

While this expert might be called upon to render an opinion on the ultimate issue of what placement is in the best interest of the child, the expert would have to concede that no consensus exists within the psychological profession as to whether a person in this role should render such an opinion, or instead only address what is in the child's psychological best interests.⁹⁹

3. How do *guardian ad litem*-experts function?

In the dissolution context, the court has a tendency to appoint just one person to be the source of all information for the court. Rarely is the person appointed subject to any limits defined by an area of expertise. Instead the appointee is often treated as if that person were an expert in all areas regarding custody.

In custody cases, courts often ask those performing the role of *guardian ad litem* to render expert opinions even though they do not have the requisite training to do so. It is assumed that they can make such a recommendation merely because they have done an investigation at the request of the court. In effect they are imbued with expertise, merely by virtue of having been placed in that role, irrespective of their actual background.¹⁰⁰ This fictional qualification as a child custody expert then becomes self-perpetuating. The more often a particular individual performs that role, the more likely that the trial court will rely on him as if he were an expert.

The judiciary and the general public assume lawyers are competent to render such an opinion in the role of a *guardian ad litem* simply because of their experience representing dissolution clients. This logic is akin to assuming that an attorney who has handled a number of soft tissue injury suits would be qualifiable as an expert on soft tissue injuries. Most courts and voluntary programs require some type of training in order to qualify for appointment as a *guardian ad litem*, but such training could be as little as seven hours.¹⁰¹ Even if the training is for up to forty hours, some amount of this time is spent dealing with administrative matters such as how to write a report, and dealing with procedural matters such as how the courts function. Very little time is spent on child development, family dynamics during stress, and the other substantive knowledge that one would expect

evaluation is determined by the nature of the question or issue raised by the referring person or the court . . .").

⁹⁹ See *id.* at 58; see generally GARY B. MELTON ET AL., *PSYCHOLOGICAL EVALUATIONS FOR THE COURTS: A HANDBOOK FOR MENTAL HEALTH PROFESSIONALS & LAWYERS* (1987); *PSYCHOLOGY*, *supra* note 95.

¹⁰⁰ See *Fernando v. Nieswandt*, 87 Wash. App. 103, 107, 940 P.2d 1380 (1997).

¹⁰¹ See, e.g., KING COUNTY (WASH.) FAM. CT., *COURT APPOINTED SPECIAL ADVOCATE PROGRAM VOLUNTEER MANUAL* 32 (1990) ("All prospective CASAs are required to attend a minimum of 7 hours of training before receiving a case assignment.").