

SENATE BILL REPORT

SB 5657

As of February 6, 2009

Title: An act relating to guardians ad litem.

Brief Description: Concerning background information of certain guardians ad litem.

Sponsors: Senators Roach, Holmquist, Hatfield, Swecker, Pflug, Stevens and Carrell.

Brief History:

Committee Activity: Human Services & Corrections: 2/06/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: The court in a dependency case must appoint a guardian ad litem (GAL) for a child unless the court, for good cause, finds the appointment unnecessary. The court may deem this requirement satisfied if the child is represented by an attorney.

Every GAL program must maintain a background information record for each GAL in the program. The background information must include:

- level of formal education;
- training related to GAL's duties;
- number of years experience as a GAL;
- number of GAL appointments in all counties;
- names of the counties in which the GAL was removed from the GAL program; and
- criminal history.

Compensated GALs are not required to provide a background statement.

When the court requests a CASA volunteer or volunteer GAL be appointed in a case, the program must provide the name of the person it recommends and the appointment must immediately be effective. The court must appoint the person recommended by the program.

Summary of Bill: The provisions allowing the court to find good cause to not appoint a GAL are removed. The provision permitting the appointment of an attorney for the child to suffice as a GAL is also removed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A GAL must include information on founded allegations of child abuse or neglect and a statement regarding the GAL's financial affairs in the background information report.

Programs for compensated GALs must maintain background information reports on their GALs. The background information to be maintained is the same as what is required for volunteer CASAs and GALs. The background information record must be updated annually and made available to the court. Upon appointment, the paid GAL or the compensated GAL program must make the background information report available to the parties.

Appropriation: None.

Fiscal Note: Not requested.

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: GALs have tremendous power in dependency cases and it is not always clear to the parties and the court what motivates them. Knowing more about the people who do this work keeps them honest. The Sunshine Committee voted unanimously to delve into this subject and make recommendations. When a system is closed, secrecy breeds.

OTHER: It is important to include in the background information record the information about founded allegations of child abuse or neglect. The financial reporting requirement would have a deleterious effect on the CASA/GAL program's ability to recruit and retain volunteers. The volunteers are not necessarily opposed to providing information, but the method by which this contemplates that happening would be onerous.

Persons Testifying: PRO: Senator Roach, prime sponsor.

OTHER: Ryan Murrey, State CASA Association.