
**Children & Family Services
Committee**

HB 1236

Brief Description: Providing public access to child dependency hearings.

Sponsors: Representatives Kagi, Boldt, Pettigrew, Darneille, Moeller, Clibborn, Roach, Armstrong, Jarrett, Lantz, Kenney, Benson, Shabro, Anderson and Mielke.

Brief Summary of Bill

- Requires that all dependency and termination of parental rights hearings must be open to the public unless the judge finds that excluding the public is in the best interests of the child.

Hearing Date: 1/29/03

Staff: Sonja Hallum (786-7092).

Background:

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations. If the conditions are sufficient to meet the statutory requirements of a "dependent" child the Department of Social and Health Services (Department) may file a dependency petition with the court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

The court may order the parent to engage in services to correct the parental deficiencies which lead to the finding of dependency. If the parent fails to correct the parental deficiencies, the Department may file a petition requesting termination of parental rights (termination). If the court finds the state has proven the statutory requirements, the court may terminate the parent's rights to the child. The parent then has no further rights to the child than would any other non-related person.

Dependency and termination hearings have traditionally been closed to the public. States have been increasingly moving towards opening these hearings to the public. The states which have opted to open their dependency and termination proceedings to the public vary on

the extent of the openness of the hearings and the access allowed to the documents from the hearings.

There is no federal law specifically requiring that dependency or termination proceedings be either open or closed to the public. There are, however, federal provisions which provide funding to the states for the services such as foster care, social security, and other social services. These federal funding provisions require states to follow certain conditions in order to obtain the funding. One of the requirements is the maintenance of confidentiality.

Dependency and termination hearings are closed to the public in Washington.

Summary of Bill:

The public will not be excluded from any dependency and termination hearings unless the judge finds that excluding the public is in the best interests of the child.

Appropriation: None.

Fiscal Note: Not Requested.

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