

(2) Section 2, page 378, Laws of 1854, section 332, page 85, Laws of 1869, section 340, page 71, Laws of 1877, section 336, Code of 1881 and RCW 6.08.020;

(3) Section 4, page 378, Laws of 1854, section 334, page 85, Laws of 1869, section 342, page 71, Laws of 1877, section 338, Code of 1881, section 4, chapter 8, Laws of 1957 and RCW 6.08.030;

(4) Section 5, page 378, Laws of 1854, section 335, page 85, Laws of 1869, section 343, page 71, Laws of 1877, section 339, Code of 1881 and RCW 6.08.040;

(5) Section 6, page 378, Laws of 1854, section 336, page 85, Laws of 1869, section 334, page 71, Laws of 1877, section 340, Code of 1881 and RCW 6.08.050;

(6) Section 3, page 378, Laws of 1854, section 33, page 85, Laws of 1869, section 341, page 71, Laws of 1877, section 337, Code of 1881, section 6, chapter 9, Laws of 1957 and RCW 6.08.060; and

(7) Section 821, chapter 442, Laws of 1987 and RCW 6.25.210.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1988.

Passed the Senate March 9, 1988.

Approved by the Governor March 23, 1988.

Filed in Office of Secretary of State March 23, 1988.

CHAPTER 232

[Engrossed House Bill No. 1585]

JUVENILE DEPENDENCY PROCEEDINGS—COURT APPOINTED GUARDIAN AD LITEM OR ATTORNEYS

AN ACT Relating to juvenile dependency proceedings; amending RCW 13.34.100, 13.04.021, and 26.12.060; reenacting and amending RCW 26.44.053; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 38, chapter 291, Laws of 1977 ex. sess. as amended by section 43, chapter 155, Laws of 1979 and RCW 13.34.100 are each amended to read as follows:

The court(~~(, at any stage of a proceeding under this chapter, may))~~ shall appoint an attorney and/or a guardian ad litem for a child who is a

party to the proceedings in all contested proceedings under this chapter unless a court, for good cause, finds the appointment unnecessary. An attorney and/or guardian ad litem may be appointed at the discretion of the court in uncontested proceedings: PROVIDED, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such attorney and/or guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter. A report by the guardian ad litem to the court shall contain, where relevant, information on the legal status of a child's membership in any Indian tribe or band.

**Sec. 2. Section 8, chapter 217, Laws of 1975 1st ex. sess. as amended by section 7, chapter 206, Laws of 1987 and by section 11, chapter 524, Laws of 1987 and RCW 26.44.053 are each reenacted and amended to read as follows:*

(1) In any contested judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child in all contested proceedings under this chapter unless a court, for good cause, finds the appointment unnecessary. An attorney and/or guardian ad litem may be appointed at the discretion of the court in uncontested proceedings: PROVIDED, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that

may as a practical matter impair or impede such person's interest in custody or control of his or her child.

*Sec. 2 was vetoed, see message at end of chapter.

Sec. 3. Section 3, chapter 291, Laws of 1977 ex. sess. as amended by section 2, chapter 155, Laws of 1979 and RCW 13.04.021 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under chapter 13.34 RCW and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 4. Section 6, chapter 50, Laws of 1949 and RCW 26.12.060 are each amended to read as follows:

The family court commissioners shall: (1) Receive all applications and complaints filed in the family court for the purpose of disposing of them pursuant to this chapter; (2) investigate the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings filed in or transferred to the family court pursuant to this chapter; (3) for the purpose of this chapter, exercise all the powers and perform all the duties of regular court commissioners; (4) hold conciliation conferences with parties to and hearings in proceedings under this chapter and make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide such supervision in connection with the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; ~~((and))~~ (7) cause such other reports to be made and records kept as will indicate the value and extent of such conciliation service; and (8) conduct hearings under chapter 13.34 RCW as provided in RCW 13.04.021.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1988.

Passed the Senate March 10, 1988.

Approved by the Governor March 23, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1988.

Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2, House Bill No. 1585, entitled:

"AN ACT Relating to juvenile dependency proceedings."

This legislation requires that all children in contested dependency proceedings have a court-appointed guardian ad litem or attorney. In uncontested hearings, the court would have discretion in making such an appointment.

The effort to make the dependency and the child abuse and neglect statutes similar to each other in this regard would put the state out of compliance with federal requirements under the Child Abuse Prevention and Treatment Act. The result will be to disqualify the state from eligibility to receive federal funds under the act. Therefore, a veto of this section is necessary to assure continued receipt of federal funds for child abuse and neglect prevention. Return of the child abuse and neglect statute to its original status still ensures that all children in contested dependency proceedings have a court-appointed guardian ad litem or attorney.

With the exception of section 2, House Bill No. 1585 is approved.

CHAPTER 233

[Substitute House Bill No. 1633]

NEIGHBORHOOD SELF-HELP PROJECTS

AN ACT Relating to neighborhood self-help projects; and adding a new section to chapter 35.21 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) Without regard to competitive bidding laws for public works, a county, city, town, school district, metropolitan park district, park and recreation district, or park and recreation service area may contract with a chamber of commerce, a service organization, a community, youth, or athletic association, or other similar association located and providing service in the immediate neighborhood, for drawing design plans, making improvements to a park, school playground, or public square, installing equipment or artworks, or providing maintenance services for the facility as a community or neighborhood project, and may reimburse the contracting association its expense. The contracting association may use volunteers in the project and provide the volunteers with clothing or tools; meals or refreshments;