# The Law That Wasn't

What Georgia's record actually shows — and what other states did while Georgia waited.

In November 2026 this project ran its first full sweep of Georgia legislation, Georgia appellate decisions, and official guidance touching guardians ad litem (GALs), and of GAL reform in the other states. The sweep's first finding was about a law that does not exist. Ethan's Law — House Bill 253 (2025), described across Georgia's family-law press, in law-firm client alerts, and in this project's own Paper No. 4 as enacted effective July 1, 2025 — was never enacted. It passed both chambers in different forms, stalled on the last day of the 2025 session, and died. This paper corrects that record, starting with our own, and then reports what the sweep actually found: an empty Georgia record on GAL oversight for 2025–26, three appellate decisions that narrowed the complaint routes further, and two busy years of reform everywhere else.

## What this paper is — and is not

This is a systems paper from a grassroots project, written anonymously by design. It names no family, describes no individual case, and accuses no individual GAL of misconduct. Every factual claim is tied to a statute, a rule, an official bill history, a published opinion, or an official publication listed in the Sources. Where a claim rests on a secondary source or could not be verified from an official record, it is labeled — in one instance below, in capital letters. Enacted law, pending bills, and proposals are kept in separate sections, because confusing them is how this paper's subject went wrong in the first place.

## 1 · The correction: HB 253 was never enacted

The official history of HB 253 is short and complete. The House passed the bill on February 26, 2025, by 166–0. The Senate passed it by substitute on April 2, 2025, by 55–0. On April 4, 2025 — sine die, the last day of the session — the House agreed to the Senate substitute only as amended (House Vote #439, 146–15). Because the House had changed the Senate's text, the bill went back to the Senate for concurrence. The concurrence never happened. Advocacy posts in March and April 2026 were still urging a Senate floor vote. When the 2025–26 biennium ended, the bill died with it. HB 253 has no Act number and no governor's signature. It is not law.

What the bill would have done is also a matter of record. The Senate substitute would have amended O.C.G.A. § 19-9-3(a)(7) to bar courts from ordering "family reunification treatments," defined that term, carried a stated effective date of July 1, 2025, and restated the civil-liability rule described below. The reunification ban was the bill's namesake purpose, named for a child, and supported by families and advocates whose work this project does not question. None of that made it enacted.

How did so many careful people get this wrong? The bill text carried its own July 1, 2025 effective date, and when both chambers had passed a version by wide margins, law-firm blogs and advocacy accounts announced the effective date as accomplished fact. It read like a finished story. It was not one, and the two places that settle the question were always available: the bill's official history, which ends on April 4, 2025, and the current Code, which contains no reunification prohibition anywhere in § 19-9-3.

What the Code does contain is the shield — and it was never Ethan's Law. Section 19-9-3(a)(7) provides today, as it has for years (the sentence predates HB 253; it stood in the Code by 2019), that "neither a court appointed custody evaluator nor a court appointed guardian ad litem shall be subject

to civil liability resulting from any act or failure to act in the performance of his or her duties unless such act or failure to act was in bad faith." The Senate substitute would have restated that sentence, not created it. The civil-liability shield for Georgia's custody GALs is real, current, and longstanding. Its source is the statute, not the 2025 bill — and a parent researching Ethan's Law today will find confident descriptions of a ban that no Georgia court can enforce, because it was never enacted.

**This project's own error, stated plainly.** Paper No. 4, *The Shield*, described HB 253 as enacted effective July 1, 2025 and described the liability sentence as something the 2025 enactment supplied. That was wrong, and it was wrong in the direction of the project's own argument, which is exactly the kind of error a documentation project cannot afford. Paper No. 4 has been corrected and reissued with a dated correction note; its structural argument — a shielded profession with no oversight structure behind the shield — does not depend on the date the shield was enacted, and stands. The correction is recorded here and in Paper No. 4 itself, permanently. A project that asks courts and counties to keep accurate records has to keep its own.

## 2 · Georgia's 2025–26 record on the three asks: nothing filed

This project's three asks are a public registry of who serves as a GAL, a training floor for the role, and an oversight home — an intake body other than the appointing judge. The sweep searched the General Assembly's records for 2025–2026 bills creating any of the three, for custody GALs under Uniform Superior Court Rule 24.9 or juvenile GALs under O.C.G.A. § 15-11-104. The finding is an explicit negative: **no such bill was filed.** Rule 24.9 itself was not amended in 2025–26; the Supreme Court's July 2025 Rule 24 order covered only Rules 24.11 and 24.12 (child-support income withholding).

What Georgia did enact nearby, stated precisely so it is not mistaken for GAL oversight:

- **SB 245 (2025), Act 186** — grandparent and family-member visitation under § 19-7-3; no change to GAL oversight, qualifications, or fees.
- **HB 256 (2026), Act 475** — the Foster Placements Bill of Rights; it creates an Office of the Child Advocate–approved **Certified Volunteer Advocate** who may accompany foster placements in investigations and meetings. The role is expressly not a guardian ad litem. A grievance procedure was required by July 1, 2026 — for foster placements, not for GAL conduct.
- **HB 36 and SB 98 (2025)** — Title 29 adult guardianship and county conservators: a different system, for adults, and no measure of the child-GAL position.
- The Office of the Child Advocate's July 2026 newsletter published a dependency-advocacy reference guide distinguishing the GAL — the only participant whose role is to advocate the child's statutory best interests — from the child's client-directed attorney. Guidance is useful. It is not oversight, and OCA does not present it as such.

**UNVERIFIED — reported as unverified.** Social-media posts by a Georgia advocacy organization in September 2026 state that a GAL bill — requiring GALs to be registered, licensed, and receive more training, covering both foster care and private family court — has been picked up in both chambers for the 2027 session and worked on for over a year. No bill number, prefile, or official text has been produced, and none was found in this sweep. If such a bill is filed in January, it would be the first Georgia bill addressed to this project's three asks. The project will verify it from the official text when — and only when — there is an official text.

## 3 · The appellate record moved the other way

While the legislature did nothing, the Court of Appeals decided three cases that matter to any parent weighing the complaint routes this project has documented. None is an oversight mechanism; each defines the walls of the ones that exist.

**Fees: Garner v. Harvin, A26A0157 (June 11, 2026).** A parent **can** be ordered to pay GAL fees in a nonparent custody dispute under O.C.G.A. § 19-7-1(b.1). That statute's silence about GAL fees does not bar an award, and Rule 24.9(3) and Rule 24.9(8)(g) give the trial court discretion over the amount and the apportionment. The pay side of the custody-GAL system is now confirmed at the appellate level: exposure to the other side's — and the court's own appointee's — fees, set by judicial discretion, with no published rate and no cap.

**Removal: In the Interest of K.C., A26A0688 (Mar. 25, 2026).** An order denying a motion to remove a GAL under O.C.G.A. § 15-11-104(h) is **interlocutory and not directly appealable** while the underlying case remains pending; the appeal was dismissed for lack of jurisdiction. Paper No. 4 described the removal route as a single door — the appointing judge. *K.C.* adds a timing wall to that door: mid-case, the refusal to remove is effectively unreviewable, and a parent who believes the GAL should be removed must litigate the rest of the case in front of the same GAL or wait for a final order to appeal.

**Reports and findings: Kimbro v. Warren, 374 Ga. App. 72 (Jan. 9, 2025).** A trial court's statement that it had reviewed the GAL's report is **not** a finding of a material change in circumstances; the modification built on it was vacated. On remand, an order containing an express finding was upheld (A25A1348, Oct. 23, 2025). The distinction the Court of Appeals enforced is the one this project's papers keep making: a GAL's report is an input. Findings are the court's own work, and an order that substitutes the report for the finding does not survive review.

No Supreme Court of Georgia decision on GAL appointment, duties, removal, fees, or immunity issued in 2025–26.

## 4 · What other states did while Georgia waited

The contrast is not rhetorical. In the same two years, at least eight states enacted or adopted GAL structures addressed to exactly the three asks Georgia has not filed a bill on. Enacted measures first.

**Indiana — the fullest model (effective January 1, 2025).** The Indiana Supreme Court's Guardian Ad Litem Guidelines for Civil Family Law Cases — that is, for private custody cases like Georgia's Rule 24.9 cases, not only dependency — limit eligibility to licensed attorneys, licensed mental-health professionals, court-approved program personnel, or persons approved by a GAL Family Law Oversight Committee; require criminal and child-protective-services background checks; require **12 hours of initial training and 6 hours of continuing training every year**; define duties including mandatory in-person contact with the child; maintain a **statewide, searchable GAL Registry**; and provide a **complaint process**, reviewed against the Guidelines. Registry, training floor, oversight — Indiana adopted all three, by court rule, in the same case type where Georgia's rule sets none.

**Utah — an oversight committee with a complaints rule (2026).** HB 372 restructured the Guardian ad Litem Oversight Committee and the responsibilities of the Director of the Office of Guardian ad Litem. Implementing it, the Utah Judicial Council replaced Rule 4-906 with Rules 4-906 through 4-906.03 — including a dedicated **Complaints** rule with an appeal process (effective June 22, 2026). Stated honestly: the bill's original expressed-interest representation model for children eight and older was removed by substitute before passage. What survived is the oversight machinery, and it is the machinery this project asks about.

**Missouri — the role itself rethought (2025).** HB 737 / SB 43 provides that beginning **January 1, 2028** (subject to appropriations; earlier under a Supreme Court pilot), judges must appoint client-directed child's counsel **instead of** a GAL for children aged 14 to under 18 in specified child-protection proceedings, with an existing GAL converting to counsel at the child's fourteenth birthday unless the court continues the GAL. The same act creates a nine-member Child and Family Legal Representation Coordinating Commission, appointed by the Chief Justice, to recommend minimum training requirements and practice standards for GALs and counsel. Missouri did not merely regulate the office; it asked, for older children, whether the office should exist in its current form at all.

**Also enacted, 2025–26:** Washington's HB 1620 (2025) added pre-appointment training duties for GALs within Washington's existing rotational-registry system — a system that already gives the parties three names with each GAL's background record and hourly rate, and removes a GAL from the registry for misrepresenting qualifications. Montana's SB 464 (2025) made CASA-as-GAL appointment mandatory in abuse/neglect proceedings, with statutory minimum qualifications and removal on any party's petition. New Jersey's P.L. 2025, c. 316 (the state Kayden's Law chapter) restricted court-ordered therapy and reunification programs and requires courts to state findings when they order an arrangement against a child's expressed preference. Colorado's HB 26-1227 (2026) affirmed children's standing in dependency proceedings and added a reasonable-basis hearing when a child objects, through a GAL or counsel, to pre-adjudication dismissal. Connecticut's Practice Book Rule 25-62(b)(3) (effective January 1, 2026) expanded GAL eligibility while its standing committee continued to entertain complaints seeking removal from the qualified list — eligibility and discipline administered by the same standing body Georgia does not have. **Pending, and labeled pending:** Illinois' SB 3395 would create a Statewide Guardian Ad Litem Training Act; it has been stalled in Senate Assignments since March 27, 2026. In Congress, H.R. 8997, the Right to Representation Act, would condition federal foster-care funds on states guaranteeing independent legal representation to children and parents in child-protection proceedings; re-introduced May 21, 2026, it sits in the Ways and Means Committee. Neither is law, and this paper does not count either as movement — only as evidence that the questions are live elsewhere.

**Immunity, nationally, moved one way.** Every 2025–2026 appellate decision this sweep located that squarely presented GAL immunity resolved it in the GAL's favor: *Ward v. Fisher* (10th Cir., Apr. 1, 2025) and *Williams v. Crane* (10th Cir., Sept. 4, 2026) (quasi-judicial immunity), *Henson v. Ensinger* (Ky. Ct. App., Jan. 2, 2026) (immunity and collateral-attack bars), and *Manina v. Manina* (Wash. Ct. App., Sept. 10, 2026) — unpublished, and its holding is reported here from a secondary analysis because the official opinion was not retrieved, so it is flagged accordingly. One caution the sweep insists on: *Plyatsko v. Benton* (11th Cir., May 1, 2026), a Georgia-based suit naming a Fulton County GAL, was affirmed **only** on abandonment grounds; the Eleventh Circuit expressly did not reach immunity. It must not be cited — by anyone, including this project — as an immunity holding. The pattern across the decided cases is nonetheless consistent with Paper No. 4's theme: nationally, the shield is being confirmed case by case while oversight structures are built state by state. Georgia, in 2025–26, did neither — it already had the shield, and it built nothing.

## 5 · What the project is watching next

- **December 1, 2026 — SR 622.** The Joint Study Committee on Evaluating Escalating Costs in Georgia's Foster Care System is reported to owe recommendations by December 1, 2026. It is a foster-care costs committee, not a GAL committee, and this project will not inflate it into one; it is nonetheless the nearest official Georgia document in this territory, and the project will read it on publication and report what it does and does not say about GALs.

- **January 2027 — the session.** Prefiles and first filings will settle the UNVERIFIED report in Section 2: whether a GAL registration, licensing, and training bill exists, in whose names, and in what text. The project's three asks are the yardstick it will be measured against, from its official text.
- **Every week until then.** The project's weekly law-and-legislation check compares the General Assembly's records, the appellate courts' published decisions, and official guidance against the prior week's state, and publishes anything new — or changed — on the website and Substack as it verifies. This paper is the check's first full report.

### Help build the record

The Georgia GAL Accountability Project is a grassroots effort to document how guardians ad litem work across Georgia — and to press for a system that is accountable and fair.

Two kinds of help matter most right now:

- **Answer a survey.** The project runs separate anonymous surveys for parents who have had a GAL in a Georgia case and for professionals who work alongside GALs. Surveys carry no phone number and ask for no child's name or case details.
- **Share an experience — through the anonymous surveys.** Experiences reach this project only through its anonymous surveys, which ask for no name, no email address, and nothing that identifies a child. The project does not accept accounts by email. Patterns are the point; no single story is published as fact on its own.

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Project email only. This paper was published anonymously by the project; no individual is named as its author, and no family's case is described in it.

### A note on method — and on limits

The sweep behind this paper was run on November 5, 2026, against the General Assembly's legislation records, the Georgia appellate courts' published opinions, official agency publications, and the other states' official bill texts, court rules, and orders listed in the Sources. Two verification limits are stated rather than smoothed over. First, the General Assembly's bill pages would not render to the project's tools during the sweep; HB 253's history was corroborated through a legislative tracker that mirrors the official history, and independently confirmed by the two facts that cannot both be true of an enacted bill — the absence of any Act number or signature, and the absence of the bill's central provision from the current text of § 19-9-3. Second, *Manina v. Manina* is unpublished and its holding is taken from a secondary analysis that states it was checked against primary sources; it is used for the pattern only, with the flag carried in the text. The 2027-session item in Section 2 rests on advocacy social-media posts alone and is labeled UNVERIFIED wherever it appears in project materials. The correction to Paper No. 4 recorded in Section 1 was made on November 5, 2026, the day the sweep returned; the corrected Paper No. 4 carries its own dated correction note.

### Sources


- HB 253 (2025), "Ethan's Law" — official history (House passage Feb. 26, 2025; Senate substitute Apr. 2, 2025; House agreement as amended Apr. 4, 2025, Vote #439; no further action; no Act number): legis.ga.gov/legislation/69866; history as mirrored at legiscan.com/GA/bill/HB253/2025. Senate substitute LC 57 0272S (§ 19-9-3(a)(7) reunification bar and liability restatement; stated effective date July 1, 2025 — never enacted).

• O.C.G.A. § 19-9-3, current text (paragraph (a)(7) bad-faith liability sentence; no reunification prohibition): law.justia.com/codes/georgia/title-19/chapter-9/article-1/section-19-9-3/

• Georgia Uniform Superior Court Rule 24.9 (unamended 2025–26; fee discretion at (8)(g)): gasupreme.us/rules/amendments-to-rules/ and the July 2025 Rule 24 order (Rules 24.11/24.12 only).

• SB 245 (2025), Act 186: gov.georgia.gov/document/2025-signed-legislation/sb-245/download. HB 256 (2026), Act 475: legis.ga.gov/legislation/69869. HB 36 (2025); SB 98 (2025); SB 110 (2025), Act 284 — Title 29 / Juvenile Code items checked and excluded as non-GAL-oversight.

• Office of the Child Advocate, *The AdvOCAte*, Vol. 02 (July 2026): oca.georgia.gov

• *Garner v. Harvin*, A26A0157 (Ga. Ct. App. June 11, 2026): cases.justia.com/georgia/court-of-appeals/2026-a26a0157.pdf

• *In the Interest of K.C.*, A26A0688 (Ga. Ct. App. Mar. 25, 2026) (order dismissing appeal): storage.courtlistener.com/pdf/2026/03/25/in_the_interest_of_k._c._children_mother.pdf

• *Kimbro v. Warren*, 374 Ga. App. 72 (Jan. 9, 2025) and A25A1348 (Oct. 23, 2025): efast.gaappeals.gov; cases.justia.com/georgia/court-of-appeals/2025-a25a1348.pdf

• *Plyatsko v. Benton*, No. 25-11784 (11th Cir. May 1, 2026) (immunity expressly not reached): media.ca11.uscourts.gov/opinions/unpub/files/202511784.pdf

• Indiana Supreme Court, Guardian Ad Litem Guidelines for Civil Family Law Cases (Cause No. 24S-MS-1, adopted Oct. 17, 2024; effective Jan. 1, 2025) and the statewide GAL Registry: in.gov/courts/iocs/gal/

• Utah HB 372 (2026): le.utah.gov/Session/2026/bills/introduced/HB0372S03.pdf; Utah Code of Judicial Administration Rules 4-906 to 4-906.03 (Complaints), effective June 22, 2026: legacy.utcourts.gov/utc/rules-approved/category/cja04-0906/

• Missouri HB 737 / SB 43 (2025): house.mo.gov/BillContent.aspx?bill=HB737; governor's signing release, content.govdelivery.com/accounts/MOGOV/bulletins/3e888d4

• Washington HB 1620 (2025), amending RCW 26.12.177. Montana SB 464 (2025), Ch. 578 (enrolled text). New Jersey P.L. 2025, c. 316: pub.njleg.gov/bills/2024/PL25/316_.PDF. Colorado HB 26-1227 (2026), Ch. 269: leg.colorado.gov/bills/HB26-1227. Connecticut Practice Book Rule 25-62(b)(3) and Standing Committee minutes (Sept. 8, 2025): jud.ct.gov

• Illinois SB 3395 (104th G.A.) — status (stalled, Assignments, Mar. 27, 2026): ilga.gov. H.R. 8997, Right to Representation Act (119th Cong.) — pending: govinfo.gov/app/details/BILLS-119hr8997ih

• Immunity decisions: *Ward v. Fisher*, No. 24-5083 (10th Cir. Apr. 1, 2025); *Williams v. Crane*, No. 25-3211 (10th Cir. Sept. 4, 2026); *Henson v. Ensinger*, No. 2024-CA-1403-MR (Ky. Ct. App. Jan. 2, 2026); *Manina v. Manina*, No. 40558-3-III (Wash. Ct. App. Sept. 10, 2026) (unpublished; holding via secondary analysis, flagged in text).

• SR 622, Joint Study Committee on Evaluating Escalating Costs in Georgia's Foster Care System (2026) — recommendations reported due Dec. 1, 2026; not yet issued.

• Project research file: November 2026 legislation, cases, and guidance sweep, Project files, November 5, 2026.

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