

SHB 1298 - S AMD TO GOV COMM AMD (S4810.1) 647  
By Senator Kline

1 Beginning on page 1, line 3 of the amendment, strike all of section  
2 1 and insert the following:

3 "Sec. 1. RCW 13.34.100 and 2010 c 180 s 2 are each amended to read  
4 as follows:

5 (1) The court shall appoint a guardian ad litem for a child who is  
6 the subject of an action under this chapter, unless a court for good  
7 cause finds the appointment unnecessary. The requirement of a guardian  
8 ad litem may be deemed satisfied if the child is represented by  
9 independent counsel in the proceedings. The court shall attempt to  
10 match a child with special needs with a guardian ad litem who has  
11 specific training or education related to the child's individual needs.

12 (2) If the court does not have available to it a guardian ad litem  
13 program with a sufficient number of volunteers, the court may appoint  
14 a suitable person to act as guardian ad litem for the child under this  
15 chapter. Another party to the proceeding or the party's employee or  
16 representative shall not be so appointed.

17 (3) Each guardian ad litem program shall maintain a background  
18 information record for each guardian ad litem in the program. The  
19 background information record shall include, but is not limited to, the  
20 following information:

21 (a) Level of formal education;

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

23 (c) Specific training related to issues potentially faced by  
24 children in the dependency system;

25 (d) Specific training or education related to child disability or  
26 developmental issues;

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

28 (f) Number of appointments as a guardian ad litem and the county or  
29 counties of appointment;

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

5 (h) Founded allegations of abuse or neglect as defined in RCW  
6 26.44.020;

7 (i) The results of an examination of state and national criminal  
8 identification data. The examination shall consist of a background  
9 check as allowed through the Washington state criminal records privacy  
10 act under RCW 10.97.050, the Washington state patrol criminal  
11 identification system under RCW 43.43.832 through 43.43.834, and the  
12 federal bureau of investigation. The background check shall be done  
13 through the Washington state patrol criminal identification section and  
14 must include a national check from the federal bureau of investigation  
15 based on the submission of fingerprints; and

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

18 The background information record shall be updated annually. As a  
19 condition of appointment, the guardian ad litem's background  
20 information record shall be made available to the court. If the  
21 appointed guardian ad litem is not a member of a guardian ad litem  
22 program a suitable person appointed by the court to act as guardian ad  
23 litem shall provide the background information record to the court.

24 Upon appointment, the guardian ad litem, or guardian ad litem  
25 program, shall provide the parties or their attorneys with a copy of  
26 the background information record containing the results of the  
27 background check conducted through the Washington state patrol criminal  
28 identification system under RCW 43.43.832 through 43.43.834. The  
29 portion of the background information record containing the results of  
30 the criminal background check and the criminal history from the federal  
31 bureau of investigation shall not be disclosed to the parties or their  
32 attorneys. The background information record shall not include  
33 identifying information that may be used to harm a guardian ad litem,  
34 such as home addresses and home telephone numbers, and for volunteer  
35 guardians ad litem the court may allow the use of maiden names or  
36 pseudonyms as necessary for their safety.

37 (4) The appointment of the guardian ad litem shall remain in effect

1 until the court discharges the appointment or no longer has  
2 jurisdiction, whichever comes first. The guardian ad litem may also be  
3 discharged upon entry of an order of guardianship.

4 (5) A guardian ad litem through counsel, or as otherwise authorized  
5 by the court, shall have the right to present evidence, examine and  
6 cross-examine witnesses, and to be present at all hearings. A guardian  
7 ad litem shall receive copies of all pleadings and other documents  
8 filed or submitted to the court, and notice of all hearings according  
9 to court rules. The guardian ad litem shall receive all notice  
10 contemplated for a parent or other party in all proceedings under this  
11 chapter.

12 (6)(a) Pursuant to this subsection, the department or supervising  
13 agency and the child's guardian ad litem shall each notify a child of  
14 his or her right to request counsel and shall ask the child whether he  
15 or she wishes to have counsel. The department or supervising agency  
16 and the child's guardian ad litem shall notify the child and make this  
17 inquiry immediately after:

18 (i) The date of the child's twelfth birthday;

19 (ii) Assignment of a case involving a child age twelve or older; or

20 (iii) July 1, 2010, for a child who turned twelve years old before  
21 July 1, 2010.

22 (b) The department or supervising agency and the child's guardian  
23 ad litem shall repeat the notification and inquiry at least annually  
24 and upon the filing of any motion or petition affecting the child's  
25 placement, services, or familial relationships.

26 (c) The notification and inquiry is not required if the child has  
27 already been appointed counsel.

28 (d) The department or supervising agency shall note in the child's  
29 individual service and safety plan, and the guardian ad litem shall  
30 note in his or her report to the court, that the child was notified of  
31 the right to request counsel and indicate the child's position  
32 regarding appointment of counsel.

33 (e) At the first regularly scheduled hearing after:

34 (i) The date of the child's twelfth birthday;

35 (ii) The date that a dependency petition is filed pursuant to this  
36 chapter on a child age twelve or older; or

37 (iii) July 1, 2010, for a child who turned twelve years old before  
38 July 1, 2010;

1 the court shall inquire whether the child has received notice of his or  
2 her right to request legal counsel from the department or supervising  
3 agency and the child's guardian ad litem. The court shall make an  
4 additional inquiry at the first regularly scheduled hearing after the  
5 child's fifteenth birthday. No inquiry is necessary if the child has  
6 already been appointed counsel.

7 (f) If the child requests legal counsel and is age twelve or older,  
8 or if the guardian ad litem or the court determines that the child  
9 needs to be independently represented by counsel, the court may appoint  
10 an attorney to represent the child's position.

11 (7) For the purposes of child abuse prevention and treatment act  
12 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,  
13 or any related state or federal legislation, a person appointed  
14 pursuant to this section shall be deemed a guardian ad litem to  
15 represent the best interests of the minor in proceedings before the  
16 court.

17 (8) When a court-appointed special advocate or volunteer guardian  
18 ad litem is requested on a case, the program shall give the court the  
19 name of the person it recommends. The program shall attempt to match  
20 a child with special needs with a guardian ad litem who has specific  
21 training or education related to the child's individual needs. The  
22 court shall immediately appoint the person recommended by the program.

23 (9) If a party in a case reasonably believes the court-appointed  
24 special advocate or volunteer guardian ad litem is inappropriate or  
25 unqualified, the party may request a review of the appointment by the  
26 program. The program must complete the review within five judicial  
27 days and remove any appointee for good cause. If the party seeking the  
28 review is not satisfied with the outcome of the review, the party may  
29 file a motion with the court for the removal of the court-appointed  
30 special advocate or volunteer guardian ad litem on the grounds the  
31 advocate or volunteer is inappropriate or unqualified."

32 Beginning on page 14, line 26 of the amendment, strike all of  
33 section 10

34 Renumber the remaining sections consecutively and correct any  
35 internal references accordingly.

**SHB 1298** - S AMD TO GOV COMM AMD (S4810.1)  
By Senator Kline

1       On page 17, line 5 of the title amendment, after "70.148.060,"  
2       strike "40.14.100,"

EFFECT:       Removes language providing the court discretion in whether to provide the results of the Washington State Patrol background check for guardians ad litem. Removes requirement that additional information be included in the guardian ad litem background information record.

Removes language clarifying that records of legislative operational committees are public records open to inspection and copying.

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