

HOUSE BILL REPORT

SHB 1565

As Passed Legislature

Title: An act relating to public access to child in need of services and at-risk youth hearings.

Brief Description: Revising provisions relating to public access to child in need of services and at-risk youth hearings.

Sponsors: By House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Dickerson and Kenney).

Brief History:

Committee Activity:

Early Learning & Children's Services: 1/26/07, 1/30/07 [DPS].

Floor Activity:

Passed House: 2/23/07, 94-0.

Passed Senate: 4/11/07, 45-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires child in need of services and at-risk youth hearings to be open to the public unless the hearings are closed by the court.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

There are several different types of hearings that pertain to the welfare of children. Some of the hearings that pertain to children include child in need of services (CHINS), at-risk youth (ARY), dependency, and termination hearings.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The CHINS proceedings may be initiated by a parent or child to request the court to approve or continue an out-of-home placement. An ARY proceeding may be initiated by a parent who seeks assistance from the court in maintaining parental control over his or her child. Dependency and termination proceedings are generally initiated by the state in cases where the state is alleging the parent is not providing sufficiently appropriate care for his or her child and the state is seeking to intervene in the relationship.

The CHINS, ARY, dependency and termination hearings have traditionally been closed to the public largely due to the sensitive nature of matters that are often discussed about the children and families involved in the cases. However, states have been increasingly moving towards opening these hearings to the public. In 2003, the Washington Legislature required that the public not be excluded from any dependency or termination hearings unless the judge finds that excluding the public is in the best interests of the child.

The CHINS and ARY hearings remain closed to the public.

Summary of Substitute Bill:

The substitute bill requires that a CHINS hearing be open to the public unless the court determines that it is in the best interest of the child to close the hearing to the public.

An ARY hearing is open to the public unless the court determines that it is in the best interest of the child to close the hearing to the public or if either parent requests that the hearing be closed to the public.

At the beginning of the at-risk youth hearing, the judicial officer is required to notify the parents that either parent has the right to request that the public be excluded from the ARY hearing.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill has been around for several years. Dependency hearings have been opened for a few years. Child in Need of Services and At-Risk Youth hearings are still closed. Opening dependency court has been a good thing. Not many people attend, but it has added more oversight and has demystified the process. Having the hearings closed has also made it difficult for the courts because they have to remove everyone from the courtroom whenever one of these cases is heard.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; Martha Harden Cesar, Superior Court Judges Association; and Laurie Lippold, Children's Home Society of Washington.

Persons Signed In To Testify But Not Testifying: None.