

HB 402 – AS INTRODUCED

2013 SESSION

13-0352
09/10

HOUSE BILL **402**

AN ACT relative to complaint investigation procedures of the guardian ad litem board.

SPONSORS: Rep. Kappler, Rock 3; Rep. Oligny, Rock 34; Rep. Itse, Rock 10; Rep. Lambert, Hills 44

COMMITTEE: Children and Family Law

ANALYSIS

This bill requires the guardian ad litem board to refer complaints to the appropriate court for further review and prohibits the board from dismissing a complaint because it relates to a pending judicial proceeding.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to complaint investigation procedures of the guardian ad litem board.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Guardian Ad Litem Board; Complaint Investigation Procedures. Amend RSA 490-C:4, I(g) to
2 read as follows:

3 (g) Investigate and resolve complaints against certified guardians ad litem, and against
4 formerly certified guardians ad litem who are claimed to have engaged in acts or omissions
5 prohibited when certified. The board ~~[may]~~ **shall**, upon the submission of a written allegation or
6 complaint against a presently or formerly certified guardian ad litem who holds, held, or may hold an
7 appointment in a case under the authority of a court, refer that matter to the appropriate court for
8 investigation, resolution, or other action. Such referral ~~[may]~~ **shall** be made regardless of whether
9 the allegation or complaint relates to a case which is then pending in court and may be made in lieu
10 of or in addition to any investigatory or disciplinary procedures that the board may itself be
11 authorized to pursue. ***The board shall not dismiss a complaint on the basis that the***
12 ***complaint relates to a pending trial or judicial proceeding.*** The board may further informally
13 resolve complaints by agreement. ~~[A complaint relating to a trial or judicial proceeding in progress~~
14 ~~shall be dismissed without prejudice, unless the board for good cause votes to proceed immediately~~
15 ~~with such complaint.]~~

16 2 Effective Date. This act shall take effect January 1, 2014.