

SENATE BILL REPORT

SB 5984

As Reported By Senate Committee On:
Human Services & Corrections, February 22, 2001

Title: An act relating to public access to child dependency hearings and foster parent complaint information.

Brief Description: Changing provisions relating to public access to child dependency hearings and foster parent complaint information.

Sponsors: Senators Hargrove, Deccio, Hewitt, Long and Franklin.

Brief History:

Committee Activity: Human Services & Corrections: 2/21/01, 2/22/01 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Joan K. Mell (786-7447)

Background: Under current statutory provisions, a hearing conducted in a child dependency case is closed to the public. Child dependency cases concern the care and placement of children who are abandoned or abused and neglected. These matters are heard before the judge in juvenile court. Private confidential information is often disclosed in these matters. The media or other entities wishing to observe the proceedings are not allowed to observe these matters even under circumstances where the parties consent.

Public disclosure laws require public access to information maintained at state agencies. Certain information is precluded from this states's public disclosure laws. However, under current provisions there is no specific exception to public disclosure for unfounded complaints against licensed foster care providers. The Department of Social and Health Services licenses these providers, and has been compelled to provide unfounded complaint information about foster parents to entities other than the complainant or foster parent.

Whether information in these dependency matters is publicly available or confidential is of concern to families, the public, and the media.

Summary of Substitute Bill: Parents may request a hearing in a dependency matter be open to the public, and the court must grant the parents' request.

Unfounded complaints against a foster parent are not subject to public disclosure. A person with standing may get access to this information by court order if the court finds good cause.

Substitute Bill Compared to Original Bill: Both parents must make the request.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Child dependency matters should be accessible to the public to assure appropriate scrutiny to these otherwise confidential matters. Public officials have in some cases provided information to the court seemingly inaccurate. Constitutional law requires open public hearings unless the particular case requires otherwise. The court and participants in dependency matters would be more professional if subject to public scrutiny. Communication in a closed hearing is ineffective. The state uses closed cases to hide its actions.

Testimony Against: The provision regarding foster care complaint information negatively impacts public safety. A two-subject rule may be applicable. The department is concerned about open hearings because of federal confidentiality rules. Superior court judges oppose Section 1 because the parent is able to choose whether to open the court. The court would prefer statutory criteria for determining which cases should be open.

Testified: PRO: Dave Wood, Stephen Zimmermann Sr., Lori Jackson, Families United; Adam Simpson, parent; Lawrence Hiatt, citizen; Laurie Lippold, Children's Home Society; Edward Campbell, Attorney for Parents (concerns); Rowland Thompson, Allied Daily Newspaper (pro on Section one, con on Section 2); Martha Harden, Superior Court Judges Association (con on Section 1, NP on Section 2); M. Conner, DSHS Children's Administration (concerns); Bill Orton, parent.