

# SENATE BILL REPORT

## ESB 5379

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As Passed Senate, March 19, 2003

**Title:** An act relating to dependency petition hearings.

**Brief Description:** Revising rules for public access to dependency hearings.

**Sponsors:** Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 2/7/03, 2/14/03 [DP].  
Passed Senate: 3/19/03, 48-0.

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

**Staff:** Edith Rice (786-7444)

**Background:** Dependency proceedings are court hearings which deal with the abandonment, abuse or neglect of a child by a parent, guardian, or custodian. Due to the sensitive nature of the information presented in such proceedings, courts currently exclude the public, allowing only those who have a direct interest in the case to be present in the courtroom. Some parents have experienced this closed proceeding as intimidating and secretive.

**Summary of Bill:** All dependency hearings are open to the public unless the judge believes that the health, safety or welfare of the child would be endangered. If both parents request that the public be excluded, the judge has the ability to close the proceedings.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Parents should be able to have supportive friends or family attend these hearings that so significantly affect their families. The courtroom can be intimidating for them. The public should be able to know what these hearings are like. The judge still has discretion to close the hearing to the public if it would harm the child. Other states have open dependency hearings, and don't seem to have problems.

**Testimony Against:** Allowing anyone to attend these hearings further stigmatizes the children involved. Children can be threatened by the presence of adults they may have been

abused by. Judges won't know who everyone is in the courtroom, and so can't really protect the child's welfare. Federal law requires confidentiality in these proceedings.

**Testified:** Rick Bartholomew, Washington State Bar Assoc. Family Law Section (con); Judge Paula Casey, Superior Court Judges Assoc. (pro); LaVerne Lamoureux, Department of Social and Health Services, Children's Administration (pro w/concerns); Jule Walters, WA State CASA (concerns); Laurie Lippold, Children's Home Society (pro); Dave Wood, Families United (pro); Kim Ambrose, UWCAC (con).

**House Amendment(s):** (1) Maintains the exception in the Children & Family Services Committee striking amendment that permits a judge to close the hearing when it is in the best interests of the child rather than the exception in the underlying bill which would permit the closure of the hearing only if the open hearing would jeopardize the health, safety, or welfare of the child.

(2) Allows either parent, or the child's attorney or guardian ad litem, to request the hearing be closed and the public will be excluded if it is in the best interests of the child.

(3) Maintains the language in the Children & Family Services Committee striking amendment that permits certain people to attend the hearing regardless of whether the court has excluded the general public.

(4) Prohibits a video recording of the proceeding from being televised, broadcast, or further disseminated to the public.

(5) Permits the court to seal the court record if the court finds it is in the best interests of the child.

(6) Prohibits public access to any electronic recording of the proceedings.