

FINAL BILL REPORT

SSB 5285

C 480 L 09
Synopsis as Enacted

Brief Description: Revising procedures for appointment of guardians ad litem.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens).

Senate Committee on Human Services & Corrections

House Committee on Judiciary

House Committee on General Government Appropriations

Background: Child Abuse Reporting. Many professionals are required by law to report suspected child abuse or neglect to the Department of Social and Health Services (DSHS). Guardians ad litem (GALs) and Court Appointed Special Advocates (CASA) who work with children are not included in that requirement.

Dependency Cases. Under the dependency statute, every GAL or CASA program must maintain a background information record (record) for each GAL or CASA in the program. The record must include:

- level of formal education;
- training related to the GAL/CASA's duties;
- number of years experience as a GAL/CASA;
- number of GAL/CASA appointments in all counties;
- names of the counties in which the GAL/CASA was removed from the GAL/CASA program; and
- criminal history.

When a CASA or GAL is requested on a case, the program provides to the court the name of the person it recommends. The appointment becomes effective immediately. If a party reasonably believes the CASA or GAL is inappropriate or unqualified, the party may ask the program to review the appointment. If the party is not satisfied with the results of the review, the party may file a motion with the court to have the CASA or GAL removed on the grounds that the CASA or GAL is inappropriate or unqualified.

When the court requests a CASA volunteer or volunteer GAL be appointed in a case, the program must provide the name of the person it recommends and the appointment must immediately be effective. The court must appoint the person recommended by the program.

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.

Family Court Cases. The court in a family court matter may appoint a GAL to represent the interests of a minor when the court believes the appointment of a GAL is necessary to protect the best interests of the child. The GAL's role is to investigate and report factual information concerning parenting arrangements for the child, and to represent the child's best interests. GALs may make recommendations based upon an independent investigation regarding the best interests of the child.

Volunteer GALs. Each volunteer GAL program must maintain a background information record on each of its GALs. The information to be contained in the record is the same information that must be kept by the CASA or GAL program for dependency cases.

When a GAL is requested on a case, the program must provide the court with the name of the person it recommends and the appointment becomes effective immediately. If there is no such program or the program has insufficient volunteers, the court must appoint a suitable person to act as a GAL for the child. The process for removal of a GAL in a family court case is the same as the process for removal of a GAL or CASA in a dependency case.

Compensated GALs. Compensated GALs must comply with certain training requirements established by the Administrative Office of the Courts prior to their appointment in family court matters.

Each GAL program must establish a rotational registry system for the appointment of GALs. If a party reasonably believes the appointed GAL lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the proceeding or has a conflict of interest, the party may move for substitution of the GAL within three days of the GAL's appointment.

The court must remove any person from the GAL registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

Summary: Child Abuse Reporting. GALs, including CASAs, appointed in dependency, family court, and probate matters who, in the course of their representation of children in these matters, have reasonable cause to believe a child has been abused or neglected must report suspected child abuse or neglect to DSHS.

Dependency Cases. In appointing a GAL or CASA, the court must attempt to match a child with special needs with a GAL/CASA who has specific training or education related to the child's individual needs.

The following items are added to the list of information already required in the GAL/CASA background information record:

- specific training related to the issues potentially faced by children in the dependency system;
- specific training or education related to child disability or developmental issues;
- founded allegations of child abuse or neglect; and
- the results of a national, finger print based criminal history background check.

The results of the criminal history background check cannot be disclosed to either the parties or their attorneys.

When a CASA or volunteer GAL is requested, the program must provide the court with the name of the person it recommends. The program must attempt to match a child with special needs with a GAL who has specific training or education related to the child's individual needs. The court must immediately appoint the person recommended by the program.

Family Court Cases. When appointing a GAL to represent the interests of the child, the court must attempt to match a child with special needs with a GAL who has specific training or education related to the child's individual needs.

The GALs role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court. The GAL must always represent the best interests of the child.

Compensated GAL and CASA programs must maintain a background information record for each GAL in the program. The background information record must include the following:

- level of formal education;
- training related to the GAL's duties;
- number of years experience as a GAL;
- number of GAL appointments in all counties;
- names of the counties in which the GAL was removed from the GAL program;
- criminal history for the previous ten years;
- specific training or education related to child disability or developmental issues;
- founded allegations of child abuse or neglect; and
- the results of a criminal history background check.

As with volunteer GAL or CASA programs, the background information record must be annually updated. The record must be available to the court and, upon appointment, must be provided to the parties or their attorneys, except for the results of the criminal background check. If a compensated GAL is not part of a GAL program, the GAL must provide the information required in the background information record to the court.

The court must remove any person from the GAL registry who has been found to have misrepresented his or her qualifications.

Votes on Final Passage:

Senate	37	9	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House	94	0	(House amended)
Senate	48	1	(Senate concurred)

Effective: July 26, 2009