

1 AN ACT relating to guardians ad litem.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Any petition filed under KRS 456.030 on behalf of a minor, or in which a minor*  
6 *is named as a respondent or petitioner, shall comply with the requirements in that*  
7 *section and shall:*

8 *(a) Proceed in accordance with the procedural safeguards under KRS 610.070;*

9 *(b) Conform to the confidentiality provisions under KRS 610.340; and*

10 *(c) Comply with the requirement of KRS 456.050(1)(b).*

11 *(2) If the court orders an evidentiary hearing under KRS 456.040(1)(a), a guardian*  
12 *ad litem shall be appointed for any unrepresented minor who is a party to the*  
13 *action. The guardian ad litem shall be paid a fee fixed by the court not to exceed*  
14 *five hundred dollars (\$500), which shall be paid by the Finance and*  
15 *Administration Cabinet.*

16 *(3) Violation of the terms or conditions of an order of protection issued under KRS*  
17 *456.060 after the person has been served or given notice of the order shall*  
18 *constitute contempt of court and may constitute a public offense action as defined*  
19 *in KRS 600.020. Once a juvenile action or contempt proceeding has been*  
20 *initiated, the other shall not be undertaken regardless of the outcome of the*  
21 *original proceeding.*

22 *(4) Nothing in subsection (3) of this section shall preclude the Commonwealth from*  
23 *proceeding, or the petitioner from pursuing charges, against the minor*  
24 *respondent for offenses other than a violation of an order of protection.*  
25 *Proceedings against a minor respondent for offenses other than a violation of an*  
26 *order of protection shall proceed:*

27 *(a) In the juvenile session of District Court; and*

1       **(b) In accordance with the procedural and statutory provisions established for**  
2       **the juvenile session of District Court.**

3       ➔SECTION 2. A NEW SECTION OF KRS 403.715 TO 403.785 IS CREATED  
4 TO READ AS FOLLOWS:

5       **(1) Any petition filed under KRS 403.725 on behalf of a minor, or in which a minor**  
6       **is named as a respondent or petitioner, shall comply with the requirements in that**  
7       **section and shall:**

8       **(a) Proceed in accordance with the procedural safeguards under KRS 610.070;**

9       **(b) Conform to the confidentiality provisions under KRS 610.340; and**

10       **(c) Comply with the requirement of KRS 403.735(1)(b).**

11       **(2) If the court orders an evidentiary hearing under KRS 403.730(1)(a), a guardian**  
12       **ad litem shall be appointed for any unrepresented minor who is a party to the**  
13       **action. The guardian ad litem shall be paid a fee fixed by the court not to exceed**  
14       **five hundred dollars (\$500), which shall be paid by the Finance and**  
15       **Administration Cabinet.**

16       **(3) Violation of the terms or conditions of an order of protection issued under KRS**  
17       **403.740 after the person has been served or given notice of the order shall**  
18       **constitute contempt of court and may constitute a public offense action as defined**  
19       **in KRS 600.020. Once a juvenile action or contempt proceeding has been**  
20       **initiated, the other shall not be undertaken regardless of the outcome of the**  
21       **original proceeding.**

22       **(4) Nothing in subsection (3) of this section shall preclude the Commonwealth from**  
23       **proceeding, or the petitioner from pursuing charges, against the minor**  
24       **respondent for offenses other than a violation of an order of protection.**  
25       **Proceedings against a minor respondent for offenses other than a violation of an**  
26       **order of protection shall proceed:**

27       **(a) In the juvenile session of District Court; and**

1           **(b) In accordance with the procedural and statutory provisions established for**  
 2           **the juvenile session of District Court.**

3           ➔Section 3. KRS 26A.140 is amended to read as follows:

4           (1) Courts shall implement measures to accommodate the special needs of children  
 5           which are not unduly burdensome to the rights of the defendant, including, but not  
 6           limited to:

7           (a) Trained guardians ad litem or special advocates, if available, shall be  
 8           appointed for all child victims and shall serve in Circuit and District Courts to  
 9           offer consistency and support to the child and to represent the child's interests  
 10          where needed.

11          **(b) The guardians ad litem shall be paid a fee fixed by the court, which shall be**  
 12          **paid by the Finance and Administration Cabinet.**

13          ~~(c)~~~~(b)~~ During trials involving child victims or child witnesses, the environment  
 14          of the courtroom shall be modified to accommodate children through the use  
 15          of small chairs, frequent breaks, and the use of age appropriate language.

16          ~~(d)~~~~(c)~~ Children expected to testify shall be prepared for the courtroom  
 17          experience by the Commonwealth's or county attorney handling the case with  
 18          the assistance of the guardian ad litem or special advocate.

19          ~~(e)~~~~(d)~~ In appropriate cases, procedures shall be used to shield children from  
 20          visual contact with alleged perpetrator.

21          (2) The Supreme Court is encouraged to issue rules for the conduct of criminal and  
 22          civil trials involving child abuse in which a child victim or child witness may testify  
 23          at the trial.