

FINAL BILL REPORT

SHB 1072

C 289 L 93
Synopsis as Enacted

Brief Description: Changing provisions relating to guardians ad litem.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Ogden).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A general statute governing family courts provides that courts may appoint guardians ad litem for children in family law matters. Courts must appoint a guardian or guardian ad litem in paternity actions. Statutes governing divorce actions and nonparental actions for child custody do not expressly authorize courts to appoint guardians ad litem. Those statutes provide that the court may order juvenile court staff or other professional social service organizations to investigate the case and to report to the court.

King County has created a court appointed special advocate (CASA) program for family court. The CASA program has a professional staff that supervises volunteers who act as guardians ad litem in family law cases. The CASA program, rather than a particular guardian ad litem, is generally assigned to the case. The CASA program's guardians ad litem may or may not have the same authority and responsibilities assigned to private guardians ad litem in other cases. No existing statutory provision defines the CASA program's role and responsibilities.

Parents pay for the guardian ad litem costs based upon the parents' ability to pay. If the parents are indigent, the county pays the cost of the guardian ad litem, subject to appropriation by the county legislative authority.

Summary: Courts are expressly authorized to appoint guardians ad litem to represent the best interests of children in marriage dissolution actions, nonparental actions for child custody, and other family court matters. If the court appoints a guardian ad litem, the guardian ad litem may conduct a court ordered investigation and prepare a report to the court.

If a county has a CASA program, the court may appoint a guardian ad litem from the program. The program will supervise any guardian ad litem assigned to the case. Unless otherwise ordered, the CASA guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child and to represent the child's best interests. The CASA program is entitled to notice of all proceedings in the case.

Guardian ad litem programs must maintain background information on all guardians ad litem. The information must include information concerning the guardian's ad litem: (1) level of formal education; (2) training; (3) number of years of experience as a guardian ad litem; (4) number of appointments; and (5) criminal history. The information must be updated annually. If the appointed guardian ad litem is not from a program, the guardian ad litem must present the background information to the court.

The county legislative authority may authorize creation of a CASA program. Counties will continue to bear the cost of guardians ad litem.

Votes on Final Passage:

House	96	0	
Senate	41	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993