

SENATE BILL REPORT

HB 1165

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
APRIL 2, 1993

Brief Description: Revising provisions relating to guardians ad litem for juveniles.

SPONSORS: Representatives Riley, Cooke, Leonard, Appelwick and Johanson

HOUSE COMMITTEE ON HUMAN SERVICES

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Sheldon, and L. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: April 1, 1993; April 2, 1993

BACKGROUND:

The court is required to appoint a guardian ad litem or attorney to represent a child who is the subject of a dependency action under Chapter 13.34 RCW and a legal proceeding related to child abuse and neglect under Chapter 26.44 RCW. There is currently no definition in statute of a "guardian ad litem" or a "guardian ad litem program."

SUMMARY:

A guardian ad litem (GAL) is defined as a person appointed by the court to represent the best interests of the child and may include a "court-appointed special advocate." A GAL program is defined as a court-authorized volunteer program designed to manage all aspects of volunteer GAL representation of children alleged or found to be dependent. A GAL appointment shall remain in effect until terminated by the court or the court's jurisdiction ceases. The specific duties of the GAL are established. The GAL is a party to the proceedings for all purposes. The GAL shall receive the same immunity for civil liability as an officer of court. The court may appoint an attorney to represent the child if requested by the GAL or by a child who is age 12 or older.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The guardian ad litem is not granted equal status as a party in dependency and child abuse cases. The GAL is authorized, through an attorney, or as otherwise authorized by the court

to present evidence, examine and cross-examine witnesses and to be present at all hearings.

Guardians ad litem are officers of the court for the purpose of immunity from civil liability.

The provisions regarding the release of information are clarified.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

There needs to be a definition of GALs and GAL programs. GALs should be made a party in dependency and child abuse cases. GALs should be granted immunity from civil liability to encourage more volunteers.

TESTIMONY AGAINST:

GALs should not be a party to the action; this is the equivalent of making them attorneys. They should not be made officers of the court either.

TESTIFIED: Representative Riley, prime sponsor; Sandy Ottmar, Lori Irwin, WA State Assn. of GAL/CASA programs (pro); Daniel Erker, Pierce Co. Juv. Court; Paul Hansen, Superior Court Judges Assn. (con); Kurt Sharar, WA State Assn. of Counties; Margaret Casey, Juv. Ct. Admin. (pro)