

HOUSE BILL REPORT

HB 1165

As Amended by the Senate

Title: An act relating to guardians ad litem.

Brief Description: Revising provisions relating to guardians ad litem for juveniles.

Sponsors: Representatives Riley, Cooke, Leonard, Appelwick and Johanson.

Brief History:

Reported by House Committee on:
Human Services, February 10, 1993, DP;
Passed House, March 9, 1993, 98-0;
Amended by Senate.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 11 members:
Representatives Leonard, Chair; Riley, Vice Chair; Cooke,
Ranking Minority Member; Talcott, Assistant Ranking Minority
Member; Brown; Karahalios; Lisk; Padden; Patterson;
Thibaudeau; and Wolfe.

Staff: David Knutson (786-7146).

Background: The court is required to appoint a guardian ad litem or attorney to represent a child who is the subject of a dependency action under Chapter 13.34 RCW and a legal proceeding related to child abuse and neglect under Chapter 26.44 RCW. There is currently no definition in statute of a "guardian ad litem" or a "guardian ad litem program."

Summary of Bill: A guardian ad litem is defined as a person appointed by the court to represent the best interests of the child. A guardian ad litem program is defined as a court-authorized volunteer program designed to manage all aspects of volunteer guardian ad litem representation of children alleged or found to be dependent. Court procedures for the appointment of a guardian ad litem related to the duration of the appointment, the legal standing of the guardian ad litem, and the specific duties of the guardian ad litem are established.

EFFECT OF SENATE AMENDMENT(S): The guardian ad litem (GAL) is not granted equal status as a party in dependency and

child abuse cases. The GAL is authorized, through an attorney, or as otherwise authorized by the court to present evidence, examine and cross-examine witnesses and to be present at all hearings.

Guardians ad litem are officers of the court for the purpose of immunity from civil liability.

The provisions regarding the release of information are clarified.

Guardian ad litem programs are required to maintain background information records on guardians ad litem and update the information annually.

Fiscal Note: Requested.

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

Testimony For: Guardian ad litem should be defined in statute. This will ensure uniform implementation of this legal requirement.

Testimony Against: None.

Witnesses: Bonnie Jacques, Department of Social and Health Services (pro); Mike Redman and Judith McCauley, Washington Association of Prosecuting Attorneys (concerns); and Margaret Casey, The Children's Alliance (pro).

VOTE ON FINAL PASSAGE:

Yeas 98