
HOUSE BILL 2949

State of Washington 54th Legislature 1996 Regular Session

By Representatives Radcliff, R. Fisher and Cole

Read first time 02/05/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to guardians ad litem in truancy cases; and adding
2 a new section to chapter 28A.225 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225
5 RCW to read as follows:

6 (1) When a petition is filed under RCW 28A.225.030, before
7 scheduling a fact-finding hearing the court shall appoint a guardian ad
8 litem for the child who is the subject of the petition, unless the
9 court for good cause finds the appointment unnecessary. The
10 requirement of a guardian ad litem may be deemed satisfied if the child
11 is represented by independent counsel in the proceedings. The guardian
12 ad litem shall evaluate the facts set forth in the petition, including,
13 but not limited to, the steps taken by the school district to eliminate
14 or reduce the child's absences. The guardian ad litem shall prepare
15 and present a written report to the court at the fact-finding hearing
16 of this evaluation, with recommendations, if any, for the court and the
17 parties to the proceeding. A copy of the report shall be given to the
18 court and to the parties or their attorneys at least five days before
19 the hearing.

1 (2) If the court does not have available to it a guardian ad litem
2 program with a sufficient number of volunteers, the court may appoint
3 a suitable person to act as guardian ad item for the child. Another
4 party to the proceeding or the party's employee or representative shall
5 not be appointed guardian ad litem.

6 (3) Each guardian ad litem program shall maintain a background
7 information record for each guardian ad litem in the program. The
8 background file shall include, but is not limited to, the following
9 information:

10 (a) Level of formal education;

11 (b) Training related to the guardian's duties;

12 (c) Number of years' experience as a guardian ad litem;

13 (d) Number of appointments as a guardian ad litem and the county or
14 counties of appointment;

15 (e) Number of complaints against the guardian ad litem, including
16 the nature of the complaint and its resolution; and

17 (f) Criminal history, as defined in RCW 9.94A.030.

18 The background information report shall be updated annually. As a
19 condition of appointment, the guardian ad litem's background
20 information record shall be made available to the court and provided to
21 the parties or their attorneys. If the appointed guardian ad litem is
22 not a member of a guardian ad litem program, the person shall provide
23 the same required background information to the court and to the
24 parties or their attorneys.

25 (4) The appointment of the guardian ad litem shall remain in effect
26 until the court discharges the person or no longer has jurisdiction,
27 whichever is first.

28 (5) A guardian ad litem may present evidence and be present at all
29 hearings. A guardian ad litem shall receive copies of all pleadings
30 and other documents filed or submitted to the court and notice of all
31 hearings according to court rules.

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