized accounting of all time expended in the case by the**  
47 **guardian ad litem up to the date of the request. The guardian ad litem may redact certain**  
48 **personally identifying information contained in such accounting provided to the requesting**  
49 **party.**

50 **6. Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
51 **enumerated under this section or under section 484.355 may apply by in camera motion**  
52 **for appointment of a substitute guardian ad litem for cause shown. In the event a guardian**  
53 **ad litem is discharged for cause shown, legal immunity shall not be a defense in any**  
54 **subsequent litigation between the parties and guardian ad litem.**

55 **7. A home study, as described by section 452.390, may be ordered by the court to assist**  
56 **in determining the best interests of the child.**

57 ~~5.]~~ **8. The court may, in its discretion, consult with the child regarding the child's wishes**  
58 **in determining the best interest of the child.**

59 ~~6.]~~ **9. The right of a grandparent to maintain visitation rights pursuant to this section**  
60 **may terminate upon the adoption of the child.**

61 ~~7.]~~ **10. The court may award reasonable attorneys fees and expenses to the prevailing**  
62 **party.**

452.423. **1. In all proceedings for child custody or for dissolution of marriage or legal**  
2 **separation where custody, visitation, or support of a child is a contested issue, the court may**  
3 **appoint a guardian ad litem. Such appointment shall be a temporary duration limited to the**  
4 **purpose of conducting specific investigations to assist the court in determining the best**  
5 **interests of the child. Upon appointment, the guardian ad litem shall complete his or her**  
6 **investigations as soon as practicable and shall file with the court a written report upon**  
7 **completion of his or her investigations, which shall be made available to all parties.**  
8 **Thereafter, the guardian ad litem shall be discharged upon motion by either party or the**  
9 **court. Within twenty-one days of appointment, the guardian ad litem shall meet face-to-**  
10 **face with the parents and the child and provide the parents with a copy of the Missouri**  
11 **supreme court standards governing guardians ad litem. The meeting with the child shall**  
12 **occur in a private setting at a time and place that allows the guardian ad litem to observe**  
13 **the child and ascertain the child's wishes, safety, and needs, to the extent reasonably**  
14 **possible, and the need for further meetings and investigation. Such initial meeting shall**  
15 **take place away from the courthouse. The guardian ad litem shall continue to maintain**

16 **contact with the child for the duration of the appointment. Such duty shall not be**  
17 **designated to any volunteer advocate or other person; however, nothing in this subsection**  
18 **shall be construed to prohibit a volunteer advocate from meeting with the child.**  
19 Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant  
20 to this chapter, upon the filing of a written application by any party within ~~ten~~ **thirty** days of  
21 appointment~~, or within ten days of August 28, 1998, if the appointment occurs prior to August~~  
22 ~~28, 1998~~. Each party shall be entitled to one disqualification of a guardian ad litem appointed  
23 under this subsection in each proceeding, except a party may be entitled to additional  
24 disqualifications of a guardian ad litem for good cause shown.

25         2. The court shall appoint a guardian ad litem in any proceeding in which child abuse  
26 or neglect is alleged. **Such allegation shall be made by a parent under oath with specificity.**  
27 **Such appointment shall be a temporary duration limited to the purpose of conducting a**  
28 **specific investigation into the allegations of abuse or neglect. Upon appointment, the**  
29 **guardian ad litem shall complete the investigation as soon as practicable and, upon**  
30 **completion, shall file a written report regarding the specific allegations of abuse or neglect**  
31 **with the court that shall be made available to all parties. Once the guardian ad litem's**  
32 **investigation determines the allegations of abuse or neglect are not substantiated, the**  
33 **guardian ad litem shall be discharged by the court. Within twenty-one days of the**  
34 **appointment, the guardian ad litem shall meet face-to-face with the parents and the child**  
35 **and provide the parents with a copy of the Missouri supreme court standards governing**  
36 **guardians ad litem. The meeting with the child shall occur in a private setting at a time**  
37 **and place that allows the guardian ad litem to observe the child and ascertain the child's**  
38 **wishes, safety, and needs, to the extent reasonably possible, and the need for further**  
39 **meetings and investigation. Such initial meeting shall take place away from the**  
40 **courthouse. The guardian ad litem shall continue to maintain contact with the child for**  
41 **the duration of the appointment. This duty shall not be designated to any volunteer**  
42 **advocate or other person; however, nothing in this subsection shall be construed to**  
43 **prohibit a volunteer advocate from meeting with the child. Disqualification of a guardian**  
44 **ad litem shall be ordered in any legal proceeding under this chapter only upon the filing**  
45 **of a written application by any party within thirty days of appointment. Each party shall**  
46 **be entitled to one disqualification of a guardian ad litem appointed under this subsection**  
47 **in each proceeding, except a party may be entitled to additional disqualifications of a**  
48 **guardian ad litem for good cause shown.**

49         3. The guardian ad litem ~~shall~~:

50             (1) **Shall** be the legal representative of the child at the hearing, and may examine,  
51 cross-examine, subpoena witnesses and offer testimony;

52 (2) **Shall** prior to the hearing, conduct all necessary interviews with persons having  
53 contact with or knowledge of the child in order to ascertain the child's wishes, feelings,  
54 attachments and attitudes. If appropriate, the child should be interviewed;

55 (3) **Shall** request the juvenile officer to cause a petition to be filed in the juvenile  
56 division of the circuit court if the guardian ad litem believes the child alleged to be abused or  
57 neglected is in danger;

58 (4) **Shall respond to all requests for communication within ninety-six hours; and**

59 (5) **May make informal recommendations during the pendency of a matter under**  
60 **this section, which shall be presented in a written motion to the court signed by the**  
61 **guardian ad litem and noticed for hearing. Until such time as ruled upon by the court,**  
62 **such recommendations shall not take effect.**

63 4. **Upon written request by a party, a guardian ad litem shall provide within thirty**  
64 **days of such written request an itemized accounting of all time expended in the case by the**  
65 **guardian ad litem up to the date of the request. The guardian ad litem may redact certain**  
66 **personally identifying information contained in such accounting provided to the requesting**  
67 **party.**

68 5. **Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
69 **enumerated under this section or section 484.355 may apply by in camera motion for**  
70 **appointment of a substitute guardian ad litem for cause shown. In the event a guardian**  
71 **ad litem is discharged for cause shown, legal immunity shall not be a defense in any**  
72 **subsequent litigation between the parties and guardian ad litem.**

73 6. The appointing judge shall require the guardian ad litem to faithfully discharge such  
74 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and  
75 appoint another. The judge in making appointments pursuant to this section shall give preference  
76 to persons who served as guardian ad litem for the child in the earlier proceeding, unless there  
77 is a reason on the record for not giving such preference.

78 ~~5-~~ 7. The guardian ad litem shall be awarded a reasonable fee for such services to be  
79 set by the court. The court, in its discretion, may:

80 (1) Issue a direct payment order to the parties. If a party fails to comply with the court's  
81 direct payment order, the court may find such party to be in contempt of court; or

82 (2) Award such fees as a judgment to be paid by any party to the proceedings or from  
83 public funds. Such an award of guardian fees shall constitute a final judgment in favor of the  
84 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance  
85 with chapter 513.

453.025. 1. The court shall, in all cases where the person sought to be adopted is under  
2 eighteen years of age, appoint a guardian ad litem, if not previously appointed pursuant to section

3 210.160, to represent the person sought to be adopted. **Within twenty-one days of**  
4 **appointment, the guardian ad litem shall meet face-to-face with the person or persons**  
5 **seeking to adopt and the person sought to be adopted and provide the person or persons**  
6 **seeking to adopt with a copy of the Missouri supreme court standards governing guardians**  
7 **ad litem. The meeting with the person sought to be adopted shall occur in a private setting**  
8 **at a time and place that allows the guardian ad litem to observe the person sought to be**  
9 **adopted and ascertain that person's wishes, safety, and needs, to the extent reasonably**  
10 **possible, and the need for further meetings and investigation. Such initial meeting shall**  
11 **take place away from the courthouse. The guardian ad litem shall continue to maintain**  
12 **contact with the person sought to be adopted for the duration of the appointment. Such**  
13 **duty shall not be designated to any volunteer advocate or other person; however, nothing**  
14 **in this subsection shall be construed to prohibit a volunteer advocate from meeting with**  
15 **the child.**

16 2. When the parent is a minor or incompetent, the court shall appoint a guardian ad litem  
17 to represent such parent.

18 3. The guardian ad litem may be awarded a reasonable fee for such services to be set by  
19 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party  
20 to the proceedings or from public funds. Such an award of guardian fees shall constitute a final  
21 judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the  
22 parties in accordance with chapter 513.

23 4. The guardian ad litem ~~shall~~:

24 (1) **Shall** be the legal advocate for the best interest of the party he is appointed to  
25 represent with the power and authority to cross-examine, subpoena witnesses, and offer  
26 testimony;

27 (2) **Shall** initiate an appeal of any disposition that he determines to be adverse to the  
28 interests of the party he represents; ~~and~~

29 (3) **Shall** ascertain the child's wishes, feelings and attitudes regarding the adoption by  
30 interviewing persons with knowledge of the child, and if appropriate, to meet with the child;

31 (4) **Shall respond to all requests for communication within ninety-six hours; and**

32 (5) **May make informal recommendations during the pendency of a matter under**  
33 **this section, which shall be presented in a written motion to the court signed by the**  
34 **guardian ad litem and noticed for hearing. Until such time as ruled upon by the court,**  
35 **such recommendations shall not take effect.**

36 5. Upon written request by a party, a guardian ad litem shall provide within thirty  
37 days of such written request an itemized accounting of all time expended in the case by the  
38 guardian ad litem up to the date of the request. The guardian ad litem may redact certain



39 personally identifying information contained in such accounting provided to the requesting  
40 party.

41 **6. Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
42 **enumerated under this section or under section 484.355 may apply by in camera motion**  
43 **for appointment of a substitute guardian ad litem for cause shown. In the event a guardian**  
44 **ad litem is discharged for cause shown, legal immunity shall not be a defense in any**  
45 **subsequent litigation between the parties and guardian ad litem.**

45.513. 1. The court may immediately issue an ex parte order of protection upon the  
2 filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the  
3 petition, and upon finding that:

4 (1) No prior order regarding custody involving the respondent and the child is pending  
5 or has been made; or

6 (2) The respondent is less than seventeen years of age.

7  
8 An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall  
9 constitute good cause for purposes of this section. An ex parte order of protection entered by the  
10 court shall be in effect until the time of the hearing. The court shall deny the ex parte order and  
11 dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

12 2. Upon the entry of the ex parte order of protection, the court shall enter its order  
13 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.  
14 **Within twenty-one days of appointment of a guardian ad litem, the guardian ad litem shall**  
15 **meet face-to-face with the parents and the child and provide the parents with a copy of the**  
16 **Missouri supreme court standards governing guardians ad litem. The meeting with the**  
17 **child shall occur in a private setting at a time and place that allows the guardian ad litem**  
18 **to observe the child and ascertain the child's wishes, safety, and needs, to the extent**  
19 **reasonably possible, and the need for further meetings and investigation. Such initial**  
20 **meeting shall take place away from the courthouse. The guardian ad litem shall continue**  
21 **to maintain contact with the child for the duration of the appointment. Such duty shall not**  
22 **be designated to any volunteer advocate or other person; however, nothing in this**  
23 **subsection shall be construed to prohibit a volunteer advocate from meeting with the child.**

24 3. The guardian ad litem:

25 (1) Shall respond to all requests for communication within ninety-six hours; and

26 (2) May make informal recommendations during the pendency of a matter under  
27 this section, which shall be presented in a written motion to the court signed by the  
28 guardian ad litem and noticed for hearing. Until such time as ruled upon by the court,  
29 such recommendations shall not take effect.

30           **4. Upon written request by a party, a guardian ad litem shall provide within thirty**  
31 **days of such written request an itemized accounting of all time expended in the case by the**  
32 **guardian ad litem up to the date of the request. The guardian ad litem may redact certain**  
33 **personally identifying information contained in such accounting provided to the requesting**  
34 **party.**

35           **5. Any party aggrieved by a guardian ad litem's failure to satisfy the duties**  
36 **enumerated herein or in section 484.355 may apply by in camera motion for appointment**  
37 **of a substitute guardian ad litem for cause shown. In the event a guardian ad litem is**  
38 **discharged for cause shown, legal immunity shall not be a defense in any subsequent**  
39 **litigation between the parties and guardian ad litem.**

40           **6. If the allegations in the petition would give rise to jurisdiction under section 211.031,**  
41 **the court may direct the children's division to conduct an investigation and to provide appropriate**  
42 **services. The division shall submit a written investigative report to the court and to the juvenile**  
43 **officer within thirty days of being ordered to do so. The report shall be made available to the**  
44 **parties and the guardian ad litem or court-appointed special advocate.**

45           **[4.] 7. If the allegations in the petition would give rise to jurisdiction under section**  
46 **211.031 because the respondent is less than seventeen years of age, the court may issue an ex**  
47 **parte order and shall transfer the case to juvenile court for a hearing on a full order of protection.**  
48 **Service of process shall be made pursuant to section 455.035.**

**484.355. All family and juvenile courts and guardians ad litem appointed by those**  
2 **courts shall adhere to the following standards, in addition to those developed by Missouri**  
3 **supreme court rule under section 484.350:**

4           **(1) The guardian ad litem shall have a duty to notify the court if his or her caseload**  
5 **reaches a level bearing upon his or her ability to meet these standards or to comply with**  
6 **the ethical standards of the rules of professional conduct developed by Missouri supreme**  
7 **court rule;**

8           **(2) The guardian ad litem shall be guided by the best interests of the child and shall**  
9 **exercise judgment on behalf of the child in all matters;**

10           **(3) The guardian ad litem shall provide factual information to the court and**  
11 **diligently advocate a position in the best interests of the child. He or she shall be prepared**  
12 **to participate fully in any proceedings and not merely defer to the other parties. He or she**  
13 **may examine, cross-examine, subpoena witnesses, and offer testimony. He or she, when**  
14 **appropriate to represent the best interests of the child, shall file petitions, motions,**  
15 **parenting plans, responses, or objections. The court shall assure a guardian ad litem**  
16 **maintains independent representation of the best interests of the child. The court shall**

17 require a guardian ad litem to perform his or her duties faithfully and, upon failure to do  
18 so, shall discharge the guardian ad litem and appoint another;

19 (4) The guardian ad litem and the child shall have access to each other at  
20 reasonable times and places, and such access shall not be restricted or limited by any  
21 agency or person without good cause. To ensure proper access, the guardian ad litem shall  
22 have the obligation to ascertain the location of the child, to initiate communication with the  
23 child, and to provide the child with contact information for the guardian ad litem  
24 promptly. The child's legal custodian shall provide the guardian ad litem with timely  
25 information regarding the current residence of the child and shall notify the guardian ad  
26 litem promptly of any change in placement of the child;

27 (5) The guardian ad litem shall be entitled to all reports relevant to the case and  
28 shall have access to all relevant records relating to the child, the placement of the child, or  
29 the child's family members;

30 (6) The guardian ad litem shall comply with all statutes, rules, and regulations  
31 relating to the receipt of confidential or privileged information received as guardian ad  
32 litem. He or she shall not disclose any confidential or privileged information without a  
33 valid court order or as required by law or Missouri supreme court rule;

34 (7) The guardian ad litem shall review the progress of a child's case through the  
35 court process and advocate for timely hearings, provision of necessary services, and  
36 compliance with court orders;

37 (8) The guardian ad litem shall explain, when appropriate, the court process and  
38 the role of the guardian ad litem to the child. The guardian ad litem shall ensure that the  
39 child is informed of the purpose of each court proceeding;

40 (9) The guardian ad litem shall participate, when appropriate, in the development  
41 and negotiation of any service plans, parenting plans, proposed orders, and staffings that  
42 affect the best interests of the child as such service plans, parenting plans, proposed orders,  
43 and staffings relate to the case at hand. He or she shall monitor implementation of service  
44 plans and court orders while the case is pending to determine whether services ordered by  
45 the court are being provided in a timely manner;

46 (10) The guardian ad litem shall appear at all court proceedings in which he or she  
47 is appointed. He or she shall not waive the presence of the child at court proceedings  
48 without good cause;

49 (11) The guardian ad litem in a pending case shall protect the interests of the child  
50 who is a witness in any judicial proceeding in which he or she has been appointed. In  
51 matters for which he or she has been appointed, the guardian ad litem shall be present

52 **during any conferences between the counsel for a party and the child. He or she shall be**  
53 **notified of all proceedings or meetings involving the child; and**

54 **(12) The guardian ad litem shall present a recommendation to the court if**  
55 **authorized by law or requested by the court on the basis of evidence presented and**  
56 **consistent with the best interests of the child. During the proceedings, the guardian ad**  
57 **litem shall inform the court of the child's wishes and preferences even when different from**  
58 **the guardian ad litem's recommendation.**

✓