



**House
Legislative
Analysis
Section**

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**TORT IMMUNITY FOR
GUARDIANS AD LITEM**

House Bill 5043

Sponsor: Rep. Kirk Profit

Committee: Judiciary and Civil Rights

Complete to 1-11-96

A SUMMARY OF HOUSE BILL 5043 AS INTRODUCED 9-13-95

In general, the governmental liability act (Public Act 170 of 1964) gives governmental agencies (and their officers, employees, and volunteers) immunity from tort liability when the agency (officer, employee, volunteer) is engaged in the exercise or discharge of a governmental function (or acting on behalf of the agency within the scope of their authority). Judges, legislators, and executive officials of all levels of government also have such immunity whenever they act within the scope of their judicial, legislative, or executive authority.

The bill would amend the act to give guardians ad litem immunity from tort liability for injuries to persons or damages to property whenever they were acting within the scope of their authority as guardians ad litem. (A guardian ad litem is a special guardian appointed by the court to prosecute or defend, in behalf of an infant or incompetent, a suit to which he or she is a party. Such a guardian is considered an officer of the court to represent the interests of the infant or incompetent in the litigation.)

MCL 691.1407

House Bill 5043 (1-11-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.