

---

HOUSE BILL 2059

---

State of Washington

56th Legislature

1999 Regular Session

By Representatives Kagi, Dickerson, D. Sommers, Sullivan, Tokuda, Benson, Kenney, Schual-Berke and Santos

Read first time 02/15/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to guardian ad litem; and amending RCW 13.34.100.

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

3 **Sec. 1.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read  
4 as follows:

5 (1) The court shall appoint a guardian ad litem for a child who is  
6 the subject of an action under this chapter(~~(, unless a court for good~~  
7 ~~cause finds the appointment unnecessary)~~). The requirement of a  
8 guardian ad litem may be deemed satisfied if the child is represented  
9 by independent counsel in the proceedings.

10 (2) If the court does not have available to it a guardian ad litem  
11 program with a sufficient number of volunteers, the court may appoint  
12 a suitable person to act as guardian ad litem for the child under this  
13 chapter. Another party to the proceeding or the party's employee or  
14 representative shall not be so appointed.

15 (3) Each guardian ad litem program shall maintain a background  
16 information record for each guardian ad litem in the program. The  
17 background file shall include, but is not limited to, the following  
18 information:

19 (a) Level of formal education;

- 1 (b) Training related to the guardian's duties;
- 2 (c) Number of years' experience as a guardian ad litem;
- 3 (d) Number of appointments as a guardian ad litem and the county or
- 4 counties of appointment; and
- 5 (e) Criminal history, as defined in RCW 9.94A.030.

6 The background information report shall be updated annually. As a  
7 condition of appointment, the guardian ad litem's background  
8 information record shall be made available to the court. If the  
9 appointed guardian ad litem is not a member of a guardian ad litem  
10 program the person shall provide the background information to the  
11 court.

12 Upon appointment, the guardian ad litem, or guardian ad litem  
13 program, shall provide the parties or their attorneys with a statement  
14 containing his or her training relating to the duties as a guardian ad  
15 litem and criminal history as defined in RCW 9.94A.030 for the period  
16 covering ten years prior to the appointment. The background statement  
17 shall not include identifying information that may be used to harm a  
18 guardian ad litem, such as home addresses and home telephone numbers,  
19 and for volunteer guardians ad litem the court may allow the use of  
20 maiden names or pseudonyms as necessary for their safety.

21 (4) The appointment of the guardian ad litem shall remain in effect  
22 until the court discharges the appointment or no longer has  
23 jurisdiction, whichever comes first. The guardian ad litem may also be  
24 discharged upon entry of an order of guardianship.

25 (5) A guardian ad litem through counsel, or as otherwise authorized  
26 by the court, shall have the right to present evidence, examine and  
27 cross-examine witnesses, and to be present at all hearings. A guardian  
28 ad litem shall receive copies of all pleadings and other documents  
29 filed or submitted to the court, and notice of all hearings according  
30 to court rules. The guardian ad litem shall receive all notice  
31 contemplated for a parent or other party in all proceedings under this  
32 chapter.

33 (6) If the child requests legal counsel and is age twelve or older,  
34 or if the guardian ad litem or the court determines that the child  
35 needs to be independently represented by counsel, the court may appoint  
36 an attorney to represent the child's position.

37 (7) For the purposes of child abuse prevention and treatment act  
38 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,  
39 or any related state or federal legislation, a person appointed

1 pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to  
2 represent the best interests of the minor in proceedings before the  
3 court.

4 (8) When a court-appointed special advocate or volunteer guardian  
5 ad litem is requested on a case, the program shall give the court the  
6 name of the person it recommends and the appointment shall be effective  
7 immediately. The court shall appoint the person recommended by the  
8 program. If a party in a case reasonably believes the court-appointed  
9 special advocate or volunteer is inappropriate or unqualified, the  
10 party may request a review of the appointment by the program. The  
11 program must complete the review within five judicial days and remove  
12 any appointee for good cause. If the party seeking the review is not  
13 satisfied with the outcome of the review, the party may file a motion  
14 with the court for the removal of the court-appointed special advocate  
15 on the grounds the advocate or volunteer is inappropriate or  
16 unqualified.

--- END ---