

Mr. Chairman, Members of the Committee, good morning- thank you for allowing me the opportunity to speak today.

I am Diana Garrett from Missoula Montana and am the Managing Attorney of the Missoula Office of Montana Legal Services and specialize in family law cases where domestic violence is a component. I am here today on behalf of Montana Legal Services as a Proponent to House Bill 281.

I strongly believe that the current statute M.C.A. 40-4-205 addressing Guardians Ad Litem in child custody cases in Montana needs to be reformed.

I have been actively involved in issues surrounding Guardian Ad Litem reform in Montana for the past few years and was part of the Missoula Guardian Ad Litem Committee in Advocating for Standards and Education. This group was comprised of Fourth Judicial District Court Personnel, Attorneys, mental health workers, University of Montana Faculty, and child advocates as well as other professionals and helped to draft local Court guidelines which were presented to the District Court as well as offered much needed trainings.

In addition, I have been appointed as a Guardian Ad Litem and have also been an attorney representing parents on cases where Guardians Ad Litem have been appointed and know firsthand the tremendous and important role a Guardian Ad litem has in helping the Courts to determine what is in a child's best interest in a custody battle often where there are concerns over the safety of a child. I believe even with the best of intentions this role is often greatly compromised by the current statute which includes little if any language on qualifications, training, scope of duty and grievance policies. I found it particularly disturbing when reviewing the current statute that the term "best" was not even included when discussing the interests of the child. I believe a clearly laid out and detailed statute addressing the current deficiencies, would help Guardians Ad Litem, families and the Courts in these emotional charged cases and hopefully lead to more just outcomes.

House Bill 281 clearly and effectively addresses these issues by providing standards of practice, qualifications, training, oversight and a grievance process for the Guardian Ad System in family law cases.

I believe House Bill 281 is crucial in helping to protect those who are often the most vulnerable in the court process in Montana- the children and urge your support. Thank you for your time.