
SENATE BILL 5285

State of Washington

61st Legislature

2009 Regular Session

By Senators Regala, Hargrove, Kauffman, and Stevens

Read first time 01/19/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to guardians ad litem; and amending RCW 26.44.030,
2 13.34.100, 26.12.175, and 26.12.177.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.44.030 and 2008 c 211 s 5 are each amended to read
5 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, guardian ad
13 litem appointed under Titles 11, 13, and 26 RCW, or state family and
14 children's ombudsman or any volunteer in the ombudsman's office has
15 reasonable cause to believe that a child has suffered abuse or neglect,
16 he or she shall report such incident, or cause a report to be made, to
17 the proper law enforcement agency or to the department as provided in
18 RCW 26.44.040.

1 (b) When any person, in his or her official supervisory capacity
2 with a nonprofit or for-profit organization, has reasonable cause to
3 believe that a child has suffered abuse or neglect caused by a person
4 over whom he or she regularly exercises supervisory authority, he or
5 she shall report such incident, or cause a report to be made, to the
6 proper law enforcement agency, provided that the person alleged to have
7 caused the abuse or neglect is employed by, contracted by, or
8 volunteers with the organization and coaches, trains, educates, or
9 counsels a child or children or regularly has unsupervised access to a
10 child or children as part of the employment, contract, or voluntary
11 service. No one shall be required to report under this section when he
12 or she obtains the information solely as a result of a privileged
13 communication as provided in RCW 5.60.060.

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

16 For the purposes of this subsection, the following definitions
17 apply:

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

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

27 (c) The reporting requirement also applies to department of
28 corrections personnel who, in the course of their employment, observe
29 offenders or the children with whom the offenders are in contact. If,
30 as a result of observations or information received in the course of
31 his or her employment, any department of corrections personnel has
32 reasonable cause to believe that a child has suffered abuse or neglect,
33 he or she shall report the incident, or cause a report to be made, to
34 the proper law enforcement agency or to the department as provided in
35 RCW 26.44.040.

36 (d) The reporting requirement shall also apply to any adult who has
37 reasonable cause to believe that a child who resides with them, has
38 suffered severe abuse, and is able or capable of making a report. For

1 the purposes of this subsection, "severe abuse" means any of the
2 following: Any single act of abuse that causes physical trauma of
3 sufficient severity that, if left untreated, could cause death; any
4 single act of sexual abuse that causes significant bleeding, deep
5 bruising, or significant external or internal swelling; or more than
6 one act of physical abuse, each of which causes bleeding, deep
7 bruising, significant external or internal swelling, bone fracture, or
8 unconsciousness.

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

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

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

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

36 (5) Any law enforcement agency receiving a report of an incident of
37 alleged abuse or neglect pursuant to this chapter, involving a child
38 who has died or has had physical injury or injuries inflicted upon him

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

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

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

29 (8) Any case referred to the department by a physician licensed
30 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
31 opinion that child abuse, neglect, or sexual assault has occurred and
32 that the child's safety will be seriously endangered if returned home,
33 the department shall file a dependency petition unless a second
34 licensed physician of the parents' choice believes that such expert
35 medical opinion is incorrect. If the parents fail to designate a
36 second physician, the department may make the selection. If a
37 physician finds that a child has suffered abuse or neglect but that
38 such abuse or neglect does not constitute imminent danger to the

1 child's health or safety, and the department agrees with the
2 physician's assessment, the child may be left in the parents' home
3 while the department proceeds with reasonable efforts to remedy
4 parenting deficiencies.

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

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

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

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

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

24 (11)(a) For reports of alleged abuse or neglect that are accepted
25 for investigation by the department, the investigation shall be
26 conducted within time frames established by the department in rule. In
27 no case shall the investigation extend longer than ninety days from the
28 date the report is received, unless the investigation is being
29 conducted under a written protocol pursuant to RCW 26.44.180 and a law
30 enforcement agency or prosecuting attorney has determined that a longer
31 investigation period is necessary. At the completion of the
32 investigation, the department shall make a finding that the report of
33 child abuse or neglect is founded or unfounded.

34 (b) If a court in a civil or criminal proceeding, considering the
35 same facts or circumstances as are contained in the report being
36 investigated by the department, makes a judicial finding by a
37 preponderance of the evidence or higher that the subject of the pending

1 investigation has abused or neglected the child, the department shall
2 adopt the finding in its investigation.

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

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

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

20 (13) If a report of alleged abuse or neglect is founded and
21 constitutes the third founded report received by the department within
22 the last twelve months involving the same child or family, the
23 department shall promptly notify the office of the family and
24 children's ombudsman of the contents of the report. The department
25 shall also notify the ombudsman of the disposition of the report.

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

29 (15) The department shall maintain investigation records and
30 conduct timely and periodic reviews of all founded cases of abuse and
31 neglect. The department shall maintain a log of screened-out
32 nonabusive cases.

33 (16) The department shall use a risk assessment process when
34 investigating alleged child abuse and neglect referrals. The
35 department shall present the risk factors at all hearings in which the
36 placement of a dependent child is an issue. Substance abuse must be a
37 risk factor. The department shall, within funds appropriated for this

1 purpose, offer enhanced community-based services to persons who are
2 determined not to require further state intervention.

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

7 (18) Upon receiving a report of alleged abuse or neglect involving
8 a child under the court's jurisdiction under chapter 13.34 RCW, the
9 department shall promptly notify the child's guardian ad litem of the
10 report's contents. The department shall also notify the guardian ad
11 litem of the disposition of the report. For purposes of this
12 subsection, "guardian ad litem" has the meaning provided in RCW
13 13.34.030.

14 **Sec. 2.** RCW 13.34.100 and 2000 c 124 s 2 are each amended to read
15 as follows:

16 (1) The court shall appoint a guardian ad litem for a child who is
17 the subject of an action under this chapter, unless a court for good
18 cause finds the appointment unnecessary. The requirement of a guardian
19 ad litem may be deemed satisfied if the child is represented by
20 independent counsel in the proceedings. The court shall attempt to
21 match the child with a guardian ad litem who has specific training or
22 education related to the child's individual needs.

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

28 (3) Each guardian ad litem program shall maintain a background
29 information record for each guardian ad litem in the program. The
30 background ((file)) information record shall include, but is not
31 limited to, the following information:

- 32 (a) Level of formal education;
- 33 (b) General training related to the guardian(~~s~~) ad litem's
34 duties;
- 35 (c) Specific training related to issues potentially faced by
36 children in the dependency system;

1 (d) Specific training or education related to child disability or
2 developmental issues;

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

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

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

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

12 (i) The results of an examination of state and national criminal
13 identification data provided by the Washington state patrol criminal
14 identification system as described in chapter 43.43 RCW;

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

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

24 Upon appointment, the guardian ad litem, or guardian ad litem
25 program, shall provide the parties or their attorneys with a
26 ~~((statement containing: His or her training relating to the duties as~~
27 ~~a guardian ad litem; the name of any counties in which the person was~~
28 ~~removed from a guardian ad litem registry pursuant to a grievance~~
29 ~~action, and the name of the court and the cause number of any case in~~
30 ~~which the court has removed the person for cause; and his or her~~
31 ~~criminal history as defined in RCW 9.94A.030 for the period covering~~
32 ~~ten years prior to the appointment))~~ copy of the background information
33 record. The background ~~((statement))~~ information record shall not
34 include identifying information that may be used to harm a guardian ad
35 litem, such as home addresses and home telephone numbers, and for
36 volunteer guardians ad litem the court may allow the use of maiden
37 names or pseudonyms as necessary for their safety.

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

5 (5) A guardian ad litem through counsel, or as otherwise authorized
6 by the court, shall have the right to present evidence, examine and
7 cross-examine witnesses, and to be present at all hearings. A guardian
8 ad litem shall receive copies of all pleadings and other documents
9 filed or submitted to the court, and notice of all hearings according
10 to court rules. The guardian ad litem shall receive all notice
11 contemplated for a parent or other party in all proceedings under this
12 chapter.

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

17 (7) For the purposes of child abuse prevention and treatment act
18 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,
19 or any related state or federal legislation, a person appointed
20 pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to
21 represent the best interests of the minor in proceedings before the
22 court.

23 (8) When a court-appointed special advocate or volunteer guardian
24 ad litem is requested on a case, the program shall give the court the
25 name of the person it recommends (~~and the appointment shall be~~
26 ~~effective immediately~~). The program shall attempt to match the child
27 with a guardian ad litem who has specific training or education related
28 to the child's individual needs. The court shall immediately appoint
29 the person recommended by the program, unless the court believes the
30 court-appointed special advocate or volunteer is inappropriate or
31 unqualified.

32 (9) If a party in a case reasonably believes the court-appointed
33 special advocate or volunteer guardian ad litem is inappropriate or
34 unqualified, the party may request a review of the appointment by the
35 program. The program must complete the review within five judicial
36 days and remove any appointee for good cause. If the party seeking the
37 review is not satisfied with the outcome of the review, the party may

1 file a motion with the court for the removal of the court-appointed
2 special advocate or volunteer guardian ad litem on the grounds the
3 advocate or volunteer is inappropriate or unqualified.

4 (10) If a party in a case reasonably believes the person appointed
5 under subsection (2) of this section is inappropriate or unqualified,
6 the party may request that the court review the appointment.

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

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

20 Either party may request, within five judicial days of appointment,
21 that the guardian ad litem appointed by the court be removed. The
22 court shall grant the first request. Subsequent requests to remove a
23 guardian ad litem shall follow the procedures in subsection (5) of this
24 section. In the event a party requests that a guardian ad litem be
25 removed within the first five days of appointment, the court shall
26 determine whether fees should be paid to the guardian ad litem for work
27 completed during that five-day period, or if fees have already been
28 paid, how much, if any, should be refunded to the parties.

29 (b) (~~Unless otherwise ordered,~~) The guardian ad litem's role is
30 to investigate and report factual information regarding the issues
31 ordered to be reported or investigated to the court (~~concerning~~
32 parenting arrangements for the child, and to represent the child's best
33 interests)). The guardian ad litem shall always represent the best
34 interests of the child. Guardians ad litem (~~and investigators~~) under
35 this title may make recommendations based upon (~~an independent~~
36 investigation regarding the best interests of the child)) his or her
37 investigation, which the court may consider and weigh in conjunction

1 with the recommendations of all of the parties. If a child expresses
2 a preference regarding the parenting plan, the guardian ad litem shall
3 report the preferences to the court, together with the facts relative
4 to whether any preferences are being expressed voluntarily and the
5 degree of the child's understanding. The court may require the
6 guardian ad litem to provide periodic reports to the parties regarding
7 the status of his or her investigation. The guardian ad litem shall
8 file his or her report at least sixty days prior to trial.

9 (c) The parties to the proceeding may file with the court written
10 responses to any report filed by the guardian ad litem (~~(or~~
11 ~~investigator)~~). The court shall consider any written responses to a
12 report filed by the guardian ad litem (~~(or investigator)~~), including
13 any factual information or recommendations provided in the report.

14 (d) The court shall enter an order for costs, fees, and
15 disbursements to cover the costs of the guardian ad litem. The court
16 may order either or both parents to pay for the costs of the guardian
17 ad litem, according to their ability to pay. If both parents are
18 indigent, the county shall bear the cost of the guardian, subject to
19 appropriation for guardians' ad litem services by the county
20 legislative authority. Guardians ad litem who are not volunteers shall
21 provide the parties with an itemized accounting of their time and
22 billing for services each month.

23 (2)(a) If the guardian ad litem appointed is from the county court-
24 appointed special advocate program, the program shall supervise any
25 guardian ad litem assigned to the case. The court-appointed special
26 advocate program shall be entitled to notice of all proceedings in the
27 case.

28 (b) The legislative authority of each county may authorize creation
29 of a court-appointed special advocate program. The county legislative
30 authority may adopt rules of eligibility for court-appointed special
31 advocate program services that are not inconsistent with this section.

32 (3) Each guardian ad litem program shall maintain a background
33 information record for each guardian ad litem in the program. The
34 background (~~(file)~~) information record shall include, but is not
35 limited to, the following information:

36 (a) Level of formal education;

37 (b) General training related to the guardian(~~(-s)~~) ad litem's
38 duties;

1 (c) Specific training related to issues potentially faced by
2 children in dissolution proceedings;

3 (d) Specific training or education related to child disability or
4 developmental issues;

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

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

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

12 ~~(f))~~ (h) Founded allegations of abuse or neglect as defined in RCW
13 26.44.020;

14 (i) The results of an examination of state and national criminal
15 identification data provided by the Washington state patrol criminal
16 identification system as described in chapter 43.43 RCW; 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. If
22 the appointed guardian ad litem is not a member of a guardian ad litem
23 program the person appointed as guardian ad litem shall provide the
24 background information record to the court.

25 Upon appointment, the guardian ad litem, or guardian ad litem
26 program, shall provide the parties or their attorneys with a
27 ~~((statement containing: His or her training relating to the duties as~~
28 ~~a guardian ad litem; the name of any counties in which the person was~~
29 ~~removed from a guardian ad litem registry pursuant to a grievance~~
30 ~~action, and the name of the court and the cause number of any case in~~
31 ~~which the court has removed the person for cause; and his or her~~
32 ~~criminal history as defined in RCW 9.94A.030 for the period covering~~
33 ~~ten years prior to the appointment))~~ copy of the background information
34 record. The background ~~((statement))~~ information record shall not
35 include identifying information that may be used to harm a guardian ad
36 litem, such as home addresses and home telephone numbers, and for
37 volunteer guardians ad litem the court may allow the use of maiden
38 names or pseudonyms as necessary for their safety.

1 (4) When a court-appointed special advocate or volunteer guardian
2 ad litem is requested on a case, the program shall give the court the
3 name of the person it recommends (~~and the appointment shall be~~
4 ~~effective immediately~~). The court shall immediately appoint the
5 person recommended by the program, unless the court believes the court-
6 appointed special advocate or volunteer guardian ad litem is
7 inappropriate or unqualified. Either party may request, within five
8 judicial days of appointment, that the guardian ad litem appointed by
9 the court be removed. The court shall grant the first request.
10 Subsequent requests to remove a guardian ad litem shall follow the
11 procedures in subsection (5) of this section. In the event a party
12 requests that a guardian ad litem be removed within the first five days
13 of appointment, the court shall determine whether fees should be paid
14 to the guardian ad litem for work completed during that five-day
15 period, or if fees have already been paid, how much, if any, should be
16 refunded to the parties.

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

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

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

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

3 (2)Each guardian ad litem program for compensated guardians ad
4 litem shall maintain a background information record for each guardian
5 ad litem in the program. The background information record shall
6 include, but is not limited to, the following information:

7 (a) Level of formal education;

8 (b) General training related to the guardian ad litem's duties;

9 (c) Specific training related to issues potentially faced by
10 children in dissolution, residential placement and parenting plan
11 proceedings;

12 (d) Specific training or education related to child disability or
13 developmental issues;

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

15 (f) Number of appointments as a guardian ad litem and county or
16 counties of appointment;

17 (g) The names of any counties in which the person was removed from
18 a guardian ad litem registry pursuant to a grievance action, and the
19 name of the court and the cause number of any case in which the court
20 has removed the person for cause;

21 (h) Founded allegations of abuse or neglect as defined in RCW
22 26.44.020; and

23 (i) Criminal history, as defined in RCW 9.94A.030, for the period
24 covering ten years prior to the appointment.

25 The background information record shall be updated annually. As a
26 condition of appointment, the guardian ad litem's background
27 information record shall be made available to the court. If the
28 appointed guardian ad litem is not a member of a guardian ad litem
29 program for compensated guardians ad litem, the person appointed as
30 guardian ad litem shall provide the background information record to
31 the court.

32 Upon appointment, the guardian ad litem, or guardian ad litem
33 program, shall provide the parties or their attorneys with a copy of
34 the background information record. The background information record
35 shall not include identifying information, such as home addresses and
36 home telephone numbers.

37 (3)(a) Each guardian ad litem program for compensated guardians ad
38 litem shall establish a rotational registry system for the appointment

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

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

17 (c) (i) Either party may request, within five judicial days of
18 appointment, that the guardian ad litem appointed by the court be
19 removed. The court shall grant the first request. Subsequent requests
20 to remove a guardian ad litem shall follow the procedures in (c)(ii) of
21 this subsection.

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

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

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

1 (~~(3)~~) (4) The rotational registry system shall not apply to
2 court-appointed special advocate programs.

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