

# HOUSE BILL REPORT

## SB 5895

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**As Passed House:**  
April 9, 2019

**Title:** An act relating to fingerprint background checks for guardians ad litem.

**Brief Description:** Concerning fingerprint background checks for guardians ad litem.

**Sponsors:** Senators Wilson, C., Nguyen and Darneille.

**Brief History:**

**Committee Activity:**

Human Services & Early Learning: 3/19/19, 3/22/19 [DP].

**Floor Activity:**

Passed House: 4/9/19, 96-0.

**Brief Summary of Bill**

- Allows fingerprint-based background checks of child welfare guardians ad litem to be updated every three years instead of every year.

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### HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

**Majority Report:** Do pass. Signed by 13 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Griffey, Kilduff, Klippert, Lovick and Ortiz-Self.

**Staff:** Luke Wickham (786-7146).

**Background:**

*Dependency Court Process.*

The Department of Children, Youth, and Families (DCYF) was created in 2017. In 2018 the DCYF assumed responsibility over child welfare and early learning functions previously held by the Department of Social and Health Services (DSHS) and the Department of Early Learning. On July 1, 2019, the DCYF assumes responsibility over juvenile justice programs currently administered by the DSHS.

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*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.*

Anyone, including the DCYF, may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. A court will hold a shelter care hearing within 72 hours of the child's removal and determine if the child can return home. If the child remains out of the home, there will be a dependency fact-finding hearing within 75 days of the filing of the petition.

#### *Child Welfare Guardians ad Litem.*

A child welfare guardian ad litem is a person, appointed by the court to represent the best interests of a child in a child welfare proceeding. A court-appointed special advocate, or CASA, appointed by the court is also considered to be a child welfare guardian ad litem.

A court must appoint a guardian ad litem for a child who is the subject of a dependency court action. This requirement may be satisfied if the child is represented by an independent attorney in the proceedings. The court must attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

If there is not a guardian ad litem program with enough volunteers available to the court, the court may appoint a suitable person to act as guardian ad litem.

Each guardian ad litem program must maintain a background information record for each guardian ad litem in the program that includes the:

- level of formal education;
- general training related to the guardian ad litem's duties;
- specific training related to issues faced by children in dependency court and child disability or development issues;
- length of experience as a guardian ad litem;
- number of appointments as a guardian ad litem;
- the names of any counties where the guardian ad litem was removed from a registry pursuant to a grievance action;
- founded allegations of abuse or neglect;
- results of state criminal background checks and through the Federal Bureau of Investigation; and
- criminal history including a list of state and federal prior convictions and juvenile adjudications, and any issued certificates of restoration of opportunity including information about the individual's placement on probation and incarceration.

The background information record must be updated annually.

As a condition of appointment, the background information record must be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program, a suitable person appointed by the court must provide the background information record to the court.

#### **Summary of Bill:**

Fingerprint-based background checks of child welfare guardians ad litem must be updated every three years instead of every year.

**Appropriation:** None.

**Fiscal Note:** Requested on March 11, 2019.

**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) Guardians ad litem are the eyes and ears of the court. It is important for children to have someone in court that represents the child's interests. This bill requires that fingerprint-based background checks are updated every three years instead of every year. This change aligns with the frequency of other background checks for other individuals who work with children, like school volunteers. There should be a fiscal savings from this bill.

(Opposed) None.

**Persons Testifying:** Senator Wilson, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.