

HOUSE BILL REPORT

HB 1401

As Passed House:
February 27, 2017

Title: An act relating to court removal of child welfare guardians ad litem.

Brief Description: Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath.

Sponsors: Representatives Ortiz-Self, Stonier, Ryu, Peterson, Santos, Jinkins, Appleton and Bergquist.

Brief History:

Committee Activity:

Judiciary: 1/25/17, 2/2/17 [DP].

Floor Activity:

Passed House: 2/27/17, 96-0.

Brief Summary of Bill

- Requires a court to remove a person from serving as a court-appointed special advocate or volunteer guardian ad litem (GAL) if the court is notified that the person has been removed from another county's GAL registry as the result of a grievance or if the person was found by a court to knowingly have made a materially false statement during an official proceeding under oath.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Edie Adams (786-7180).

Background:

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 guardian ad litem (GAL) is a person appointed in a court proceeding to represent the best interests of a party and to investigate and report to the court on relevant matters. In the context of a child dependency proceeding, the court must appoint a GAL to represent the best interests of the child who is the subject of the dependency. A GAL is authorized to investigate, present evidence at court hearings, submit factual reports, and make recommendations to the court regarding the child's situation and the best interests of the child.

Many GALs appointed in dependency proceedings are volunteers that work through a court-established GAL program or a court-appointed special advocate (CASA) program. When a CASA or volunteer GAL is requested on a case, the court appoints the person recommended by the CASA or GAL program. If a court does not have a GAL program with a sufficient number of volunteers, the court may appoint a suitable person who may be compensated for his or her services. Compensated GALs must be appointed based on a rotational registry system, unless the court finds there are extraordinary circumstances, or if a joint recommendation of a GAL is made by the parties.

Each GAL program must maintain a background information file on all GALs that must contain specified information, including education, training, experience, number of prior appointments, and criminal history. Upon appointment, this information must be made available to the court and to the parties. The background information file must also include the counties where the GAL was removed from a registry pursuant to a grievance process and the court and cause number of any case from which the GAL was removed for cause.

If a party has a complaint about a GAL, the party may file a grievance in superior court. Each superior court is required to adopt court rules establishing procedures for filing, investigating, and adjudicating grievances made by or against a GAL. The court must remove a GAL who misrepresents his or her qualifications from the registry pursuant to a grievance process. If a court removes a GAL based on a grievance, the court must notify the Administrative Office of the Courts (AOC), and the AOC must forward the information to the superior courts of each county in the state.

Summary of Bill:

Under child dependency laws, a court must remove any person from serving as a court-appointed special advocate or volunteer guardian ad litem if the court is notified that the person has been removed from another county's registry as the result of a grievance or if the court is otherwise made aware that the individual was found by a court to have made a materially false statement that he or she knew to be false during an official proceeding under oath.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a common sense bill that makes sure that people in charge of keeping kids safe are subject to standards that apply across the state. There was a case where a judge found a guardian ad litem (GAL) engaged in abusive use of litigation, spying, and lying under oath. This was all done for personal interest, not for the best interest of the child. This person was removed in that county but went to another county and continued to work as a GAL. Court-appointed special advocates (CASAs) and other GALs have a privileged and special position in our child dependency system. They can be very effective advocates for kids but only if they are bound by ethical rules and properly trained. People who speak out against CASAs are often retaliated against. The CASA complaint and grievance process is not adequate. The bill will provide consistency across the state and send a strong message that GALs and CASAs will be held to a high standard statewide.

(Opposed) None.

Persons Testifying: Representative Ortiz-Self, prime sponsor; and Adam Ballout, Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.