

HOUSE BILL REPORT

HB 2722

As Reported by House Committee On:
Judiciary

Title: An act relating to persons appointed by the court to provide information in family law and adoption cases.

Brief Description: Concerning persons appointed by the court to provide information in family law and adoption cases.

Sponsors: Representatives Goodman, Pedersen, Moeller and Kenney.

Brief History:

Committee Activity:

Judiciary: 1/18/10, 1/21/10 [DPS].

Brief Summary of Substitute Bill

- Authorizes the court to order the parties to pay the fee of the guardian ad litem (GAL) in adoption cases.
- Defines the term "investigator" for the purposes of family law cases and requires investigators who are not supervised by a GAL or by a Court-Appointed Special Advocate program to comply with training requirements.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts and Ross.

Staff: Trudes Tango (786-7384).

Background:

Guardians ad litem in Adoption Cases.

In adoption proceedings, the court must appoint a Guardian ad litem (GAL) for any alleged parent under 18 years old. The court may appoint a GAL for the child subject to adoption.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The county in which a petition is filed in an adoption proceeding must pay the fees of the court-appointed GAL or attorney.

Investigators and GALs in Family Law Cases.

When the court is establishing a parenting plan for a child, the court may order an investigation and report concerning parenting arrangements, may appoint a GAL, or both. The investigation and report may be made by a GAL, the staff of the court, or a professional social service organization experienced in counseling children. Some family law courts have full or part-time investigators that work for the court. The term "investigator" is not defined in statute.

In counties with a Court-Appointed Special Advocate (CASA) program for family law cases, the court may appoint a GAL from the CASA program. The GALs and CASAs must comply with certain training requirements developed by the Administrative Office of the Courts.

The court may order either or both parties to pay for the GAL's costs. If both parties are indigent, the county pays the cost of the GAL. Unless a local court rule provides for otherwise, the court must specify the hourly rate a GAL may charge and specify the maximum amount the GAL may charge without additional court approval. The court must specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the GAL billing for his or her services.

Summary of Substitute Bill:

GALs in Adoption Cases.

When a GAL is appointed in an adoption case, the court must direct who shall pay the GAL's fee. If the court orders the parties to pay the GAL fee, the fee must be established under the same procedures that GAL fees are established in family law cases. If the child in the adoption proceeding is a dependent child and the minor parent is represented by an attorney or GAL in the dependency, the court may rely on the report from the minor parent's dependency attorney or GAL.

Investigators.

The court may appoint an investigator in addition to a GAL or CASA to make recommendations to the court. The term "investigator" is defined to mean a person appointed by the court as a full- or part-time assistant to the court, or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan.

Investigators who are not supervised by a GAL or by a CASA program must comply with the training requirements applicable to GALs or CASAs.

Substitute Bill Compared to Original Bill:

The substitute bill adds language to take into consideration adoptions that are part of dependency proceedings. If the child to be adopted is a dependent child and the minor parent has an attorney or GAL, the court may rely on a report from that attorney or GAL.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a clean-up bill of the GAL statutes and it responds to how fees are currently paid in adoption cases. For many years the statute required the county to pay the GAL fee in adoption cases, which is an unfunded mandate. There is not enough funding for this in the counties. Under the bill, the courts will set the GAL fees the same way fees are set in family law cases. The parties adopting often get a federal tax cut for adoptions.

(In support with concerns) The bill defines investigators but it is not clear whether parenting evaluators fall under the definition. The bill requires training for investigators, but there is no mechanism in the bill for parties to be able to find out whether or not an investigator has been trained.

(Opposed) None.

Persons Testifying: (In support) Representative Goodman, prime sponsor; and Mark Demaray.

(In support with concerns) Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.