

Introduced by

1 A BILL for an Act to amend and reenact section 14-09-06.4 of the North Dakota Century Code,  
2 relating to immunity for guardians ad litem and child custody investigators.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-06.4 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09-06.4. Appointment of guardian ad litem or child custody investigator for**  
7 **children in custody, support, and visitation proceedings - Immunity.** In any action for an  
8 annulment, divorce, legal separation, or other action affecting marriage, where either party has  
9 reason for special concern as to the future of the minor children, and in ~~actions affecting the~~  
10 ~~marriage relationship~~ any action where the custody or visitation of ~~such~~ children is contested,  
11 either party to the action may petition the court for the appointment of a guardian ad litem to  
12 represent the children concerning custody, support, and visitation. The court, in its discretion,  
13 may appoint a guardian ad litem or child custody investigator on its own motion. If appointed, a  
14 guardian ad litem shall serve as an advocate of the children's best interests. If appointed, the  
15 child custody investigator shall provide those services as prescribed by the supreme court. The  
16 court may direct either or both parties to pay the guardian ad litem or child custody investigator  
17 fee established by the court. ~~If neither of the parties are party is~~ able to pay the fee, the court  
18 may direct the fee to be paid, in whole or in part, by the county of venue. The court may direct  
19 either or both parties to reimburse the county, in whole or in part, for such payment. Any  
20 guardian ad litem or child custody investigator appointed under this section who acts in good  
21 faith in making a report to the court is immune from any civil liability resulting from the report.  
22 For the purpose of determining good faith, the good faith of the guardian ad litem or child  
23 custody investigator is a disputable presumption.

**NOTE:** Under Section 31-11-03, every presumption other than those set forth in Section 31-11-02, which lists four presumptions and provides that any other presumption may be conclusive if a statute expressly so provides, is denominated a disputable presumption and may be contradicted by other evidence.