

SENATE BILL REPORT

SHB 2722

As Reported by Senate Committee On:
Human Services & Corrections, February 25, 2010

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: House Committee on Judiciary (originally sponsored by Representatives Goodman, Pedersen, Moeller and Kenney).

Brief History: Passed House: 1/28/10, 97-0.

Committee Activity: Human Services & Corrections: 2/18/10, 2/25/10 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

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

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.

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 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 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 services.

Summary of Bill: When a GAL is appointed in an adoption case, the court must direct who must 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.

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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a fairly non-substantive bill that addresses some of the issues raised by the guardian ad litem bill passed last session. There was some concern raised that parent evaluators are not currently regulated and this bill does not change that. Currently, counties are ordered to pay GAL fees and this is an unfunded mandate on the counties. This bill puts the responsibility on the courts to have the families pay for the GAL costs and the families can obtain a federal tax credit in adoption cases for attorney and GAL costs.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Mark Demaray, attorney.