

SSB 5285 - H COMM AMD

By Committee on Judiciary

ADOPTED 4/14/2009

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "Sec. 1. RCW 26.44.030 and 2008 c 211 s 5 are each amended to
5 read as follows:

6 (1)(a) When any practitioner, county coroner or medical examiner,
7 law enforcement officer, professional school personnel, registered or
8 licensed nurse, social service counselor, psychologist, pharmacist,
9 employee of the department of early learning, licensed or certified
10 child care providers or their employees, employee of the department,
11 juvenile probation officer, placement and liaison specialist,
12 responsible living skills program staff, HOPE center staff, or state
13 family and children's ombudsman or any volunteer in the ombudsman's
14 office has reasonable cause to believe that a child has suffered abuse
15 or neglect, he or she shall report such incident, or cause a report to
16 be made, to the proper law enforcement agency or to the department as
17 provided in RCW 26.44.040.

18 (b) When any person, in his or her official supervisory capacity
19 with a nonprofit or for-profit organization, has reasonable cause to
20 believe that a child has suffered abuse or neglect caused by a person
21 over whom he or she regularly exercises supervisory authority, he or
22 she shall report such incident, or cause a report to be made, to the
23 proper law enforcement agency, provided that the person alleged to
24 have caused the abuse or neglect is employed by, contracted by, or
25 volunteers with the organization and coaches, trains, educates, or
26 counsels a child or children or regularly has unsupervised access to a
27 child or children as part of the employment, contract, or voluntary

1 service. No one shall be required to report under this section when
2 he or she obtains the information solely as a result of a privileged
3 communication as provided in RCW 5.60.060.

4 Nothing in this subsection (1)(b) shall limit a person's duty to
5 report under (a) of this subsection.

6 For the purposes of this subsection, the following definitions
7 apply:

8 (i) "Official supervisory capacity" means a position, status, or
9 role created, recognized, or designated by any nonprofit or for-profit
10 organization, either for financial gain or without financial gain,
11 whose scope includes, but is not limited to, overseeing, directing, or
12 managing another person who is employed by, contracted by, or
13 volunteers with the nonprofit or for-profit organization.

14 (ii) "Regularly exercises supervisory authority" means to act in
15 his or her official supervisory capacity on an ongoing or continuing
16 basis with regards to a particular person.

17 (c) The reporting requirement also applies to department of
18 corrections personnel who, in the course of their employment, observe
19 offenders or the children with whom the offenders are in contact. If,
20 as a result of observations or information received in the course of
21 his or her employment, any department of corrections personnel has
22 reasonable cause to believe that a child has suffered abuse or
23 neglect, he or she shall report the incident, or cause a report to be
24 made, to the proper law enforcement agency or to the department as
25 provided in RCW 26.44.040.

26 (d) The reporting requirement shall also apply to any adult who
27 has reasonable cause to believe that a child who resides with them,
28 has suffered severe abuse, and is able or capable of making a report.
29 For the purposes of this subsection, "severe abuse" means any of the
30 following: Any single act of abuse that causes physical trauma of
31 sufficient severity that, if left untreated, could cause death; any
32 single act of sexual abuse that causes significant bleeding, deep
33 bruising, or significant external or internal swelling; or more than
34 one act of physical abuse, each of which causes bleeding, deep

1 bruising, significant external or internal swelling, bone fracture, or
2 unconsciousness.

3 (e) The reporting requirement also applies to guardians ad litem,
4 including court appointed special advocates, appointed under Titles
5 11, 13, and 26 RCW, who in the course of their representation of
6 children in these actions have reasonable cause to believe a child has
7 been abused or neglected.

8 (f) The report must be made at the first opportunity, but in no
9 case longer than forty-eight hours after there is reasonable cause to
10 believe that the child has suffered abuse or neglect. The report must
11 include the identity of the accused if known.

12 (2) The reporting requirement of subsection (1) of this section
13 does not apply to the discovery of abuse or neglect that occurred
14 during childhood if it is discovered after the child has become an
15 adult. However, if there is reasonable cause to believe other
16 children are or may be at risk of abuse or neglect by the accused, the
17 reporting requirement of subsection (1) of this section does apply.

18 (3) Any other person who has reasonable cause to believe that a
19 child has suffered abuse or neglect may report such incident to the
20 proper law enforcement agency or to the department of social and
21 health services as provided in RCW 26.44.040.

22 (4) The department, upon receiving a report of an incident of
23 alleged abuse or neglect pursuant to this chapter, involving a child
24 who has died or has had physical injury or injuries inflicted upon him
25 or her other than by accidental means or who has been subjected to
26 alleged sexual abuse, shall report such incident to the proper law
27 enforcement agency. In emergency cases, where the child's welfare is
28 endangered, the department shall notify the proper law enforcement
29 agency within twenty-four hours after a report is received by the
30 department. In all other cases, the department shall notify the law
31 enforcement agency within seventy-two hours after a report is received
32 by the department. If the department makes an oral report, a written
33 report must also be made to the proper law enforcement agency within
34 five days thereafter.

1 (5) Any law enforcement agency receiving a report of an incident
2 of alleged abuse or neglect pursuant to this chapter, involving a
3 child who has died or has had physical injury or injuries inflicted
4 upon him or her other than by accidental means, or who has been
5 subjected to alleged sexual abuse, shall report such incident in
6 writing as provided in RCW 26.44.040 to the proper county prosecutor
7 or city attorney for appropriate action whenever the law enforcement
8 agency's investigation reveals that a crime may have been committed.
9 The law enforcement agency shall also notify the department of all
10 reports received and the law enforcement agency's disposition of them.
11 In emergency cases, where the child's welfare is endangered, the law
12 enforcement agency shall notify the department within twenty-four
13 hours. In all other cases, the law enforcement agency shall notify
14 the department within seventy-two hours after a report is received by
15 the law enforcement agency.

16 (6) Any county prosecutor or city attorney receiving a report
17 under subsection (5) of this section shall notify the victim, any
18 persons the victim requests, and the local office of the department,
19 of the decision to charge or decline to charge a crime, within five
20 days of making the decision.

21 (7) The department may conduct ongoing case planning and
22 consultation with those persons or agencies required to report under
23 this section, with consultants designated by the department, and with
24 designated representatives of Washington Indian tribes if the client
25 information exchanged is pertinent to cases currently receiving child
26 protective services. Upon request, the department shall conduct such
27 planning and consultation with those persons required to report under
28 this section if the department determines it is in the best interests
29 of the child. Information considered privileged by statute and not
30 directly related to reports required by this section must not be
31 divulged without a valid written waiver of the privilege.

32 (8) Any case referred to the department by a physician licensed
33 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
34 opinion that child abuse, neglect, or sexual assault has occurred and

1 that the child's safety will be seriously endangered if returned home,
2 the department shall file a dependency petition unless a second
3 licensed physician of the parents' choice believes that such expert
4 medical opinion is incorrect. If the parents fail to designate a
5 second physician, the department may make the selection. If a
6 physician finds that a child has suffered abuse or neglect but that
7 such abuse or neglect does not constitute imminent danger to the
8 child's health or safety, and the department agrees with the
9 physician's assessment, the child may be left in the parents' home
10 while the department proceeds with reasonable efforts to remedy
11 parenting deficiencies.

12 (9) Persons or agencies exchanging information under subsection
13 (7) of this section shall not further disseminate or release the
14 information except as authorized by state or federal statute.
15 Violation of this subsection is a misdemeanor.

16 (10) Upon receiving a report of alleged abuse or neglect, the
17 department shall make reasonable efforts to learn the name, address,
18 and telephone number of each person making a report of abuse or
19 neglect under this section. The department shall provide assurances
20 of appropriate confidentiality of the identification of persons
21 reporting under this section. If the department is unable to learn
22 the information required under this subsection, the department shall
23 only investigate cases in which:

24 (a) The department believes there is a serious threat of
25 substantial harm to the child;

26 (b) The report indicates conduct involving a criminal offense that
27 has, or is about to occur, in which the child is the victim; or

28 (c) The department has a prior founded report of abuse or neglect
29 with regard to a member of the household that is within three years of
30 receipt of the referral.

31 (11)(a) For reports of alleged abuse or neglect that are accepted
32 for investigation by the department, the investigation shall be
33 conducted within time frames established by the department in rule.
34 In no case shall the investigation extend longer than ninety days from

1 the date the report is received, unless the investigation is being
2 conducted under a written protocol pursuant to RCW 26.44.180 and a law
3 enforcement agency or prosecuting attorney has determined that a
4 longer investigation period is necessary. At the completion of the
5 investigation, the department shall make a finding that the report of
6 child abuse or neglect is founded or unfounded.

7 (b) If a court in a civil or criminal proceeding, considering the
8 same facts or circumstances as are contained in the report being
9 investigated by the department, makes a judicial finding by a
10 preponderance of the evidence or higher that the subject of the
11 pending investigation has abused or neglected the child, the
12 department shall adopt the finding in its investigation.

13 (12) In conducting an investigation of alleged abuse or neglect,
14 the department or law enforcement agency:

15 (a) May interview children. The interviews may be conducted on
16 school premises, at day-care facilities, at the child's home, or at
17 other suitable locations outside of the presence of parents. Parental
18 notification of the interview must occur at the earliest possible
19 point in the investigation that will not jeopardize the safety or
20 protection of the child or the course of the investigation. Prior to
21 commencing the interview the department or law enforcement agency
22 shall determine whether the child wishes a third party to be present
23 for the interview and, if so, shall make reasonable efforts to
24 accommodate the child's wishes. Unless the child objects, the
25 department or law enforcement agency shall make reasonable efforts to
26 include a third party in any interview so long as the presence of the
27 third party will not jeopardize the course of the investigation; and

28 (b) Shall have access to all relevant records of the child in the
29 possession of mandated reporters and their employees.

30 (13) If a report of alleged abuse or neglect is founded and
31 constitutes the third founded report received by the department within
32 the last twelve months involving the same child or family, the
33 department shall promptly notify the office of the family and
34

1 children's ombudsman of the contents of the report. The department
2 shall also notify the ombudsman of the disposition of the report.

3 (14) In investigating and responding to allegations of child abuse
4 and neglect, the department may conduct background checks as
5 authorized by state and federal law.

6 (15) The department shall maintain investigation records and
7 conduct timely and periodic reviews of all founded cases of abuse and
8 neglect. The department shall maintain a log of screened-out
9 nonabusive cases.

10 (16) The department shall use a risk assessment process when
11 investigating alleged child abuse and neglect referrals. The
12 department shall present the risk factors at all hearings in which the
13 placement of a dependent child is an issue. Substance abuse must be a
14 risk factor. The department shall, within funds appropriated for this
15 purpose, offer enhanced community-based services to persons who are
16 determined not to require further state intervention.

17 (17) Upon receipt of a report of alleged abuse or neglect the law
18 enforcement agency may arrange to interview the person making the
19 report and any collateral sources to determine if any malice is
20 involved in the reporting.

21 (18) Upon receiving a report of alleged abuse or neglect involving
22 a child under the court's jurisdiction under chapter 13.34 RCW, the
23 department shall promptly notify the child's guardian ad litem of the
24 report's contents. The department shall also notify the guardian ad
25 litem of the disposition of the report. For purposes of this
26 subsection, "guardian ad litem" has the meaning provided in RCW
27 13.34.030.

28
29 **Sec. 2.** RCW 13.34.100 and 2000 c 124 s 2 are each amended to read
30 as follows:

31 (1) The court shall appoint a guardian ad litem for a child who is
32 the subject of an action under this chapter, unless a court for good
33 cause finds the appointment unnecessary. The requirement of a
34 guardian ad litem may be deemed satisfied if the child is represented

1 by independent counsel in the proceedings. The court shall attempt to
2 match a child with special needs with a guardian ad litem who has
3 specific training or education related to the child's individual
4 needs.

5 (2) If the court does not have available to it a guardian ad litem
6 program with a sufficient number of volunteers, the court may appoint
7 a suitable person to act as guardian ad litem for the child under this
8 chapter. Another party to the proceeding or the party's employee or
9 representative shall not be so appointed.

10 (3) Each guardian ad litem program shall maintain a background
11 information record for each guardian ad litem in the program. The
12 background ~~((file))~~ information record shall include, but is not
13 limited to, the following information:

14 (a) Level of formal education;

15 (b) General training related to the guardian~~((s))~~ ad litem's
16 duties;

17 (c) Specific training related to issues potentially faced by
18 children in the dependency system;

19 (d) Specific training or education related to child disability or
20 developmental issues;

21 (e) Number of years' experience as a guardian ad litem;

22 ~~((d))~~ (f) Number of appointments as a guardian ad litem and the
23 county or counties of appointment;

24 ~~((e))~~ (g) The names of any counties in which the person was
25 removed from a guardian ad litem registry pursuant to a grievance
26 action, and the name of the court and the cause number of any case in
27 which the court has removed the person for cause; ~~((and~~

28 ~~((f))~~ (h) Founded allegations of abuse or neglect as defined in
29 RCW 26.44.020;

30 (i) The results of an examination that shall consist of a
31 background check as allowed through the Washington state criminal
32 records privacy act under RCW 10.97.050 and the Washington state
33 patrol criminal identification system under RCW 43.43.832 through
34 43.43.834. This background check shall be done through the Washington

1 state patrol criminal identification section; and

2 (j) Criminal history, as defined in RCW 9.94A.030, for the period
3 covering ten years prior to the appointment.

4 The background information (~~report~~) record shall be updated
5 annually. As a condition of appointment, the guardian ad litem's
6 background information record shall be made available to the court.
7 If the appointed guardian ad litem is not a member of a guardian ad
8 litem program (~~the~~) a suitable person appointed by the court to act
9 as guardian ad litem shall provide the background information record
10 to the court.

11 Upon appointment, the guardian ad litem, or guardian ad litem
12 program, shall provide the parties or their attorneys with a
13 (~~statement containing: His or her training relating to the duties as~~
14 ~~a guardian ad litem; the name of any counties in which the person was~~
15 ~~removed from a guardian ad litem registry pursuant to a grievance~~
16 ~~action, and the name of the court and the cause number of any case in~~
17 ~~which the court has removed the person for cause; and his or her~~
18 ~~criminal history as defined in RCW 9.94A.030 for the period covering~~
19 ~~ten years prior to the appointment~~) copy of the background
20 information record. The portion of the background information record
21 containing the results of the criminal background check and the
22 criminal history shall not be disclosed to the parties or their
23 attorneys. The background (~~statement~~) information record shall not
24 include identifying information that may be used to harm a guardian ad
25 litem, such as home addresses and home telephone numbers, and for
26 volunteer guardians ad litem the court may allow the use of maiden
27 names or pseudonyms as necessary for their safety.

28 (4) The appointment of the guardian ad litem shall remain in
29 effect until the court discharges the appointment or no longer has
30 jurisdiction, whichever comes first. The guardian ad litem may also
31 be discharged upon entry of an order of guardianship.

32 (5) A guardian ad litem through counsel, or as otherwise
33 authorized by the court, shall have the right to present evidence,
34 examine and cross-examine witnesses, and to be present at all

1 hearings. A guardian ad litem shall receive copies of all pleadings
2 and other documents filed or submitted to the court, and notice of all
3 hearings according to court rules. The guardian ad litem shall
4 receive all notice contemplated for a parent or other party in all
5 proceedings under this chapter.

6 (6) If the child requests legal counsel and is age twelve or
7 older, or if the guardian ad litem or the court determines that the
8 child needs to be independently represented by counsel, the court may
9 appoint an attorney to represent the child's position.

10 (7) For the purposes of child abuse prevention and treatment act
11 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,
12 or any related state or federal legislation, a person appointed
13 pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to
14 represent the best interests of the minor in proceedings before the
15 court.

16 (8) When a court-appointed special advocate or volunteer guardian
17 ad litem is requested on a case, the program shall give the court the
18 name of the person it recommends (~~and the appointment shall be~~
19 ~~effective immediately~~). The program shall attempt to match a child
20 with special needs with a guardian ad litem who has specific training
21 or education related to the child's individual needs. The court shall
22 immediately appoint the person recommended by the program.

23 (9) If a party in a case reasonably believes the court-appointed
24 special advocate or volunteer guardian ad litem is inappropriate or
25 unqualified, the party may request a review of the appointment by the
26 program. The program must complete the review within five judicial
27 days and remove any appointee for good cause. If the party seeking
28 the review is not satisfied with the outcome of the review, the party
29 may file a motion with the court for the removal of the court-
30 appointed special advocate or volunteer guardian ad litem on the
31 grounds the advocate or volunteer is inappropriate or unqualified.

32
33 **Sec. 3.** RCW 26.12.175 and 2000 c 124 s 6 are each amended to read
34 as follows:

1 (1)(a) The court may appoint a guardian ad litem to represent the
2 interests of a minor or dependent child when the court believes the
3 appointment of a guardian ad litem is necessary to protect the best
4 interests of the child in any proceeding under this chapter. The
5 court may appoint a guardian ad litem from the court-appointed special
6 advocate program, if that program exists in the county. The court
7 shall attempt to match a child with special needs with a guardian ad
8 litem who has specific training or education related to the child's
9 individual needs. The family court services professionals may also
10 make a recommendation to the court regarding whether a guardian ad
11 litem should be appointed for the child. (~~The court may appoint a~~
12 ~~guardian ad litem from the court appointed special advocate program,~~
13 ~~if that program exists in the county.~~)

14 (b) (~~Unless otherwise ordered,~~) The guardian ad litem's role is
15 to investigate and report factual information regarding the issues
16 ordered to be reported or investigated to the court (~~concerning~~
17 ~~parenting arrangements for the child, and to represent the child's~~
18 ~~best interests~~). The guardian ad litem shall always represent the
19 best interests of the child. Guardians ad litem and investigators
20 under this title may make recommendations based upon (~~an independent~~
21 ~~investigation regarding the best interests of the child~~) his or her
22 investigation, which the court may consider and weigh in conjunction
23 with the recommendations of all of the parties. If a child expresses
24 a preference regarding the parenting plan, the guardian ad litem shall
25 report the preferences to the court, together with the facts relative
26 to whether any preferences are being expressed voluntarily and the
27 degree of the child's understanding. The court may require the
28 guardian ad litem to provide periodic reports to the parties regarding
29 the status of his or her investigation. The guardian ad litem shall
30 file his or her report at least sixty days prior to trial.

31 (c) The parties to the proceeding may file with the court written
32 responses to any report filed by the guardian ad litem or
33 investigator. The court shall consider any written responses to a
34

1 report filed by the guardian ad litem or investigator, including any
2 factual information or recommendations provided in the report.

3 (d) The court shall enter an order for costs, fees, and
4 disbursements to cover the costs of the guardian ad litem. The court
5 may order either or both parents to pay for the costs of the guardian
6 ad litem, according to their ability to pay. If both parents are
7 indigent, the county shall bear the cost of the guardian, subject to
8 appropriation for guardians' ad litem services by the county
9 legislative authority. Guardians ad litem who are not volunteers
10 shall provide the parties with an itemized accounting of their time
11 and billing for services each month.

12 (2)(a) If the guardian ad litem appointed is from the county
13 court- appointed special advocate program, the program shall supervise
14 any guardian ad litem assigned to the case. The court-appointed
15 special advocate program shall be entitled to notice of all
16 proceedings in the case.

17 (b) The legislative authority of each county may authorize
18 creation of a court-appointed special advocate program. The county
19 legislative authority may adopt rules of eligibility for court-
20 appointed special advocate program services that are not inconsistent
21 with this section.

22 (3) Each guardian ad litem program for compensated guardians ad
23 litem and each court-appointed special advocate program shall maintain
24 a background information record for each guardian ad litem in the
25 program. The background ((file)) information record shall include,
26 but is not limited to, the following information:

27 (a) Level of formal education;

28 (b) General training related to the guardian(~~s~~) ad litem's
29 duties;

30 (c) Specific training related to issues potentially faced by
31 children in dissolution, custody, paternity, and other family law
32 proceedings;

33 (d) Specific training or education related to child disability or
34

1 developmental issues;

2 (e) Number of years' experience as a guardian ad litem;

3 ~~((d))~~ (f) Number of appointments as a guardian ad litem and
4 county or counties of appointment;

5 ~~((e))~~ (g) The names of any counties in which the person was
6 removed from a guardian ad litem registry pursuant to a grievance
7 action, and the name of the court and the cause number of any case in
8 which the court has removed the person for cause; ~~((and~~

9 ~~—(f))~~ (h) Founded allegations of abuse or neglect as defined in
10 RCW 26.44.020;

11 (i) The results of an examination that shall consist of a
12 background check as allowed through the Washington state criminal
13 records privacy act under RCW 10.97.050 and the Washington state
14 patrol criminal identification system under RCW 43.43.832 through
15 43.43.834. This background check shall be done through the Washington
16 state patrol criminal identification section; and

17 (j) Criminal history, as defined in RCW 9.94A.030, for the period
18 covering ten years prior to the appointment.

19 The background information ~~((report))~~ record shall be updated
20 annually. As a condition of appointment, the guardian ad litem's
21 background information record shall be made available to the court.
22 If the appointed guardian ad litem is not a member of a guardian ad
23 litem program the person appointed as guardian ad litem shall provide
24 the background information record to the court.

25 Upon appointment, the guardian ad litem, court-appointed special
26 advocate program or guardian ad litem program, shall provide the
27 parties or their attorneys with a ~~((statement containing: His or her~~
28 ~~training relating to the duties as a guardian ad litem; the name of~~
29 ~~any counties in which the person was removed from a guardian ad litem~~
30 ~~registry pursuant to a grievance action, and the name of the court and~~
31 ~~the cause number of any case in which the court has removed the person~~
32 ~~for cause; and his or her criminal history as defined in RCW 9.94A.030~~
33 ~~for the period covering ten years prior to the appointment))~~ copy of
34 the background information record. The portion of the background

1 information record containing the results of the criminal background
2 check and the criminal history shall not be disclosed to the parties
3 or their attorneys. The background (~~(statement)~~) information record
4 shall not include identifying information that may be used to harm a
5 guardian ad litem, such as home addresses and home telephone numbers,
6 and for volunteer guardians ad litem the court may allow the use of
7 maiden names or pseudonyms as necessary for their safety.

8 (4) When a court-appointed special advocate or volunteer guardian
9 ad litem is requested on a case, the program shall give the court the
10 name of the person it recommends (~~(and the appointment shall be~~
11 ~~effective immediately)~~). The court shall immediately appoint the
12 person recommended by the program.

13 (5) If a party in a case reasonably believes the court-appointed
14 special advocate or volunteer guardian ad litem is inappropriate or
15 unqualified, the party may request a review of the appointment by the
16 program. The program must complete the review within five judicial
17 days and remove any appointee for good cause. If the party seeking
18 the review is not satisfied with the outcome of the review, the party
19 may file a motion with the court for the removal of the court-
20 appointed special advocate or volunteer guardian ad litem on the
21 grounds the advocate or volunteer is inappropriate or unqualified.

22
23 **Sec. 4.** RCW 26.12.177 and 2007 c 496 s 305 are each amended to
24 read as follows:

25 (1) All guardians ad litem and investigators appointed under this
26 title must comply with the training requirements established under RCW
27 2.56.030(15), prior to their appointment in cases under Title 26 RCW,
28 except that volunteer guardians ad litem or court-appointed special
29 advocates may comply with alternative training requirements approved
30 by the administrative office of the courts that meet or exceed the
31 statewide requirements. In cases involving allegations of limiting
32 factors under RCW 26.09.191, the guardians ad litem and investigators
33 appointed under this title must have additional relevant training
34

1 under RCW 2.56.030(15) and as recommended under RCW 2.53.040, when it
2 is available.

3 (2)(a) Each guardian ad litem program for compensated guardians ad
4 litem shall establish a rotational registry system for the appointment
5 of guardians ad litem and investigators under this title. If a
6 judicial district does not have a program the court shall establish
7 the rotational registry system. Guardians ad litem and investigators
8 under this title shall be selected from the registry except in
9 exceptional circumstances as determined and documented by the court.
10 The parties may make a joint recommendation for the appointment of a
11 guardian ad litem from the registry.

12 (b) In judicial districts with a population over one hundred
13 thousand, a list of three names shall be selected from the registry
14 and given to the parties along with the background information record
15 as specified in RCW 26.12.175(3), including their hourly rate for
16 services. Each party may, within three judicial days, strike one name
17 from the list. If more than one name remains on the list, the court
18 shall make the appointment from the names on the list. In the event
19 all three names are stricken the person whose name appears next on the
20 registry shall be appointed.

21 (c) If a party reasonably believes that the appointed guardian ad
22 litem (~~((lacks the necessary expertise for the proceeding))~~) is
23 inappropriate or unqualified, charges an hourly rate higher than what
24 is reasonable for the particular proceeding, or has a conflict of
25 interest, the party may, within three judicial days from the
26 appointment, move for substitution of the appointed guardian ad litem
27 by filing a motion with the court.

28 (d) Under this section, within either registry referred to in (a)
29 of this subsection, a subregistry may be created that consists of
30 guardians ad litem under contract with the department of social and
31 health services' division of child support. Guardians ad litem on
32 such a subregistry shall be selected and appointed in state-initiated
33 paternity cases only.

34

1 (e) The superior court shall remove any person from the guardian
2 ad litem registry who (~~(misrepresents)~~) has been found to have
3 misrepresented his or her qualifications (~~((pursuant to a grievance~~
4 ~~procedure established by the court))~~).

5 (3) The rotational registry system shall not apply to court-
6 appointed special advocate programs."

7

EFFECT: Clarifies that the mandatory reporting statute applies to guardians ad litem who are court appointed special advocates (CASAs).

Removes the procedures allowing a party to remove a GAL within five days of appointment. Removes language stating that the court need not appoint the person recommended by the CASA program if the court believes the appointee is inappropriate or unqualified.

Removes the requirement that the GAL's background information include a fingerprint-based FBI check.

Specifies that the requirement for a court to attempt to match a child with a specially-trained GAL applies to children with special needs.

Restores the language allowing investigators to make recommendations to the court in family law proceedings.

Removes the requirement that a court find that the GAL *substantially* misrepresented his or her qualifications before the court can remove the GAL from the registry.

--- END ---