

SENATE BILL REPORT

HB 1401

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, March 22, 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: Passed House: 2/27/17, 96-0.

Committee Activity: Human Services, Mental Health & Housing: 3/21/17, 3/22/17 [DP].

Brief Summary of Bill

- Requires a court to remove a court-appointed special advocate or a volunteer guardian ad litem from serving (1) if the court is notified that another county has removed the person from its registry as a result of a grievance, or (2) when notified that a court found that the person knowingly made a materially false statement during an official proceeding under oath.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle, Hunt, Padden and Walsh.

Staff: Melissa Burke-Cain (786-7755)

Background: 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

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.

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 their 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 their 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: A court must remove a CASA or volunteer GAL from serving if the court is notified that another county has removed the person from its registry as the result of a grievance, or when notified that a court found that the person made a materially false statement that the person knew to be false during an official proceeding under oath.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill arose because of a situation in which a child's volunteer advocate was found by a court to have made a materially false statement under oath in an official proceeding. The court where the false statement occurred removed the volunteer. The volunteer went to another county to volunteer. The originating court lacked the ability to act to remove the volunteer outside their county. The second county did not believe it could act to remove a volunteer from the registry when the disqualifying conduct occurred in another jurisdiction. The bill would close that gap so that misconduct in one county would require action to remove the volunteer in other counties. The children

relying on volunteer CASAs and GALs are among the most vulnerable and deserve protection from volunteers who behave in an unethical way.

Persons Testifying: PRO: Representative Lillian Ortiz-Self, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.