

**SENATE BILL REPORT**

**SHB 1072**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 23, 1993**

**Brief Description:** Changing provisions relating to guardians ad litem.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Ogden)

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

**Staff:** Lidia Mori (786-7755)

**Hearing Dates:** March 22, 1993; March 23, 1993

**BACKGROUND:**

A general statute governing family courts provides that courts may appoint guardians ad litem for children in family law matters, including paternity actions. Provisions 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 an investigation and report to be prepared by juvenile court staff or other professional social service organizations.

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. 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 Court Appointed Special Advocate program (CASA), the court may appoint a guardian ad litem from the CASA 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.

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

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

This bill codifies what courts are already doing. The court-appointed special advocate (CASA) program usually gets involved only in cases where neither party has any money. The Bar Association supports this bill.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Nancy Bradburn-Johnson, attorney, King County CASA Program (pro); Pat Dixon, King County CASA Program Manager (pro)