

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1774

Chapter 292, Laws of 2011

62nd Legislature
2011 Regular Session

DEPENDENT CHILDREN--PLACEMENT--PARENTAL RIGHTS--GUARDIANS AD LITEM

EFFECTIVE DATE: 07/22/11

Passed by the House April 15, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 10, 2011, 3:39 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1774** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2011

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1774

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Goodman, Pettigrew, Orwall, Kenney, Roberts, Kagi, and Moscoso)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to dependency matters; amending RCW 13.34.130,
2 13.34.215, 26.33.070, 26.09.220, 26.12.175, and 26.12.177; and adding
3 a new section to chapter 26.12 RCW.

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

5 **Sec. 1.** RCW 13.34.130 and 2010 c 288 s 1 are each amended to read
6 as follows:

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

13 (1) The court shall order one of the following dispositions of the
14 case:

15 (a) Order a disposition (~~other than removal of the child from~~)
16 that maintains the child in his or her home, which shall provide a
17 program designed to alleviate the immediate danger to the child, to
18 mitigate or cure any damage the child has already suffered, and to aid
19 the parents so that the child will not be endangered in the future. In

1 determining the disposition, the court should choose services to assist
2 the parents in maintaining the child in the home, including housing
3 assistance, if appropriate, that least interfere with family autonomy
4 and are adequate to protect the child.

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

14 (ii) The department or supervising agency has the authority to
15 place the child, subject to review and approval by the court (A) with
16 a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
17 another suitable person if the child or family has a preexisting
18 relationship with that person, and the person has completed all
19 required criminal history background checks and otherwise appears to
20 the department or supervising agency to be suitable and competent to
21 provide care for the child, or (C) in a foster family home or group
22 care facility licensed pursuant to chapter 74.15 RCW.

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

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

33 (3) The department or supervising agency may only place a child
34 with a person not related to the child as defined in RCW
35 74.15.020(2)(a), including a placement provided for in subsection
36 (1)(b)(iii) of this section, when the court finds that such placement
37 is in the best interest of the child. Unless there is reasonable cause
38 to believe that the health, safety, or welfare of the child would be

1 jeopardized or that efforts to reunite the parent and child will be
2 hindered, the child shall be placed with a person who is willing,
3 appropriate, and available to care for the child, and who is: (I)
4 Related to the child as defined in RCW 74.15.020(2)(a) with whom the
5 child has a relationship and is comfortable; or (II) a suitable person
6 as described in (~~this~~) subsection (1)(b) of this section. The court
7 shall consider the child's existing relationships and attachments when
8 determining placement.

9 (~~(2)~~) (4) When placing an Indian child in out-of-home care, the
10 department or supervising agency shall follow the placement preference
11 characteristics in RCW 13.34.250 and in 25 U.S.C. Sec. 1915.

12 (~~(3)~~) (5) Placement of the child with a relative or other
13 suitable person as described in subsection (1)(b) of this section shall
14 be given preference by the court. An order for out-of-home placement
15 may be made only if the court finds that reasonable efforts have been
16 made to prevent or eliminate the need for removal of the child from the
17 child's home and to make it possible for the child to return home,
18 specifying the services, including housing assistance, that have been
19 provided to the child and the child's parent, guardian, or legal
20 custodian, and that preventive services have been offered or provided
21 and have failed to prevent the need for out-of-home placement, unless
22 the health, safety, and welfare of the child cannot be protected
23 adequately in the home, and that:

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

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

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

32 (~~(4)~~) (6) If the court has ordered a child removed from his or
33 her home pursuant to subsection (1)(b) of this section, the court shall
34 consider whether it is in a child's best interest to be placed with,
35 have contact with, or have visits with siblings.

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

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

5 (ii) There is no reasonable cause to believe that the health,
6 safety, or welfare of any child subject to the order of placement,
7 contact, or visitation would be jeopardized or that efforts to reunite
8 the parent and child would be hindered by such placement, contact, or
9 visitation. In no event shall parental visitation time be reduced in
10 order to provide sibling visitation.

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

15 ~~((+5))~~ (7) If the court has ordered a child removed from his or
16 her home pursuant to subsection (1)(b) of this section and placed into
17 nonparental or nonrelative care, the court shall order a placement that
18 allows the child to remain in the same school he or she attended prior
19 to the initiation of the dependency proceeding when such a placement is
20 practical and in the child's best interest.

21 ~~((+6))~~ (8) If the court has ordered a child removed from his or
22 her home pursuant to subsection (1)(b) of this section, the court may
23 order that a petition seeking termination of the parent and child
24 relationship be filed if the requirements of RCW 13.34.132 are met.

25 ~~((+7))~~ (9) If there is insufficient information at the time of the
26 disposition hearing upon which to base a determination regarding the
27 suitability of a proposed placement with a relative or other suitable
28 person, the child shall remain in foster care and the court shall
29 direct the department or supervising agency to conduct necessary
30 background investigations as provided in chapter 74.15 RCW and report
31 the results of such investigation to the court within thirty days.
32 However, if such relative or other person appears otherwise suitable
33 and competent to provide care and treatment, the criminal history
34 background check need not be completed before placement, but as soon as
35 possible after placement. Any placements with relatives or other
36 suitable persons, pursuant to this section, shall be contingent upon
37 cooperation by the relative or other suitable person with the agency
38 case plan and compliance with court orders related to the care and

1 supervision of the child including, but not limited to, court orders
2 regarding parent-child contacts, sibling contacts, and any other
3 conditions imposed by the court. Noncompliance with the case plan or
4 court order shall be grounds for removal of the child from the
5 relative's or other suitable person's home, subject to review by the
6 court.

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

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

12 (a) The child was previously found to be a dependent child under
13 this chapter;

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

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

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

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

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

26 (2) If the child is eligible to petition the juvenile court under
27 subsection (1) of this section and a parent whose rights have been
28 previously terminated contacts the department or supervising agency or
29 the child's guardian ad litem regarding reinstatement, the department
30 or supervising agency or the guardian ad litem must notify the eligible
31 child about his or her right to petition for reinstatement of parental
32 rights.

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

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

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

6 (6) The court shall give prior notice for any proceeding under this
7 section, or cause prior notice to be given, to the department or the
8 supervising agency, the child's attorney, and the child. The court
9 shall also order the department or supervising agency to give prior
10 notice of any hearing to the child's former parent whose parental
11 rights are the subject of the petition, any parent whose rights have
12 not been terminated, the child's current foster parent, relative
13 caregiver, guardian or custodian, and the child's tribe, if applicable.

14 (7) The juvenile court shall conditionally grant the petition if it
15 finds by clear and convincing evidence that the child has not achieved
16 his or her permanency plan and is not likely to imminently achieve his
17 or her permanency plan and that reinstatement of parental rights is in
18 the child's best interest. In determining whether reinstatement is in
19 the child's best interest the court shall consider, but is not limited
20 to, the following:

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

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

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

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

30 (8) In determining whether the child has or has not achieved his or
31 her permanency plan or whether the child is likely to achieve his or
32 her permanency plan, the department or supervising agency shall provide
33 the court, and the court shall review, information related to any
34 efforts to achieve the permanency plan including efforts to achieve
35 adoption or a permanent guardianship.

36 (9)(a) If the court conditionally grants the petition under
37 subsection (7) of this section, the case will be continued for six
38 months and a temporary order of reinstatement entered. During this

1 period, the child shall be placed in the custody of the parent. The
2 department or supervising agency shall develop a permanency plan for
3 the child reflecting the plan to be reunification and shall provide
4 transition services to the family as appropriate.

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

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

13 (10) After the child has been placed with the parent for six
14 months, the court shall hold a hearing. If the placement with the
15 parent has been successful, the court shall enter a final order of
16 reinstatement of parental rights, which shall restore all rights,
17 powers, privileges, immunities, duties, and obligations of the parent
18 as to the child, including those relating to custody, control, and
19 support of the child. The court shall dismiss the dependency and
20 direct the clerk's office to provide a certified copy of the final
21 order of reinstatement of parental rights to the parent at no cost.

22 (11) The granting of the petition under this section does not
23 vacate or otherwise affect the validity of the original termination
24 order.

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

30 (13) A proceeding to reinstate parental rights is a separate action
31 from the termination of parental rights proceeding and does not vacate
32 the original termination of parental rights. An order granted under
33 this section reinstates the parental rights to the child. This
34 reinstatement is a recognition that the situation of the parent and
35 child have changed since the time of the termination of parental rights
36 and reunification is now appropriate.

37 (14) This section is retroactive and applies to any child who is

1 under the jurisdiction of the juvenile court at the time of the hearing
2 regardless of the date parental rights were terminated.

3 (15) The state, the department, the supervising agency, and its
4 employees are not liable for civil damages resulting from any act or
5 omission in the provision of services under this section, unless the
6 act or omission constitutes gross negligence. This section does not
7 create any duty and shall not be construed to create a duty where none
8 exists. This section does not create a cause of action against the
9 state, the department, the supervising agency, or its employees
10 concerning the original termination.

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

13 (1) The court shall appoint a guardian ad litem for any parent or
14 alleged father under eighteen years of age in any proceeding under this
15 chapter. The court may appoint a guardian ad litem for a child adoptee
16 or any incompetent party in any proceeding under this chapter. The
17 guardian ad litem for a parent or alleged father, in addition to
18 determining what is in the best interest of the party, shall make an
19 investigation and report to the court concerning whether any written
20 consent to adoption or petition for relinquishment signed by the parent
21 or alleged father was signed voluntarily and with an understanding of
22 the consequences of the action. If the child to be relinquished is a
23 dependent child under chapter 13.34 RCW and the minor parent is
24 represented by an attorney or guardian ad litem in the dependency
25 proceeding, the court may rely on the minor parent's dependency court
26 attorney or guardian ad litem to make a report to the court as provided
27 in this subsection.

28 (2) The court in the county in which a petition is filed shall
29 direct who shall pay the fees of a guardian ad litem or attorney
30 appointed under this chapter and shall approve the payment of the fees.
31 If the court orders the parties to pay the fees of the guardian ad
32 litem, the fees must be established pursuant to the procedures in RCW
33 26.12.183.

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

36 (1)(a) The court may order an investigation and report concerning

1 parenting arrangements for the child, or may appoint a guardian ad
2 litem pursuant to RCW 26.12.175, or both. The investigation and report
3 may be made by the guardian ad litem, court-appointed special advocate,
4 the staff of the juvenile court, or other professional social service
5 organization experienced in counseling children and families.

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

10 (2) In preparing the report concerning a child, the investigator or
11 person appointed under subsection (1) of this section may consult any
12 person who may have information about the child and the potential
13 parenting or custodian arrangements. Upon order of the court, the
14 investigator or person appointed under subsection (1) of this section
15 may refer the child to professional personnel for diagnosis. The
16 investigator or person appointed under subsection (1) of this section
17 may consult with and obtain information from medical, psychiatric, or
18 other expert persons who have served the child in the past without
19 obtaining the consent of the parent or the child's custodian; but the
20 child's consent must be obtained if the child has reached the age of
21 twelve, unless the court finds that the child lacks mental capacity to
22 consent. If the requirements of subsection (3) of this section are
23 fulfilled, the ~~((investigator's))~~ report by the investigator or person
24 appointed under subsection (1) of this section may be received in
25 evidence at the hearing.

26 (3) The investigator or person appointed under subsection (1) of
27 this section shall ~~((mail—the investigator's))~~ provide his or her
28 report to counsel and to any party not represented by counsel at least
29 ten days prior to the hearing unless a shorter time is ordered by the
30 court for good cause shown. The investigator or person appointed under
31 subsection (1) of this section shall make available to counsel and to
32 any party not represented by counsel ~~((the investigator's))~~ his or her
33 file of underlying data and reports, complete texts of diagnostic
34 reports made to the investigator or appointed person pursuant to the
35 provisions of subsection (2) of this section, and the names and
36 addresses of all persons whom ~~((the investigator))~~ he or she has
37 consulted. Any party to the proceeding may call the investigator or
38 person appointed under subsection (1) of this section and any person

1 whom the investigator or appointed person has consulted for cross-
2 examination. A party may not waive the right of cross-examination
3 prior to the hearing.

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

6 (1) The court may appoint an investigator in addition to a guardian
7 ad litem or court-appointed special advocate under RCW 26.12.175 and
8 26.12.177 to assist the court and make recommendations.

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

13 (3) Investigators who are not supervised by a guardian ad litem or
14 by a court-appointed special advocate program must comply with the
15 training requirements applicable to guardians ad litem or court-
16 appointed special advocates as provided under this chapter and court
17 rule.

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

20 (1)(a) The court may appoint a guardian ad litem to represent the
21 interests of a minor or dependent child when the court believes the
22 appointment of a guardian ad litem is necessary to protect the best
23 interests of the child in any proceeding under this chapter. The court
24 may appoint a guardian ad litem from the court-appointed special
25 advocate program, if that program exists in the county. The court
26 shall attempt to match a child with special needs with a guardian ad
27 litem who has specific training or education related to the child's
28 individual needs. The family court services professionals may also
29 make a recommendation to the court regarding whether a guardian ad
30 litem should be appointed for the child.

31 (b) The guardian ad litem's role is to investigate and report
32 factual information regarding the issues ordered to be reported or
33 investigated to the court. The guardian ad litem shall always
34 represent the best interests of the child. Guardians ad litem (~~and~~
35 ~~investigators~~) under this title may make recommendations based upon
36 his or her investigation, which the court may consider and weigh in

1 conjunction with the recommendations of all of the parties. If a child
2 expresses a preference regarding the parenting plan, the guardian ad
3 litem shall report the preferences to the court, together with the
4 facts relative to whether any preferences are being expressed
5 voluntarily and the degree of the child's understanding. The court may
6 require the guardian ad litem to provide periodic reports to the
7 parties regarding the status of his or her investigation. The guardian
8 ad litem shall file his or her report at least sixty days prior to
9 trial.

10 (c) The parties to the proceeding may file with the court written
11 responses to any report filed by the guardian ad litem (~~(or~~
12 ~~investigator)~~). The court shall consider any written responses to a
13 report filed by the guardian ad litem (~~(or investigator)~~), including
14 any factual information or recommendations provided in the report.

15 (d) The court shall enter an order for costs, fees, and
16 disbursements to cover the costs of the guardian ad litem. The court
17 may order either or both parents to pay for the costs of the guardian
18 ad litem, according to their ability to pay. If both parents are
19 indigent, the county shall bear the cost of the guardian, subject to
20 appropriation for guardians' ad litem services by the county
21 legislative authority. Guardians ad litem who are not volunteers shall
22 provide the parties with an itemized accounting of their time and
23 billing for services each month.

24 (2)(a) If the guardian ad litem appointed is from the county court-
25 appointed special advocate program, the program shall supervise any
26 guardian ad litem assigned to the case. The court-appointed special
27 advocate program shall be entitled to notice of all proceedings in the
28 case.

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

33 (3) Each guardian ad litem program for compensated guardians ad
34 litem and each court-appointed special advocate program shall maintain
35 a background information record for each guardian ad litem in the
36 program. The background information record shall include, but is not
37 limited to, the following information:

38 (a) Level of formal education;

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

2 (c) Specific training related to issues potentially faced by
3 children in dissolution, custody, paternity, and other family law
4 proceedings;

5 (d) Specific training or education related to child disability or
6 developmental issues;

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

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

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

14 (h) Founded allegations of abuse or neglect as defined in RCW
15 26.44.020;

16 (i) The results of an examination that shall consist of a
17 background check as allowed through the Washington state criminal
18 records privacy act under RCW 10.97.050 and the Washington state patrol
19 criminal identification system under RCW 43.43.832 through 43.43.834.
20 This background check shall be done through the Washington state patrol
21 criminal identification section; and

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

24 The background information record shall be updated annually. As a
25 condition of appointment, the guardian ad litem's background
26 information record shall be made available to the court. If the
27 appointed guardian ad litem is not a member of a guardian ad litem
28 program the person appointed as guardian ad litem shall provide the
29 background information record to the court.

30 Upon appointment, the guardian ad litem, court-appointed special
31 advocate program or guardian ad litem program, shall provide the
32 parties or their attorneys with a copy of the background information
33 record. The portion of the background information record containing
34 the results of the criminal background check and the criminal history
35 shall not be disclosed to the parties or their attorneys. The
36 background information record shall not include identifying information
37 that may be used to harm a guardian ad litem, such as home addresses

1 and home telephone numbers, and for volunteer guardians ad litem the
2 court may allow the use of maiden names or pseudonyms as necessary for
3 their safety.

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

8 (5) If a party in a case reasonably believes the court-appointed
9 special advocate or volunteer guardian ad litem is inappropriate or
10 unqualified, the party may request a review of the appointment by the
11 program. The program must complete the review within five judicial
12 days and remove any appointee for good cause. If the party seeking the
13 review is not satisfied with the outcome of the review, the party may
14 file a motion with the court for the removal of the court-appointed
15 special advocate or volunteer guardian ad litem on the grounds the
16 advocate or volunteer is inappropriate or unqualified.

17 **Sec. 7.** RCW 26.12.177 and 2009 c 480 s 4 are each amended to read
18 as follows:

19 (1) All guardians ad litem (~~((and investigators))~~) appointed under
20 this title must comply with the training requirements established under
21 RCW 2.56.030(15), prior to their appointment in cases under Title 26
22 RCW, except that volunteer guardians ad litem or court-appointed
23 special advocates may comply with alternative training requirements
24 approved by the administrative office of the courts that meet or exceed
25 the statewide requirements. In cases involving allegations of limiting
26 factors under RCW 26.09.191, the guardians ad litem (~~((and
27 investigators))~~) appointed under this title must have additional
28 relevant training under RCW 2.56.030(15) (~~((and as recommended under RCW
29 2.53.040,))~~) when it is available.

30 (2)(a) Each guardian ad litem program for compensated guardians ad
31 litem shall establish a rotational registry system for the appointment
32 of guardians ad litem (~~((and investigators))~~) under this title. If a
33 judicial district does not have a program the court shall establish the
34 rotational registry system. Guardians ad litem (~~((and investigators))~~)
35 under this title shall be selected from the registry except in
36 exceptional circumstances as determined and documented by the court.

1 The parties may make a joint recommendation for the appointment of a
2 guardian ad litem from the registry.

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

12 (c) If a party reasonably believes that the appointed guardian ad
13 litem is inappropriate or unqualified, charges an hourly rate higher
14 than what is reasonable for the particular proceeding, or has a
15 conflict of interest, the party may, within three judicial days from
16 the appointment, move for substitution of the appointed guardian ad
17 litem by filing a motion with the court.

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

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

27 (3) The rotational registry system shall not apply to court-
28 appointed special advocate programs.

Passed by the House April 15, 2011.
Passed by the Senate April 7, 2011.
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