

SENATE BILL REPORT

SB 6305

As Reported By Senate Committee On:
Human Services & Corrections, January 26, 2000

Title: An act relating to guardians ad litem.

Brief Description: Changing provisions relating to guardians ad litem.

Sponsors: Senators Franklin and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 1/20/2000, 1/26/2000 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Sheahan, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: In 1996, legislation passed making improvements to guardian ad litem (GAL) programs currently in place (ESSB 6257). GALs are appointed by the court to provide information to the court to aid the court in its decision making. GALs are appointed for minors or other incapacitated persons in probate cases, child custody cases, and child dependency cases. GALs serve for a short period of time, usually the course of the lawsuit. GALs can be distinguished from guardians appointed long-term in probate cases. A statewide curriculum was established for GALs and other language was included that was designed to improve GAL accountability. The bill established a steering committee to review Washington State courts' GAL systems. King County Superior Court Judge George Mattson agreed to chair the steering committee. The committee conducted a ten-month review and issued a final report dated August 1997 that included recommended statutory changes to the GAL provisions.

A bill addressing the recommendations passed through the Senate in 1998 and died in the House (SSB 6217), and again in 1999 (ESSB 5447).

Summary of Substitute Bill: Some statutory changes recommended in the August 1997 report are adopted:

Guardians ad litem in all types of actions must report their qualifications, including any removal from a case or court registry.

Superior court must remove any guardian ad litem from the registry who misrepresents his or her qualifications.

None of the provisions affect personal injury settlement guardians ad litem.

Guardians ad litem may be allocated fees by the court in a probate proceeding.

Guardians ad litem and investigators appointed in any domestic proceeding must complete training requirements.

Guardians ad litem are directed to report factual information to the court, rather than conclusory recommendations.

Courts must set guardian ad litem fees.

Guardians ad litem must not have ex parte communications with the court, which are not specifically authorized by law for purposes of ex parte motions.

Guardians ad litem in domestic cases must disclose their files to the parties pursuant to the rules of discovery, but must otherwise treat the files as confidential.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Representatives from the Bar Association are supportive of this bill. Volunteer court appointed special advocates are supportive, but would like advocate to be one of their duties.

Testimony Against: None.

Testified: PRO: Helen Owens, Volunteer Dependency CASA; Karen Pillar, Majken Ryherd, WA State CASA; John Hertog, attorney; Mike Longyear, WSBA Elder Law.