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HOUSE BILL 1617

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Ortiz-Self, Farrell, and Riccelli

1 AN ACT Relating to child welfare volunteer guardian ad litem  
2 program requirements; amending RCW 13.34.102; and reenacting and  
3 amending RCW 13.34.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2 are  
6 each reenacted and amended to read as follows:

7 For purposes of this chapter:

8 (1) "Abandoned" means when the child's parent, guardian, or other  
9 custodian has expressed, either by statement or conduct, an intent to  
10 forego, for an extended period, parental rights or responsibilities  
11 despite an ability to exercise such rights and responsibilities. If  
12 the court finds that the petitioner has exercised due diligence in  
13 attempting to locate the parent, no contact between the child and the  
14 child's parent, guardian, or other custodian for a period of three  
15 months creates a rebuttable presumption of abandonment, even if there  
16 is no expressed intent to abandon.

17 (2) "Child," "juvenile," and "youth" means:

18 (a) Any individual under the age of eighteen years; or

19 (b) Any individual age eighteen to twenty-one years who is  
20 eligible to receive and who elects to receive the extended foster  
21 care services authorized under RCW 74.13.031. A youth who remains

1 dependent and who receives extended foster care services under RCW  
2 74.13.031 shall not be considered a "child" under any other statute  
3 or for any other purpose.

4 (3) "Current placement episode" means the period of time that  
5 begins with the most recent date that the child was removed from the  
6 home of the parent, guardian, or legal custodian for purposes of  
7 placement in out-of-home care and continues until: (a) The child  
8 returns home; (b) an adoption decree, a permanent custody order, or  
9 guardianship order is entered; or (c) the dependency is dismissed,  
10 whichever occurs first.

11 (4) "Department" means the department of social and health  
12 services.

13 (5) "Dependency guardian" means the person, nonprofit  
14 corporation, or Indian tribe appointed by the court pursuant to this  
15 chapter for the limited purpose of assisting the court in the  
16 supervision of the dependency.

17 (6) "Dependent child" means any child who:

18 (a) Has been abandoned;

19 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
20 person legally responsible for the care of the child;

21 (c) Has no parent, guardian, or custodian capable of adequately  
22 caring for the child, such that the child is in circumstances which  
23 constitute a danger of substantial damage to the child's  
24 psychological or physical development; or

25 (d) Is receiving extended foster care services, as authorized by  
26 RCW 74.13.031.

27 (7) "Developmental disability" means a disability attributable to  
28 intellectual disability, cerebral palsy, epilepsy, autism, or another  
29 neurological or other condition of an individual found by the  
30 secretary to be closely related to an intellectual disability or to  
31 require treatment similar to that required for individuals with  
32 intellectual disabilities, which disability originates before the  
33 individual attains age eighteen, which has continued or can be  
34 expected to continue indefinitely, and which constitutes a  
35 substantial limitation to the individual.

36 (8) "Educational liaison" means a person who has been appointed  
37 by the court to fulfill responsibilities outlined in RCW 13.34.046.

38 (9) "Extended foster care services" means residential and other  
39 support services the department is authorized to provide under RCW  
40 74.13.031. These services may include placement in licensed,

1 relative, or otherwise approved care, or supervised independent  
2 living settings; assistance in meeting basic needs; independent  
3 living services; medical assistance; and counseling or treatment.

4 (10) "Guardian" means the person or agency that: (a) Has been  
5 appointed as the guardian of a child in a legal proceeding, including  
6 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
7 legal right to custody of the child pursuant to such appointment. The  
8 term "guardian" does not include a "dependency guardian" appointed  
9 pursuant to a proceeding under this chapter.

10 (11) "Guardian ad litem" means a person, appointed by the court  
11 to represent the best interests of a child in a proceeding under this  
12 chapter, or in any matter which may be consolidated with a proceeding  
13 under this chapter. A "court-appointed special advocate" appointed by  
14 the court to be the guardian ad litem for the child, or to perform  
15 substantially the same duties and functions as a guardian ad litem,  
16 shall be deemed to be guardian ad litem for all purposes and uses of  
17 this chapter.

18 (12) "Guardian ad litem program" means a court-authorized  
19 volunteer program, which is or may be established by the superior  
20 court of the county in which such proceeding is filed, to manage all  
21 aspects of volunteer guardian ad litem representation for children  
22 alleged or found to be dependent. Such management shall include but  
23 is not limited to: Recruitment, screening, training, supervision,  
24 assignment, and discharge of volunteers.

25 (13) "Housing assistance" means appropriate referrals by the  
26 department or other supervising agencies to federal, state, local, or  
27 private agencies or organizations, assistance with forms,  
28 applications, or financial subsidies or other monetary assistance for  
29 housing. For purposes of this chapter, "housing assistance" is not a  
30 remedial service or time-limited family reunification service as  
31 described in RCW 13.34.025(2).

32 (14) "Indigent" means a person who, at any stage of a court  
33 proceeding, is:

34 (a) Receiving one of the following types of public assistance:  
35 Temporary assistance for needy families, aged, blind, or disabled  
36 assistance benefits, medical care services under RCW 74.09.035,  
37 pregnant women assistance benefits, poverty-related veterans'  
38 benefits, food stamps or food stamp benefits transferred  
39 electronically, refugee resettlement benefits, medicaid, or  
40 supplemental security income; or

1 (b) Involuntarily committed to a public mental health facility;  
2 or

3 (c) Receiving an annual income, after taxes, of one hundred  
4 twenty-five percent or less of the federally established poverty  
5 level; or

6 (d) Unable to pay the anticipated cost of counsel for the matter  
7 before the court because his or her available funds are insufficient  
8 to pay any amount for the retention of counsel.

9 (15) "Nonminor dependent" means any individual age eighteen to  
10 twenty-one years who is participating in extended foster care  
11 services authorized under RCW 74.13.031.

12 (16) "Out-of-home care" means placement in a foster family home  
13 or group care facility licensed pursuant to chapter 74.15 RCW or  
14 placement in a home, other than that of the child's parent, guardian,  
15 or legal custodian, not required to be licensed pursuant to chapter  
16 74.15 RCW.

17 (17) "Preventive services" means preservation services, as  
18 defined in chapter 74.14C RCW, and other reasonably available  
19 services, including housing assistance, capable of preventing the  
20 need for out-of-home placement while protecting the child.

21 (18) "Shelter care" means temporary physical care in a facility  
22 licensed pursuant to RCW 74.15.030 or in a home not required to be  
23 licensed pursuant to RCW 74.15.030.

24 (19) "Sibling" means a child's birth brother, birth sister,  
25 adoptive brother, adoptive sister, half-brother, or half-sister, or  
26 as defined by the law or custom of the Indian child's tribe for an  
27 Indian child as defined in RCW 13.38.040.

28 (20) "Social study" means a written evaluation of matters  
29 relevant to the disposition of the case and shall contain the  
30 following information:

31 (a) A statement of the specific harm or harms to the child that  
32 intervention is designed to alleviate;

33 (b) A description of the specific services and activities, for  
34 both the parents and child, that are needed in order to prevent  
35 serious harm to the child; the reasons why such services and  
36 activities are likely to be useful; the availability of any proposed  
37 services; and the agency's overall plan for ensuring that the  
38 services will be delivered. The description shall identify the  
39 services chosen and approved by the parent;

1 (c) If removal is recommended, a full description of the reasons  
2 why the child cannot be protected adequately in the home, including a  
3 description of any previous efforts to work with the parents and the  
4 child in the home; the in-home treatment programs that have been  
5 considered and rejected; the preventive services, including housing  
6 assistance, that have been offered or provided and have failed to  
7 prevent the need for out-of-home placement, unless the health,  
8 safety, and welfare of the child cannot be protected adequately in  
9 the home; and the parents' attitude toward placement of the child;

10 (d) A statement of the likely harms the child will suffer as a  
11 result of removal;

12 (e) A description of the steps that will be taken to minimize the  
13 harm to the child that may result if separation occurs including an  
14 assessment of the child's relationship and emotional bond with any  
15 siblings, and the agency's plan to provide ongoing contact between  
16 the child and the child's siblings if appropriate; and

17 (f) Behavior that will be expected before determination that  
18 supervision of the family or placement is no longer necessary.

19 (21) "Supervised independent living" includes, but is not limited  
20 to, apartment living, room and board arrangements, college or  
21 university dormitories, and shared roommate settings. Supervised  
22 independent living settings must be approved by the children's  
23 administration or the court.

24 (22) "Supervising agency" means an agency licensed by the state  
25 under RCW 74.15.090, or licensed by a federally recognized Indian  
26 tribe located in this state under RCW 74.15.190, that has entered  
27 into a performance-based contract with the department to provide case  
28 management for the delivery and documentation of child welfare  
29 services as defined in RCW 74.13.020.

30 (23) "Voluntary placement agreement" means, for the purposes of  
31 extended foster care services, a written voluntary agreement between  
32 a nonminor dependent who agrees to submit to the care and authority  
33 of the department for the purposes of participating in the extended  
34 foster care program.

35 (24) "Volunteer guardian ad litem coordinator" means an employee  
36 of a guardian ad litem program who has the responsibility to train,  
37 monitor, coach, supervise, and review reports for volunteer guardians  
38 ad litem.

1       **Sec. 2.** RCW 13.34.102 and 2005 c 282 s 26 are each amended to  
2 read as follows:

3       (1) All guardians ad litem must comply with the training  
4 requirements established under RCW 2.56.030(15), prior to their  
5 appointment in cases under Title 13 RCW, except that volunteer  
6 guardians ad litem or court-appointed special advocates may comply  
7 with alternative training requirements approved by the administrative  
8 office of the courts that meet or exceed the statewide requirements.

9       (2)(a) Each guardian ad litem program for compensated guardians  
10 ad litem shall establish a rotational registry system for the  
11 appointment of guardians ad litem. If a judicial district does not  
12 have a program the court shall establish the rotational registry  
13 system. Guardians ad litem shall be selected from the registry except  
14 in exceptional circumstances as determined and documented by the  
15 court. The parties may make a joint recommendation for the  
16 appointment of a guardian ad litem from the registry.

17       (b) In judicial districts with a population over one hundred  
18 thousand, a list of three names shall be selected from the registry  
19 and given to the parties along with the background information as  
20 specified in RCW 13.34.100(3), including their hourly rate for  
21 services. Each party may, within three judicial days, strike one name  
22 from the list. If more than one name remains on the list, the court  
23 shall make the appointment from the names on the list. In the event  
24 all three names are stricken the person whose name appears next on  
25 the registry shall be appointed.

26       (c) If a party reasonably believes that the appointed guardian ad  
27 litem lacks the necessary expertise for the proceeding, charges an  
28 hourly rate higher than what is reasonable for the particular  
29 proceeding, or has a conflict of interest, the party may, within  
30 three judicial days from the appointment, move for substitution of  
31 the appointed guardian ad litem by filing a motion with the court.

32       (d) The superior court shall remove any person from the guardian  
33 ad litem registry who misrepresents his or her qualifications  
34 pursuant to a grievance procedure established by the court.

35       (3) The rotational registry system shall not apply to court-  
36 appointed special advocate programs.

37       (4) Every guardian ad litem program with volunteer guardian ad  
38 litem coordinators shall ensure that those volunteer guardian ad  
39 litem coordinators supervise no more than thirty volunteer guardians  
40 ad litem, subject to funds appropriated for this specific purpose.

1       (5) In addition to existing training requirements, guardian ad  
2 litem programs must provide additional training to any volunteer  
3 guardian ad litem coordinators to include the appropriate screening  
4 of volunteer guardian ad litem reports before those reports are  
5 submitted to the court to ensure that those reports are based on  
6 objective information that is within the expertise of the volunteer  
7 guardian ad litem.

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