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SENATE BILL 5145

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State of Washington

55th Legislature

1997 Regular Session

By Senators Stevens, Long, Schow and Anderson

Read first time 01/16/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to department of social and health services records  
2 of children who have died from abuse or neglect; and amending RCW  
3 74.04.060.

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

5 **Sec. 1.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read  
6 as follows:

7 For the protection of applicants and recipients, the department and  
8 the county offices and their respective officers and employees are  
9 prohibited, except as hereinafter provided, from disclosing the  
10 contents of any records, files, papers and communications, except for  
11 purposes directly connected with the administration of the programs of  
12 this title. In any judicial proceeding, except such proceeding as is  
13 directly concerned with the administration of these programs, such  
14 records, files, papers and communications, and their contents, shall be  
15 deemed privileged communications and except for the right of any  
16 individual to inquire of the office whether a named individual is a  
17 recipient of welfare assistance and such person shall be entitled to an  
18 affirmative or negative answer. However, upon written request of a  
19 parent who has been awarded visitation rights in an action for divorce

1 or separation or any parent with legal custody of the child, the  
2 department shall disclose to him or her the last known address and  
3 location of his or her natural or adopted children. The secretary  
4 shall adopt rules which establish procedures for disclosing the address  
5 of the children and providing, when appropriate, for prior notice to  
6 the custodian of the children. The notice shall state that a request  
7 for disclosure has been received and will be complied with by the  
8 department unless the department receives a copy of a court order which  
9 enjoins the disclosure of the information or restricts or limits the  
10 requesting party's right to contact or visit the other party or the  
11 child. Information supplied to a parent by the department shall be  
12 used only for purposes directly related to the enforcement of the  
13 visitation and custody provisions of the court order of separation or  
14 decree of divorce. No parent shall disclose such information to any  
15 other person except for the purpose of enforcing visitation provisions  
16 of the said order or decree.

17 The county offices shall maintain monthly at their offices a report  
18 showing the names and addresses of all recipients in the county  
19 receiving public assistance under this title, together with the amount  
20 paid to each during the preceding month.

21 If the death certificate of a child subject to agency authority  
22 under chapter 13.34, 74.13, 74.14A, 74.14B, or 74.14C RCW states that  
23 the child died from abuse or neglect, all records of the agency  
24 pertinent to the case must be made available to the Washington state  
25 senate human services and corrections committee and the Washington  
26 state house of representatives children and family services committee.

27 The provisions of this section shall not apply to duly designated  
28 representatives of approved private welfare agencies, public officials,  
29 members of legislative interim committees and advisory committees when  
30 performing duties directly connected with the administration of this  
31 title, such as regulation and investigation directly connected  
32 therewith: PROVIDED, HOWEVER, That any information so obtained by such  
33 persons or groups shall be treated with such degree of confidentiality  
34 as is required by the federal social security law.

35 It shall be unlawful, except as provided in this section, for any  
36 person, body, association, firm, corporation or other agency to  
37 solicit, publish, disclose, receive, make use of, or to authorize,  
38 knowingly permit, participate in or acquiesce in the use of any lists

1 or names for commercial or political purposes of any nature. The  
2 violation of this section shall be a gross misdemeanor.

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