
SUBSTITUTE SENATE BILL 6722

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Snyder, Stevens, Rasmussen and Oke)

Read first time 02/04/2000.

1 AN ACT Relating to unfounded reports of child abuse or neglect; and
2 amending RCW 13.50.100.

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

4 **Sec. 1.** RCW 13.50.100 and 1999 c 390 s 3 are each amended to read
5 as follows:

6 (1) This section governs records not covered by RCW 13.50.050.

7 (2) Records covered by this section shall be confidential and shall
8 be released only pursuant to this section and RCW 13.50.010.

9 (3) Records retained or produced by any juvenile justice or care
10 agency may be released to other participants in the juvenile justice or
11 care system only when an investigation or case involving the juvenile
12 in question is being pursued by the other participant or when that
13 other participant is assigned the responsibility of supervising the
14 juvenile. Records covered under this section and maintained by the
15 juvenile courts which relate to the official actions of the agency may
16 be entered in the state-wide juvenile court information system.

17 (4) A contracting agency or service provider of the department of
18 social and health services that provides counseling, psychological,
19 psychiatric, or medical services may release to the office of the

1 family and children's ombudsman information or records relating to
2 services provided to a juvenile who is dependent under chapter 13.34
3 RCW without the consent of the parent or guardian of the juvenile, or
4 of the juvenile if the juvenile is under the age of thirteen years,
5 unless such release is otherwise specifically prohibited by law.

6 (5) A juvenile, his or her parents, the juvenile's attorney and the
7 juvenile's parent's attorney, shall, upon request, be given access to
8 all records and information collected or retained by a juvenile justice
9 or care agency which pertain to the juvenile except:

10 (a) If it is determined by the agency that release of this
11 information is likely to cause severe psychological or physical harm to
12 the juvenile or his or her parents the agency may withhold the
13 information subject to other order of the court: PROVIDED, That if the
14 court determines that limited release of the information is
15 appropriate, the court may specify terms and conditions for the release
16 of the information; or

17 (b) If the information or record has been obtained by a juvenile
18 justice or care agency in connection with the provision of counseling,
19 psychological, psychiatric, or medical services to the juvenile, when
20 the services have been sought voluntarily by the juvenile, and the
21 juvenile has a legal right to receive those services without the
22 consent of any person or agency, then the information or record may not
23 be disclosed to the juvenile's parents without the informed consent of
24 the juvenile unless otherwise authorized by law; or

25 (c) That the department of social and health services may delete
26 the name and identifying information regarding persons or organizations
27 who have reported alleged child abuse or neglect.

28 (6) A juvenile or his or her parent denied access to any records
29 following an agency determination under subsection (5) of this section
30 may file a motion in juvenile court requesting access to the records.
31 The court shall grant the motion unless it finds access may not be
32 permitted according to the standards found in subsections (5)(a) and
33 (b) of this section.

34 (7) The person making a motion under subsection (6) of this section
35 shall give reasonable notice of the motion to all parties to the
36 original action and to any agency whose records will be affected by the
37 motion.

38 (8) Subject to the rules of discovery in civil cases, any party to
39 a proceeding seeking a declaration of dependency or a termination of

1 the parent-child relationship and any party's counsel and the guardian
2 ad litem of any party, shall have access to the records of any natural
3 or adoptive child of the parent, subject to the limitations in
4 subsection (5) of this section. A party denied access to records may
5 request judicial review of the denial. If the party prevails, he or
6 she shall be awarded attorneys' fees, costs, and an amount not less
7 than five dollars and not more than one hundred dollars for each day
8 the records were wrongfully denied.

9 (9) No unfounded allegation of child abuse or neglect as defined in
10 RCW 26.44.020(12) may be disclosed to a child-placing agency, private
11 adoption agency, or any other licensed provider.

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