

House Bill 264

By: Representative Ehrhart of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 9-11-17 of the Official Code of Georgia Annotated, relating to  
2 parties in civil actions, so as to provide that a guardian ad litem shall have a qualified  
3 immunity against any civil liability arising out of performance of his or her duties as  
4 guardian ad litem; to provide for consideration of such qualified immunity in determining  
5 whether to grant attorney's fees and expenses of litigation for a frivolous claim; to provide  
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 9-11-17 of the Official Code of Georgia Annotated, relating to parties in civil  
10 actions, is amended by adding at its end a new subsection (d) to read as follows:

11 "(d) *Qualified immunity of guardian ad litem.* When a guardian ad litem is appointed  
12 under this Code section or any other law of this state, the guardian ad litem shall have a  
13 qualified immunity against any civil liability arising out of performance of his or her duties  
14 as guardian ad litem. The guardian ad litem may be civilly liable for willful or wanton  
15 misconduct, gross neglect of his or her duties, or gross abuse of discretion but shall not  
16 otherwise be civilly liable for the performance of his or her duties. In the application of  
17 Code Section 9-15-14 to any unsuccessful claim asserted against a guardian ad litem  
18 arising out of the performance of his or her duties as such, the court shall consider the  
19 qualified immunity granted by this subsection in determining whether attorney's fees and  
20 expenses of litigation should be awarded to the guardian ad litem."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.