
SUBSTITUTE SENATE BILL 5823

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Rivers and Litzow)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to guardians ad litem; and amending RCW
2 26.12.177.

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

4 **Sec. 1.** RCW 26.12.177 and 2011 c 292 s 7 are each amended to
5 read as follows:

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

16 (2)(a) Each guardian ad litem program for compensated guardians
17 ad litem shall establish a rotational registry system for the
18 appointment of guardians ad litem under this title. If a judicial
19 district does not have a program the court shall establish the
20 rotational registry system. Guardians ad litem under this title shall
21 be selected from the registry except in exceptional circumstances as

1 determined and documented by the court. The parties may make a joint
2 recommendation for the appointment of a guardian ad litem from the
3 registry.

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

13 (c) If a party reasonably believes that the appointed guardian ad
14 litem is inappropriate or unqualified, charges an hourly rate higher
15 than what is reasonable for the particular proceeding, or has a
16 conflict of interest, the party may, within three judicial days from
17 the appointment, move for substitution of the appointed guardian ad
18 litem by filing a motion with the court. Guardians ad litem must
19 notify each party and court of any conflicts of interest prior to
20 accepting appointment.

21 (d) Under this section, within either registry referred to in (a)
22 of this subsection, a subregistry may be created that consists of
23 guardians ad litem under contract with the department of social and
24 health services' division of child support. Guardians ad litem on
25 such a subregistry shall be selected and appointed in state-initiated
26 paternity cases only. Guardians ad litem must notify each party and
27 court of any conflicts of interest prior to accepting appointment.

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

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

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