

SENATE BILL REPORT

SB 5975

As Reported By Senate Committee On:
Judiciary, February 27, 2001

Title: An act relating to information requirements in family law court files.

Brief Description: Revising information requirements in family law court files.

Sponsors: Senators Costa and McCaslin.

Brief History:

Committee Activity: Judiciary: 2/26/01, 2/27/01 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: Federal law requires the Social Security number in the record for any individual who is subject to a divorce decree, support order, or paternity declaration or acknowledgment. Family law records are generally open for public viewing. Federal law also requires safeguards designed to protect the privacy rights of the parties. At any time, a party may bring a motion to seal the records and files in a civil proceeding, but this provision is not used by the parties in most family law cases. There is concern that unscrupulous persons may be using these files for identity theft.

Summary of Substitute Bill: A petition for dissolution must include the last known state of residence of each party and if the last known state is Washington, the last known county of residence. The addresses of the children are not required on the dissolution petition. All petitioners in dissolution, nonparental, family court, child support, parentage, and child custody court actions must complete a confidential information form. Parties to administrative support orders are also required to complete and update a confidential information form. In this case, the Division of Child Support may adopt rules governing the collection of the data in the confidential information form as well as collection of the names of the children, their Social Security numbers, and dates of birth.

The confidential information form includes: the parties' current residence and mailing addresses, telephone numbers, dates of birth, Social Security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court does not accept petitions, except in state initiated parentage actions, orders of child support, decrees of dissolution, or paternity orders for filing such actions, unless the confidential information form is filed. The clerk may collect the information electronically.

The clerk of the court must transmit the confidential information form or data to the Division of Child Support with a copy of the child support order and may provide copies to the state administrative agency that administers Title IV of the federal Social Security Act. An additional court rule, that clarifies the circumstances under which the confidential information form may be accessed and by whom, is currently under consideration.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on February 21, 2001.

Effective Date: The bill takes effect October 1, 2001.

Testimony For: Personal information should not be open and available to the public. The act protects the private information of individuals while providing appropriate access to the governmental agencies that need it.

Testimony Against: None.

Testified: Senator Costa, prime sponsor.