

Judicial Impact Fiscal Note

Bill Number: 5823 SB	Title: Guardians ad litem	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	164,155	154,155	318,310	308,310	308,310
State Subtotal \$	164,155	154,155	318,310	308,310	308,310
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$	164,155	154,155	318,310	308,310	308,310

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Request # 5823 SB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

RCW 26.12.175 (1)(a) would be amended by stating that the court shall only appoint a guardian ad litem from the guardian ad litem program or court-appointed special advocate program. It removes the language “if that program exists in the county”.

RCW 26.12.175 (1)(b) would add the language: However, all recommendations must be substantiated through accurate factual information and may only be made according to the guardian ad litem’s training and licensing. A guardian ad litem may not make recommendations based upon mental health, physical health, or other special circumstance without the aid of a licensed professional for that field of study. The court shall strike all nonprofessional recommendations from the guardian ad litem report.

RCW 26.12.175 (1)(c) would add the language: The court may not adopt or act upon the guardian ad litem report or recommendations prior to each party to the proceeding having at least thirty days to respond to any report or recommendation filed by the guardian ad litem.

RCW 26.12.175 (1)(d) would add the language: The court may not award fees for services rendered without the guardian ad litem first submitting an itemized accounting of his or her time and billing.

RCW 26.12.177 (1) would remove the language “when it is available” regarding relevant training.

RCW 26.12.177 (2)(a) would remove the language “If a judicial district does not have a program the court shall establish the rotational registry system. Language is also added to read: Cases involving mental or physical health, limiting factors under RCW 26.09.191, or other issues outside of the guardian ad litem licensing must have a licensed professional for that field appointed to assist the court in examining potential long-term effects on ability to parent.

RCW 26.12.177 (2)(c) and (d) would add language to read: Guardians ad litem must notify each party and court of any actual or potential conflicts of interest prior to accepting appointment. Failure to do so results in immediate dismissal of the guardian ad litem and all reports and documents from the court case. A party knowingly withholding conflict of interest information is guilty of a misdemeanor.

II. B - Cash Receipts Impact

No cash receipt impact.

II. C - Expenditures

Based on input from the courts, the costs to the courts could be substantial. There is insufficient data to quantify the cost, however, it is expected to be more than \$50,000.

Amendments to RCW 26.12.175 (1)(a) and RCW (2)(a) could impact the availability of guardians ad litem. If courts cannot find a guardian ad litem willing to serve, then either the parents must pay the costs of private pay evaluators or parents have to develop their own evidence by calling additional witnesses i.e school teachers, neighbors, etc. When there is a guardian ad litem, the parenting plan evidence can be heard in the course of a half or full day. This allows time for the guardian ad litem to testify, be cross examined and for the parents to testify. However, hearing such a case without having a guardian ad litem first interviewing witnesses, examining school and medical records, for example, could cause a two day trial to become a two week trial. There will also be many more temporary hearings which does not occur when a guardian ad litem is assigned. Using the assumption that an additional 8 days could be required for the trial, just two cases statewide would exceed \$50,000.

RCW 26.12.175 (1)(b) would add the language: However, all recommendations must be substantiated through accurate factual information and may only be made according to the guardian ad litem’s training and licensing. RCW 26.12.177 (2)(a) also references guardian ad litem licensing. There is currently no licensing program for guardians ad litem therefore, it is assumed that a statewide licensing program would need to be developed and managed. It is assumed the administrative office of the courts would develop this program. There would be the need for a program manager and an assistant. The assumptions are the program manager would be at a range 64L (\$75,084 salaries and \$20,981 benefits) and the assistant at a range 40L (\$42,588 salaries and \$15,502 benefits). In addition, there are one time costs for equipment and furniture of \$5,000 per person.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Salaries and Wages	117,672	117,672	235,344	235,344	235,344
Employee Benefits	36,483	36,483	72,966	72,966	72,966
Professional Service Contracts					
Goods and Other Services	10,000		10,000		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	164,155	154,155	318,310	308,310	308,310

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. D - FTE Detail

<i>Job Classification</i>	<i>Salary</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
Administrative Assistant	42,588	1.0	1.0	1.0	1.0	1.0
Program Manager	75,084	1.0	1.0	1.0	1.0	1.0
Total FTE's	117,672	2.0	2.0	2.0	2.0	2.0

Part IV: Capital Budget Impact