

ESHB 1774 - S AMD 280

By Senators Hargrove, Stevens

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.130 and 2010 c 288 s 1 are each amended to read
4 as follows:

5 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
6 been proven by a preponderance of the evidence that the child is
7 dependent within the meaning of RCW 13.34.030 after consideration of
8 the social study prepared pursuant to RCW 13.34.110 and after a
9 disposition hearing has been held pursuant to RCW 13.34.110, the court
10 shall enter an order of disposition pursuant to this section.

11 (1) The court shall order one of the following dispositions of the
12 case:

13 (a) Order a disposition (~~other than removal of the child from~~)
14 that maintains the child in his or her home, which shall provide a
15 program designed to alleviate the immediate danger to the child, to
16 mitigate or cure any damage the child has already suffered, and to aid
17 the parents so that the child will not be endangered in the future. In
18 determining the disposition, the court should choose services to assist
19 the parents in maintaining the child in the home, including housing
20 assistance, if appropriate, that least interfere with family autonomy
21 and are adequate to protect the child.

22 (b)(i) Order the child to be removed from his or her home and into
23 the custody, control, and care of a relative or other suitable person,
24 the department, or a supervising agency for supervision of the child's
25 placement. The court may not order an Indian child, as defined in 25
26 U.S.C. Sec. 1903, to be removed from his or her home unless the court
27 finds, by clear and convincing evidence including testimony of
28 qualified expert witnesses, that the continued custody of the child by
29 the parent or Indian custodian is likely to result in serious emotional
30 or physical damage to the child.

1 (ii) The department or supervising agency has the authority to
2 place the child, subject to review and approval by the court (A) with
3 a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
4 another suitable person if the child or family has a preexisting
5 relationship with that person, and the person has completed all
6 required criminal history background checks and otherwise appears to
7 the department or supervising agency to be suitable and competent to
8 provide care for the child, or (C) in a foster family home or group
9 care facility licensed pursuant to chapter 74.15 RCW.

10 (iii) The department may also consider placing the child, subject
11 to review and approval by the court, with a person with whom the
12 child's sibling or half-sibling is residing or a person who has adopted
13 the sibling or half-sibling of the child being placed as long as the
14 person has completed all required criminal history background checks
15 and otherwise appears to the department or supervising agency to be
16 competent to provide care for the child.

17 (2) Absent good cause, the department or supervising agency shall
18 follow the wishes of the natural parent regarding the placement of the
19 child in accordance with RCW 13.34.260.

20 (3) The department or supervising agency may only place a child
21 with a person not related to the child as defined in RCW
22 74.15.020(2)(a), including a placement provided for in subsection
23 (1)(b)(iii) of this section, when the court finds that such placement
24 is in the best interest of the child. Unless there is reasonable cause
25 to believe that the health, safety, or welfare of the child would be
26 jeopardized or that efforts to reunite the parent and child will be
27 hindered, the child shall be placed with a person who is willing,
28 appropriate, and available to care for the child, and who is: (I)
29 Related to the child as defined in RCW 74.15.020(2)(a) with whom the
30 child has a relationship and is comfortable; or (II) a suitable person
31 as described in (~~this~~) subsection (1)(b) of this section. The court
32 shall consider the child's existing relationships and attachments when
33 determining placement.

34 (~~(2)~~) (4) When placing an Indian child in out-of-home care, the
35 department or supervising agency shall follow the placement preference
36 characteristics in RCW 13.34.250 and in 25 U.S.C. Sec. 1915.

37 (~~(3)~~) (5) Placement of the child with a relative or other
38 suitable person as described in subsection (1)(b) of this section shall

1 be given preference by the court. An order for out-of-home placement
2 may be made only if the court finds that reasonable efforts have been
3 made to prevent or eliminate the need for removal of the child from the
4 child's home and to make it possible for the child to return home,
5 specifying the services, including housing assistance, that have been
6 provided to the child and the child's parent, guardian, or legal
7 custodian, and that preventive services have been offered or provided
8 and have failed to prevent the need for out-of-home placement, unless
9 the health, safety, and welfare of the child cannot be protected
10 adequately in the home, and that:

11 (a) There is no parent or guardian available to care for such
12 child;

13 (b) The parent, guardian, or legal custodian is not willing to take
14 custody of the child; or

15 (c) The court finds, by clear, cogent, and convincing evidence, a
16 manifest danger exists that the child will suffer serious abuse or
17 neglect if the child is not removed from the home and an order under
18 RCW 26.44.063 would not protect the child from danger.

19 ((+4)) (6) If the court has ordered a child removed from his or
20 her home pursuant to subsection (1)(b) of this section, the court shall
21 consider whether it is in a child's best interest to be placed with,
22 have contact with, or have visits with siblings.

23 (a) There shall be a presumption that such placement, contact, or
24 visits are in the best interests of the child provided that:

25 (i) The court has jurisdiction over all siblings subject to the
26 order of placement, contact, or visitation pursuant to petitions filed
27 under this chapter or the parents of a child for whom there is no
28 jurisdiction are willing to agree; and

29 (ii) There is no reasonable cause to believe that the health,
30 safety, or welfare of any child subject to the order of placement,
31 contact, or visitation would be jeopardized or that efforts to reunite
32 the parent and child would be hindered by such placement, contact, or
33 visitation. In no event shall parental visitation time be reduced in
34 order to provide sibling visitation.

35 (b) The court may also order placement, contact, or visitation of
36 a child with a step-brother or step-sister provided that in addition to
37 the factors in (a) of this subsection, the child has a relationship and
38 is comfortable with the step-sibling.

1 ~~((+5))~~ (7) If the court has ordered a child removed from his or
2 her home pursuant to subsection (1)(b) of this section and placed into
3 nonparental or nonrelative care, the court shall order a placement that
4 allows the child to remain in the same school he or she attended prior
5 to the initiation of the dependency proceeding when such a placement is
6 practical and in the child's best interest.

7 ~~((+6))~~ (8) If the court has ordered a child removed from his or
8 her home pursuant to subsection (1)(b) of this section, the court may
9 order that a petition seeking termination of the parent and child
10 relationship be filed if the requirements of RCW 13.34.132 are met.

11 ~~((+7))~~ (9) If there is insufficient information at the time of the
12 disposition hearing upon which to base a determination regarding the
13 suitability of a proposed placement with a relative or other suitable
14 person, the child shall remain in foster care and the court shall
15 direct the department or supervising agency to conduct necessary
16 background investigations as provided in chapter 74.15 RCW and report
17 the results of such investigation to the court within thirty days.
18 However, if such relative or other person appears otherwise suitable
19 and competent to provide care and treatment, the criminal history
20 background check need not be completed before placement, but as soon as
21 possible after placement. Any placements with relatives or other
22 suitable persons, pursuant to this section, shall be contingent upon
23 cooperation by the relative or other suitable person with the agency
24 case plan and compliance with court orders related to the care and
25 supervision of the child including, but not limited to, court orders
26 regarding parent-child contacts, sibling contacts, and any other
27 conditions imposed by the court. Noncompliance with the case plan or
28 court order shall be grounds for removal of the child from the
29 relative's or other suitable person's home, subject to review by the
30 court.

31 **Sec. 2.** RCW 13.34.215 and 2010 c 180 s 4 are each amended to read
32 as follows:

33 (1) A child may petition the juvenile court to reinstate the
34 previously terminated parental rights of his or her parent under the
35 following circumstances:

36 (a) The child was previously found to be a dependent child under
37 this chapter;

1 (b) The child's parent's rights were terminated in a proceeding
2 under this chapter;

3 (c)(i) The child has not achieved his or her permanency plan
4 (~~within three years of a final order of termination~~); or

5 (ii) While the child achieved a permanency plan, it has not since
6 been sustained;

7 (d) Three years have passed since the final order of termination
8 was entered; and

9 ((~~d~~)) (e) The child must be at least twelve years old at the time
10 the petition is filed. Upon the child's motion for good cause shown,
11 or on its own motion, the court may hear a petition filed by a child
12 younger than twelve years old.

13 (2) If the child is eligible to petition the juvenile court under
14 subsection (1) of this section and a parent whose rights have been
15 previously terminated contacts the department or supervising agency or
16 the child's guardian ad litem regarding reinstatement, the department
17 or supervising agency or the guardian ad litem must notify the eligible
18 child about his or her right to petition for reinstatement of parental
19 rights.

20 (3) A child seeking to petition under this section shall be
21 provided counsel at no cost to the child.

22 (4) The petition must be signed by the child in the absence of a
23 showing of good cause as to why the child could not do so.

24 (5) If, after a threshold hearing to consider the parent's apparent
25 fitness and interest in reinstatement of parental rights, the court
26 finds by a preponderance of the evidence that the best interests of the
27 child may be served by reinstatement of parental rights, the juvenile
28 court shall order that a hearing on the merits of the petition be held.

29 (6) The court shall give prior notice for any proceeding under this
30 section, or cause prior notice to be given, to the department or the
31 supervising agency, the child's attorney, and the child. The court
32 shall also order the department or supervising agency to give prior
33 notice of any hearing to the child's former parent whose parental
34 rights are the subject of the petition, any parent whose rights have
35 not been terminated, the child's current foster parent, relative
36 caregiver, guardian or custodian, and the child's tribe, if applicable.

37 (7) The juvenile court shall conditionally grant the petition if it
38 finds by clear and convincing evidence that the child has not achieved

1 his or her permanency plan and is not likely to imminently achieve his
2 or her permanency plan and that reinstatement of parental rights is in
3 the child's best interest. In determining whether reinstatement is in
4 the child's best interest the court shall consider, but is not limited
5 to, the following:

6 (a) Whether the parent whose rights are to be reinstated is a fit
7 parent and has remedied his or her deficits as provided in the record
8 of the prior termination proceedings and prior termination order;

9 (b) The age and maturity of the child, and the ability of the child
10 to express his or her preference;

11 (c) Whether the reinstatement of parental rights will present a
12 risk to the child's health, welfare, or safety; and

13 (d) Other material changes in circumstances, if any, that may have
14 occurred which warrant the granting of the petition.

15 (8) In determining whether the child has or has not achieved his or
16 her permanency plan or whether the child is likely to achieve his or
17 her permanency plan, the department or supervising agency shall provide
18 the court, and the court shall review, information related to any
19 efforts to achieve the permanency plan including efforts to achieve
20 adoption or a permanent guardianship.

21 (9)(a) If the court conditionally grants the petition under
22 subsection (7) of this section, the case will be continued for six
23 months and a temporary order of reinstatement entered. During this
24 period, the child shall be placed in the custody of the parent. The
25 department or supervising agency shall develop a permanency plan for
26 the child reflecting the plan to be reunification and shall provide
27 transition services to the family as appropriate.

28 (b) If the child must be removed from the parent due to abuse or
29 neglect allegations prior to the expiration of the conditional six-
30 month period, the court shall dismiss the petition for reinstatement of
31 parental rights if the court finds the allegations have been proven by
32 a preponderance of the evidence.

33 (c) If the child has been successfully placed with the parent for
34 six months, the court order reinstating parental rights remains in
35 effect and the court shall dismiss the dependency.

36 (10) After the child has been placed with the parent for six
37 months, the court shall hold a hearing. If the placement with the
38 parent has been successful, the court shall enter a final order of

1 reinstatement of parental rights, which shall restore all rights,
2 powers, privileges, immunities, duties, and obligations of the parent
3 as to the child, including those relating to custody, control, and
4 support of the child. The court shall dismiss the dependency and
5 direct the clerk's office to provide a certified copy of the final
6 order of reinstatement of parental rights to the parent at no cost.

7 (11) The granting of the petition under this section does not
8 vacate or otherwise affect the validity of the original termination
9 order.

10 (12) Any parent whose rights are reinstated under this section
11 shall not be liable for any child support owed to the department
12 pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services
13 provided to a child for the time period from the date of termination of
14 parental rights to the date parental rights are reinstated.

15 (13) A proceeding to reinstate parental rights is a separate action
16 from the termination of parental rights proceeding and does not vacate
17 the original termination of parental rights. An order granted under
18 this section reinstates the parental rights to the child. This
19 reinstatement is a recognition that the situation of the parent and
20 child have changed since the time of the termination of parental rights
21 and reunification is now appropriate.

22 (14) This section is retroactive and applies to any child who is
23 under the jurisdiction of the juvenile court at the time of the hearing
24 regardless of the date parental rights were terminated.

25 (15) The state, the department, the supervising agency, and its
26 employees are not liable for civil damages resulting from any act or
27 omission in the provision of services under this section, unless the
28 act or omission constitutes gross negligence. This section does not
29 create any duty and shall not be construed to create a duty where none
30 exists. This section does not create a cause of action against the
31 state, the department, the supervising agency, or its employees
32 concerning the original termination.

33 **Sec. 3.** RCW 26.33.070 and 1984 c 155 s 7 are each amended to read
34 as follows:

35 (1) The court shall appoint a guardian ad litem for any parent or
36 alleged father under eighteen years of age in any proceeding under this
37 chapter. The court may appoint a guardian ad litem for a child adoptee

1 or any incompetent party in any proceeding under this chapter. The
2 guardian ad litem for a parent or alleged father, in addition to
3 determining what is in the best interest of the party, shall make an
4 investigation and report to the court concerning whether any written
5 consent to adoption or petition for relinquishment signed by the parent
6 or alleged father was signed voluntarily and with an understanding of
7 the consequences of the action. If the child to be relinquished is a
8 dependent child under chapter 13.34 RCW and the minor parent is
9 represented by an attorney or guardian ad litem in the dependency
10 proceeding, the court may rely on the minor parent's dependency court
11 attorney or guardian ad litem to make a report to the court as provided
12 in this subsection.

13 (2) The court in the county in which a petition is filed shall
14 direct who shall pay the fees of a guardian ad litem or attorney
15 appointed under this chapter and shall approve the payment of the fees.
16 If the court orders the parties to pay the fees of the guardian ad
17 litem, the fees must be established pursuant to the procedures in RCW
18 26.12.183.

19 **Sec. 4.** RCW 26.09.220 and 1993 c 289 s 1 are each amended to read
20 as follows:

21 (1)(a) The court may order an investigation and report concerning
22 parenting arrangements for the child, or may appoint a guardian ad
23 litem pursuant to RCW 26.12.175, or both. The investigation and report
24 may be made by the guardian ad litem, court-appointed special advocate,
25 the staff of the juvenile court, or other professional social service
26 organization experienced in counseling children and families.

27 (b) An investigator is a person appointed as an investigator under
28 RCW 26.12.050(1)(b) or any other third-party professional ordered or
29 appointed by the court to provide an opinion, assessment, or evaluation
30 regarding the creation or modification of a parenting plan.

31 (2) In preparing the report concerning a child, the investigator or
32 person appointed under subsection (1) of this section may consult any
33 person who may have information about the child and the potential
34 parenting or custodian arrangements. Upon order of the court, the
35 investigator or person appointed under subsection (1) of this section
36 may refer the child to professional personnel for diagnosis. The
37 investigator or person appointed under subsection (1) of this section

1 may consult with and obtain information from medical, psychiatric, or
2 other expert persons who have served the child in the past without
3 obtaining the consent of the parent or the child's custodian; but the
4 child's consent must be obtained if the child has reached the age of
5 twelve, unless the court finds that the child lacks mental capacity to
6 consent. If the requirements of subsection (3) of this section are
7 fulfilled, the ~~((investigator's))~~ report by the investigator or person
8 appointed under subsection (1) of this section may be received in
9 evidence at the hearing.

10 (3) The investigator or person appointed under subsection (1) of
11 this section shall ~~((mail the investigator's))~~ provide his or her
12 report to counsel and to any party not represented by counsel at least
13 ten days prior to the hearing unless a shorter time is ordered by the
14 court for good cause shown. The investigator or person appointed under
15 subsection (1) of this section shall make available to counsel and to
16 any party not represented by counsel ~~((the investigator's))~~ his or her
17 file of underlying data and reports, complete texts of diagnostic
18 reports made to the investigator or appointed person pursuant to the
19 provisions of subsection (2) of this section, and the names and
20 addresses of all persons whom ~~((the investigator))~~ he or she has
21 consulted. Any party to the proceeding may call the investigator or
22 person appointed under subsection (1) of this section and any person
23 whom the investigator or appointed person has consulted for cross-
24 examination. A party may not waive the right of cross-examination
25 prior to the hearing.

26 NEW SECTION. Sec. 5. A new section is added to chapter 26.12 RCW
27 to read as follows:

28 (1) The court may appoint an investigator in addition to a guardian
29 ad litem or court-appointed special advocate under RCW 26.12.175 and
30 26.12.177 to assist the court and make recommendations.

31 (2) An investigator is a person appointed as an investigator under
32 RCW 26.12.050(1)(b) or any other third-party professional ordered or
33 appointed by the court to provide an opinion, assessment, or evaluation
34 regarding the creation or modification of a parenting plan.

35 (3) Investigators who are not supervised by a guardian ad litem or
36 by a court-appointed special advocate program must comply with the

1 training requirements applicable to guardians ad litem or court-
2 appointed special advocates as provided under this chapter and court
3 rule.

4 **Sec. 6.** RCW 26.12.175 and 2009 c 480 s 3 are each amended to read
5 as follows:

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

17 (b) The guardian ad litem's role is to investigate and report
18 factual information regarding the issues ordered to be reported or
19 investigated to the court. The guardian ad litem shall always
20 represent the best interests of the child. Guardians ad litem (~~and~~
21 ~~investigators~~) under this title may make recommendations based upon
22 his or her investigation, which the court may consider and weigh in
23 conjunction with the recommendations of all of the parties. If a child
24 expresses a preference regarding the parenting plan, the guardian ad
25 litem shall report the preferences to the court, together with the
26 facts relative to whether any preferences are being expressed
27 voluntarily and the degree of the child's understanding. The court may
28 require the guardian ad litem to provide periodic reports to the
29 parties regarding the status of his or her investigation. The guardian
30 ad litem shall file his or her report at least sixty days prior to
31 trial.

32 (c) The parties to the proceeding may file with the court written
33 responses to any report filed by the guardian ad litem (~~or~~
34 ~~investigator~~). The court shall consider any written responses to a
35 report filed by the guardian ad litem (~~or investigator~~), including
36 any factual information or recommendations provided in the report.

1 (d) The court shall enter an order for costs, fees, and
2 disbursements to cover the costs of the guardian ad litem. The court
3 may order either or both parents to pay for the costs of the guardian
4 ad litem, according to their ability to pay. If both parents are
5 indigent, the county shall bear the cost of the guardian, subject to
6 appropriation for guardians' ad litem services by the county
7 legislative authority. Guardians ad litem who are not volunteers shall
8 provide the parties with an itemized accounting of their time and
9 billing for services each month.

10 (2)(a) If the guardian ad litem appointed is from the county court-
11 appointed special advocate program, the program shall supervise any
12 guardian ad litem assigned to the case. The court-appointed special
13 advocate program shall be entitled to notice of all proceedings in the
14 case.

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

19 (3) Each guardian ad litem program for compensated guardians ad
20 litem and each court-appointed special advocate program shall maintain
21 a background information record for each guardian ad litem in the
22 program. The background information record shall include, but is not
23 limited to, the following information:

24 (a) Level of formal education;

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

26 (c) Specific training related to issues potentially faced by
27 children in dissolution, custody, paternity, and other family law
28 proceedings;

29 (d) Specific training or education related to child disability or
30 developmental issues;

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

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

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

1 (h) Founded allegations of abuse or neglect as defined in RCW
2 26.44.020;

3 (i) The results of an examination that shall consist of a
4 background check as allowed through the Washington state criminal
5 records privacy act under RCW 10.97.050 and the Washington state patrol
6 criminal identification system under RCW 43.43.832 through 43.43.834.
7 This background check shall be done through the Washington state patrol
8 criminal identification section; and

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

11 The background information record shall be updated annually. As a
12 condition of appointment, the guardian ad litem's background
13 information record shall be made available to the court. If the
14 appointed guardian ad litem is not a member of a guardian ad litem
15 program the person appointed as guardian ad litem shall provide the
16 background information record to the court.

17 Upon appointment, the guardian ad litem, court-appointed special
18 advocate program or guardian ad litem program, shall provide the
19 parties or their attorneys with a copy of the background information
20 record. The portion of the background information record containing
21 the results of the criminal background check and the criminal history
22 shall not be disclosed to the parties or their attorneys. The
23 background information record shall not include identifying information
24 that may be used to harm a guardian ad litem, such as home addresses
25 and home telephone numbers, and for volunteer guardians ad litem the
26 court may allow the use of maiden names or pseudonyms as necessary for
27 their safety.

28 (4) When a court-appointed special advocate or volunteer guardian
29 ad litem is requested on a case, the program shall give the court the
30 name of the person it recommends. The court shall immediately appoint
31 the person recommended by the program.

32 (5) 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 **Sec. 7.** RCW 26.12.177 and 2009 c 480 s 4 are each amended to read
5 as follows:

6 (1) All guardians ad litem (~~((and investigators))~~) appointed under
7 this title must comply with the training requirements established under
8 RCW 2.56.030(15), prior to their appointment in cases under Title 26
9 RCW, except that volunteer guardians ad litem or court-appointed
10 special advocates may comply with alternative training requirements
11 approved by the administrative office of the courts that meet or exceed
12 the statewide requirements. In cases involving allegations of limiting
13 factors under RCW 26.09.191, the guardians ad litem (~~((and
14 investigators))~~) appointed under this title must have additional
15 relevant training under RCW 2.56.030(15) (~~((and as recommended under RCW
16 2.53.040,))~~) when it is available.

17 (2)(a) Each guardian ad litem program for compensated guardians ad
18 litem shall establish a rotational registry system for the appointment
19 of guardians ad litem (~~((and investigators))~~) under this title. If a
20 judicial district does not have a program the court shall establish the
21 rotational registry system. Guardians ad litem (~~((and investigators))~~)
22 under this title shall be selected from the registry except in
23 exceptional circumstances as determined and documented by the court.
24 The parties may make a joint recommendation for the appointment of a
25 guardian ad litem from the registry.

26 (b) In judicial districts with a population over one hundred
27 thousand, a list of three names shall be selected from the registry and
28 given to the parties along with the background information record as
29 specified in RCW 26.12.175(3), including their hourly rate for
30 services. Each party may, within three judicial days, strike one name
31 from the list. If more than one name remains on the list, the court
32 shall make the appointment from the names on the list. In the event
33 all three names are stricken the person whose name appears next on the
34 registry shall be appointed.

35 (c) If a party reasonably believes that the appointed guardian ad
36 litem is inappropriate or unqualified, charges an hourly rate higher
37 than what is reasonable for the particular proceeding, or has a

1 conflict of interest, the party may, within three judicial days from
2 the appointment, move for substitution of the appointed guardian ad
3 litem by filing a motion with the court.

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

10 (e) The superior court shall remove any person from the guardian ad
11 litem registry who has been found to have misrepresented his or her
12 qualifications.

13 (3) The rotational registry system shall not apply to court-
14 appointed special advocate programs."

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By Senators Hargrove, Stevens

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15 On page 1, line 1 of the title, after "Relating to" strike the
16 remainder of the title and insert "dependency matters; amending RCW
17 13.34.130, 13.34.215, 26.33.070, 26.09.220, 26.12.175, and 26.12.177;
18 and adding a new section to chapter 26.12 RCW."

EFFECT: Allows the department to consider placement of a
dependent child with a person with whom the child's sibling or half-
sibling is residing or a person who has adopted the sibling or half-
sibling of the dependent child. Allows a child to seek to reinstate
his or her parent's previously terminated parental rights if the child
has not achieved his or her permanent plan; or even though the plan has
been achieved, it has not been sustained; and 3 years have passed since
the final order terminating parental rights. Allows the court, in
adoption proceedings, to order the parties, as opposed to the county,
to pay the fee of the guardian ad litem (GAL) or attorney. Allows the
court, in an adoption proceeding involving a dependent child, to rely

on certain reports from the GAL or attorney representing the child's parent in the dependency proceeding. Defines the term "investigator" for the purposes of family law cases and requires investigators who are not supervised by a GAL or court-appointed special advocate to comply with training requirements.

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