

# SENATE BILL REPORT

## SB 6207

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As of January 18, 2008

**Title:** An act relating to requiring guardian ad litem notification of allegations of child abuse or neglect.

**Brief Description:** Requiring notification of a child's guardian ad litem of allegations of abuse or neglect.

**Sponsors:** Senators Zarelli, Prentice, Hargrove and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/18/08.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** The court must appoint a guardian ad litem (GAL) for a child who is subject to a dependency action unless, for good cause, the court determines the appointment unnecessary. The appointment of a GAL is satisfied if the child is represented by an attorney. The appointment of a GAL remains in effect until the court discharges the GAL or no longer has jurisdiction in the case.

A GAL through counsel, or as otherwise authorized by the court, has the right to present evidence, examine and cross examine witnesses, and be present at all hearings. The GAL also receives notice of all hearings in the case and copies of all pleadings and other documents filed or submitted to the court.

**Summary of Bill:** When the Department of Social and Health Services (DSHS) receives a report of child abuse or neglect involving a child subject to an ongoing dependency matter, DSHS must promptly notify the GAL of the contents of the report. DSHS must also notify the GAL of the disposition of that report.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2008.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: It is very important to keep the GAL/Court Appointed Special Advocate (CASA) involved in the child's case as events occur that affect

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the child. A GAL/CASA might be in a position to assist the child in the event of a referral if they are aware of the referral.

OTHER: It is very important to share information with the GAL/CASA. In fact, in September 2006, the Children's Administration at DSHS entered into an agreement with the statewide CASA group to provide GAL/CASA with access to all records related to the GAL/CASA's client that is in the possession of the Children's Administration. The expectation is that the social workers will share the information with the GAL/CASAs in a timely manner. If this bill passed, Children's Administration would need to develop a tracking system. It would be something that could be incorporated into the new information services system, but that wouldn't occur until October 2009.

Although the practice to share information with GAL/CASAs is already in place, it is not being consistently applied across the state. The notification requirement should be expanded to include notification to the GAL/CASA of referrals received on the home in which the child is placed even if the referral does not concern the child for whom the GAL/CASA has been appointed. This would ensure another degree of vigilance on the part of the GAL/CASA and may affect recommendations the GAL/CASA makes to the court. This bill may also provide the child with enhanced emotional support from the GAL/CASA while the referral is being investigated and resolved.

**Persons Testifying:** PRO: Senator Zarelli, prime sponsor.

OTHER: Leah Stajduhar, DSHS; Mery Meinig, Office of Family and Children's Ombudsman.