

Representative Pavliga:

Chairman Manning, Vice Chairman McColley, Ranking Member Thomas, and member of the Senate Judiciary Committee. Thank you for this opportunity to provide sponsor testimony for House 226.

This bill will increase legal protections for Guardian ad Litem (will be referred to as GAL's) and Court Appointed Special Advocates (will be referred to as CASA).

This bill would make it a first degree misdemeanor for someone to abuse, threaten, or harass a guardian ad litem or a court appointed special advocate in carrying out their court mandated duties.

“GAL” are court appointed individuals that assist a domestic or juvenile court in determining what is in a minor child's or other court designated parties, best interest. GALS most often serve in dependency, neglect or abuse cases. “CASA” are volunteers who have been trained to advocate for the best interest of a child who has been abused or neglected.

Unlike GALs, they work exclusively on cases involving children. GAL's and CASA members can stay on a case for several years.

They are advocates appointed by a judge to determine what is in the best interest of a party (usually a minors or adults subject to guardianship) who do not have an attorney of their own.

These individuals serve the court, but are not afforded the same protections as officers of the court, like lawyers and judges are.

This can leave them subject to harassment, intimidation, stalking, or worse from those who disagree with their independent, court assigned assessment.

We are now seeing a shortage of GAL's and CASA because many are afraid of the repercussions they will face when giving their opinion on what is in the children's best interest.

HB 226 passed out of the House Criminal Justice Committee unanimously and pass the House with an overwhelming vote of 94-2.

As I outlined, we have a gap in the law that has two important problems we need to address.

First, we are not doing enough to protect these volunteers and court appointed men and women doing work that is hard, yet the court absolutely relies upon.

Second, without additional protections it will be more difficult to find people to serve in these roles.

A typical example is a guardian ad litem is assigned by a judge in a divorce case.

Their charge is to determine what is in the best interest of the child of the divorcing parents.

The parents often have lawyers; the children do not. That is why they are so important to our courts.

The advocate investigates the child, the parents, the family often making a custody recommendation to the court.

This is hard work and often puts the GAL in the middle of a difficult, adversarial divorce.

And, often one parent is not happy with the recommendation.

We've heard stories where these parents will stalk and threaten the advocate at home and at work.

These advocates will live in fear – and why – because they followed the court's order to make a fair decision for a child.

The law does not tolerate this behavior by a party towards a judge, lawyer, or bailiff. It should not do so with court appointed advocates.

This bill would make it a first-degree misdemeanor for someone to abuse, threaten, or harass a guardian ad litem or a court appointed special advocate in carrying out their court mandated duties.

We provide protections to other officers of the court – lawyers, judges, bailiffs – and for good reason. We need them for our courts to function. Children and adults who cannot make decisions on their own need them.

We need to protect them I would be happy to answer any questions the committee may have at this time.