
SENATE BILL 5657

State of Washington

61st Legislature

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By Senators Roach, Holmquist, Hatfield, Swecker, Pflug, Stevens, and Carrell

Read first time 01/28/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to guardians ad litem; and amending RCW 13.34.100
2 and 13.34.102.

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

4 **Sec. 1.** RCW 13.34.100 and 2000 c 124 s 2 are each amended to read
5 as follows:

6 (1) The court shall appoint a guardian ad litem for a child who is
7 the subject of an action under this chapter(~~(, unless a court for good~~
8 ~~cause finds the appointment unnecessary. The requirement of a guardian~~
9 ~~ad litem may be deemed satisfied if the child is represented by~~
10 ~~independent counsel in the proceedings)).~~

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

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

- 1 (a) Level of formal education;
2 (b) Training related to the guardian's duties;
3 (c) Number of years' experience as a guardian ad litem;
4 (d) Number of appointments as a guardian ad litem and the county or
5 counties of appointment;

6 (e) The names of any counties in which the person was removed from
7 a guardian ad litem registry pursuant to a grievance action, and the
8 name of the court and the cause number of any case in which the court
9 has removed the person for cause; (~~and~~)

10 (f) Founded allegations of child abuse or neglect as defined in RCW
11 26.44.020;

12 (g) A statement of financial affairs that includes the topics
13 listed in RCW 42.17.241; and

14 (h) Criminal history, as defined in RCW 9.94A.030.

15 The background information report shall be updated annually. As a
16 condition of appointment, the guardian ad litem's background
17 information record shall be made available to the court. If the
18 appointed guardian ad litem is not a member of a guardian ad litem
19 program the person shall provide the background information to the
20 court.

21 Upon appointment, the guardian ad litem, or guardian ad litem
22 program, shall provide the parties or their attorneys with a
23 (~~statement containing: His or her training relating to the duties as~~
24 ~~a guardian ad litem; the name of any counties in which the person was~~
25 ~~removed from a guardian ad litem registry pursuant to a grievance~~
26 ~~action, and the name of the court and the cause number of any case in~~
27 ~~which the court has removed the person for cause; and his or her~~
28 ~~criminal history as defined in RCW 9.94A.030 for the period covering~~
29 ~~ten years prior to the appointment)) copy of the background information
30 record. The background statement shall not include identifying
31 information that may be used to harm a guardian ad litem, such as home
32 addresses and home telephone numbers, and for volunteer guardians ad
33 litem the court may allow the use of maiden names or pseudonyms as
34 necessary for their safety.~~

35 (4) The appointment of the guardian ad litem shall remain in effect
36 until the court discharges the appointment or no longer has
37 jurisdiction, whichever comes first. The guardian ad litem may also be
38 discharged upon entry of an order of guardianship.

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

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

13 (7) For the purposes of child abuse prevention and treatment act
14 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,
15 or any related state or federal legislation, a person appointed
16 pursuant to (~~RCW 13.34.100~~) this section shall be deemed a guardian
17 ad litem to represent the best interests of the minor in proceedings
18 before the court.

19 (8) When a court-appointed special advocate or volunteer guardian
20 ad litem is requested on a case, the program shall give the court the
21 name of the person it recommends (~~and the appointment shall be~~
22 ~~effective immediately~~). The court (~~shall~~) may appoint the person
23 recommended by the program. If a party in a case reasonably believes
24 the court-appointed special advocate or volunteer 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 on the grounds the advocate or volunteer
31 is inappropriate or unqualified.

32 **Sec. 2.** RCW 13.34.102 and 2005 c 282 s 26 are each amended to read
33 as follows:

34 (1) All guardians ad litem must comply with the training
35 requirements established under RCW 2.56.030(15), prior to their
36 appointment in cases under Title 13 RCW, except that volunteer

1 guardians ad litem or court-appointed special advocates may comply with
2 alternative training requirements approved by the administrative office
3 of the courts that meet or exceed the statewide requirements.

4 (2)(a) Each guardian ad litem program for compensated guardians ad
5 litem shall establish a rotational registry system for the appointment
6 of guardians ad litem. If a judicial district does not have a program
7 the court shall establish the rotational registry system. Guardians ad
8 litem shall be selected from the registry except in exceptional
9 circumstances as determined and documented by the court. The parties
10 may make a joint recommendation for the appointment of a guardian ad
11 litem from the registry.

12 (b) Each guardian ad litem program for compensated guardians ad
13 litem shall maintain a background information record for each guardian
14 ad litem in the program. The background record shall include, but is
15 not limited to, the following information:

16 (i) Level of formal education;

17 (ii) Training related to the guardian ad litem's duties;

18 (iii) Number of years' experience as a guardian ad litem;

19 (iv) Number of appointments as a guardian ad litem and the county
20 or counties of appointment;

21 (v) The names of any counties in which the person was removed from
22 a guardian ad litem registry pursuant to a grievance action, and the
23 name of the court and the cause number of any case in which the court
24 has removed the person for cause;

25 (vi) Founded allegations of child abuse or neglect as defined in
26 RCW 26.44.020;

27 (vii) A statement of financial affairs that includes the topics
28 listed in RCW 42.17.241; and

29 (viii) Criminal history, as defined in RCW 9.94A.030.

30 (c) The background information report shall be updated annually.
31 As a condition of appointment, the guardian ad litem's background
32 information record shall be made available to the court.

33 (d) Upon appointment, the guardian ad litem, or guardian ad litem
34 program, shall provide the parties or their attorneys with a copy of
35 the background information record.

36 (3) In judicial districts with a population over one hundred
37 thousand, a list of three names shall be selected from the registry and
38 given to the parties along with the background information as specified

1 in RCW 13.34.100(3), including their hourly rate for services. Each
2 party may, within three judicial days, strike one name from the list.
3 If more than one name remains on the list, the court shall make the
4 appointment from the names on the list. In the event all three names
5 are stricken the person whose name appears next on the registry shall
6 be appointed.

7 ~~((e))~~ (4) If a party reasonably believes that the appointed
8 guardian ad litem lacks the necessary expertise for the proceeding,
9 charges an hourly rate higher than what is reasonable for the
10 particular proceeding, or has a conflict of interest, the party may,
11 within three judicial days from the appointment, move for substitution
12 of the appointed guardian ad litem by filing a motion with the court.

13 ~~((d))~~ (5) The superior court shall remove any person from the
14 guardian ad litem registry who misrepresents his or her qualifications
15 pursuant to a grievance procedure established by the court.

16 ~~((3))~~ (6) The rotational registry system shall not apply to
17 court-appointed special advocate programs.

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