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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 689, L.D. 975, Bill, “An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators”

Amend the bill in section 2 by striking out all of subsection (f) (page 1, lines 13 to 18 in L.D.) and inserting the following:

'(f). A person appointed by the court as a guardian ad litem acts as the court's agent and is ~~entitled to quasi-judicial immunity~~ not civilly liable for good faith acts or omissions performed within the scope of the duties of the guardian ad litem if the person is not grossly negligent. A party who is injured by a guardian ad litem's false accusations of abuse or neglect or intentionally excluding relevant information in required reports has a civil cause of action against the guardian ad litem for damages, including punitive damages.'

Amend the bill in section 6 by striking out all of subsection 6 (page 3, lines 5 to 7 in L.D.) and inserting the following:

'6. Court's agent. A person serving as a guardian ad litem under this section acts as the court's agent and is ~~entitled to quasi-judicial immunity~~ not civilly liable for good faith acts or omissions performed within the scope of the duties of the guardian ad litem if the person is not grossly negligent.'

Amend the bill in section 10 by striking out all of subsection 7 (page 4, lines 8 to 13 in L.D.) and inserting the following:

'7. Agent of court; liability. An individual serving as a parenting coordinator acts as the court's agent and is ~~entitled to quasi-judicial immunity~~ not civilly liable for good faith acts or omissions performed within the scope of the duties of the parenting coordinator as set forth in the court's order if the individual is not grossly negligent. A party who is injured by a parenting coordinator's false accusations of abuse or neglect or intentionally excluding relevant information in required reports has a civil cause of action against the parenting coordinator for damages, including punitive damages.'

Amend the bill in section 11 by striking out all of paragraph G (page 4, lines 16 to 21 in L.D.) and inserting the following:

COMMITTEE AMENDMENT

1 'G. A person serving as a guardian ad litem under this section acts as the court's
2 agent and is ~~entitled to quasi-judicial immunity~~ not civilly liable for good faith acts or
3 omissions performed within the scope of the duties of the guardian ad litem if the
4 person is not grossly negligent. A party who is injured by a guardian ad litem's false
5 accusations of abuse or neglect or intentionally excluding relevant information in
6 required reports has a civil cause of action against the guardian ad litem for damages,
7 including punitive damages.'

8 **SUMMARY**

9 This amendment is the minority report of the Joint Standing Committee on Judiciary.

10 The bill removes quasi-judicial immunity established under the current law for
11 guardians ad litem appointed under the Maine Revised Statutes, Title 18-A, Title 19-A
12 and Title 22, and for parenting coordinators appointed under Title 19-A. This
13 amendment provides that there is no civil liability for a guardian ad litem or parenting
14 coordinator for good faith acts or omissions that are within the scope of the duties of the
15 guardian ad litem or parenting coordinator, as long as there is no gross negligence.

16 The cause of action against the guardian ad litem or parenting coordinator as
17 proposed in the bill is retained.