
HOUSE BILL 1113

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Haugen, Ferguson, Basich, Riley, Winsley, Wang, Brekke, Dellwo, R. Meyers, Van Luven, Scott, Hargrove and Phillips.

Read first time January 21, 1991. Referred to Committee on Human Services\Appropriations.

1 AN ACT Relating to the source of funding for costs of legal
2 representation in cases relating to dependency of a child and the
3 termination of a parent and child relationship; and amending RCW
4 13.34.090 and 13.34.100.

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

6 **Sec. 1.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read
7 as follows:

8 (1) Any party has a right to be represented by an attorney in all
9 proceedings under this chapter, to introduce evidence, to be heard in
10 his or her own behalf, to examine witnesses, to receive a decision
11 based solely on the evidence adduced at the hearing, and to an unbiased
12 fact-finder.

13 (2) At all stages of a proceeding in which a child is alleged to be
14 dependent pursuant to RCW 13.34.030(2), the child's parent, guardian,

1 or legal custodian has the right to be represented by counsel, and if
2 indigent, to have counsel appointed for him or her by the court. If
3 the court determines the child's parent or guardian to be indigent,
4 responsibility for costs of representation by counsel and all expenses
5 reasonably related to such representation shall be borne by the state
6 of Washington, through the department of social and health services.
7 The state of Washington shall have authority to contract with local
8 counties to provide legal representation for the child's parent or
9 guardian. Unless waived in court, counsel shall be provided to the
10 child's parent, guardian, or legal custodian, if such person (a) has
11 appeared in the proceeding or requested the court to appoint counsel
12 and (b) is financially unable to obtain counsel because of indigency as
13 defined in chapter 10.101 RCW.

14 (3) If a party to an action under this chapter is represented by
15 counsel, no order shall be provided to that party for his or her
16 signature without prior notice and provision of the order to counsel.

17 (4) Copies of department of social and health services or
18 supervising agency records to which parents have legal access pursuant
19 to chapter 13.50 RCW shall be given to the child's parent, guardian,
20 legal custodian, or his or her legal counsel, within twenty days after
21 the department or supervising agency receives a written request for
22 such records from the parent, guardian, legal custodian, or his or her
23 legal counsel. These records shall be provided to the child's parents,
24 guardian, legal custodian, or legal counsel prior to the shelter care
25 hearing in order to allow an opportunity to review the records prior to
26 the hearing. These records shall be legible and shall be provided at
27 no expense to the parents, guardian, legal custodian, or his or her
28 counsel.

1 **Sec. 2.** RCW 13.34.100 and 1988 c 232 s 1 are each amended to read
2 as follows:

3 (1) The court shall appoint an attorney and/or a guardian ad litem
4 for a child who is a party to the proceedings in all contested
5 proceedings under this chapter unless a court, for good cause, finds
6 the appointment unnecessary. An attorney and/or guardian ad litem may
7 be appointed at the discretion of the court in uncontested proceedings:
8 PROVIDED, That the requirement of a guardian ad litem shall be deemed
9 satisfied if the child is represented by counsel in the proceedings. A
10 party to the proceeding or the party's employee or representative shall
11 not be so appointed. Such attorney and/or guardian ad litem shall
12 receive all notice contemplated for a parent in all proceedings under
13 this chapter. A report by the guardian ad litem to the court shall
14 contain, where relevant, information on the legal status of a child's
15 membership in any Indian tribe or band.

16 (2) If the court determines the child's parent or guardian to be
17 indigent, the costs of the child's representation by an attorney or
18 guardian ad litem and all expenses reasonably related to such
19 representation shall be borne by the state of Washington through the
20 department of social and health services.