

Committee on Judiciary

CS/CS/CS/HB 775 — Appointment of an Ad Litem

by Judiciary Committee; Justice Appropriations Subcommittee; Civil Justice Subcommittee; and Rep. Powell and others (CS/SB 922 by Judiciary Committee and Senator Latvala)

This bill authorizes a court to appoint an ad litem, which is an attorney, administrator, or guardian ad litem to represent the interests of an absent party to a legal action if the party is not otherwise represented. The court may not require the ad litem to post bond. The ad litem is entitled to reasonable fees and costs, to be paid by the party requesting the appointment of the ad litem, unless the court orders otherwise. State funds may not be used to pay for ad litem services unless state funds would have been expended for ad litem services before the effective date of the bill.

If the ad litem discovers that the interest for which he or she serves is already represented, the ad litem must petition the court for discharge from that interest. If the ad litem discovers that the person he or she serves is deceased and there is no representative, the ad litem must:

- Reasonably attempt to locate spouses, heirs, devisees, or beneficiaries of the decedent;
- Report contact information for all persons located, and
- Petition for discharge as to any interest of the person located.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 113-0