

1878

Sponsor(s): Representatives Dickerson and Pettigrew

Brief Description: Providing the courts access to information in third-party custody petitions.

HB 1878 - DIGEST

(DIGEST AS ENACTED)

Provides that, before granting any order regarding the custody of a child under chapter 26.10 RCW, the court shall consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

Provides that, before entering a final order, the court shall:
(1) Direct the department of social and health services to release information as provided under RCW 13.50.100; and

(2) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

Provides that information that may be released shall be limited to information regarding investigations in which: (a) The juvenile was an alleged victim of abandonment or abuse or neglect; or (b) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department subsequent to October 1, 1998.

Provides that additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

Provides that any disclosure of records or information by the department of social and health services pursuant to this act shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

Provides that every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of the act shall apply.

Provides that every order or decree entered in any proceeding under this chapter shall contain a finding that the Indian child welfare act does or does not apply. Where there is a finding that the Indian child welfare act does apply, the decree or order must

also contain a finding that all notice requirements and evidentiary requirements under the Indian child welfare act have been satisfied.