
State Government Committee

HB 2300

Brief Description: Protecting the personal information of a person acting as a guardian ad litem.

Sponsors: Representatives Moeller, S. Hunt, Caldier, Appleton, Jinkins and Tharinger.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits public disclosure of a guardian ad litem's home address, telephone number, and certain personal identifying information under the Public Records Act.

Hearing Date: 1/12/16

Staff: Sean Flynn (786-7124).

Background:

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions in the PRA, or otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Certain personal information of public employees and volunteers held by a public agency in personnel files, employment related records, and volunteer rosters is exempt from disclosure, including the following: residential addresses and telephone numbers, electronic mail addresses, social security numbers, driver's license numbers, and emergency contact information.

Judicial Records.

The PRA does not apply to the judicial branch of government. However, the State Supreme Court recently adopted General Rule 31.1, which requires public disclosure of certain administrative records maintained by a court or judicial agency. The new rule incorporates the exemptions under the PRA, and the PRA can provide guidance in interpreting the court rule.

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.

Guardians ad Litem.

A guardian ad litem (GAL) is an individual appointed by a court to advocate for the interests of a minor or incapacitated person in the course of a particular legal action related to guardianships, child welfare dependencies, parental terminations, or family court matters. A GAL is authorized to investigate, present evidence at court hearings, submit factual reports, and make recommendations to the court.

County courts may establish a GAL program to manage the appointment of GALs in relevant cases. A county legislative authority also may establish a court-appointed special advocate (CASA) program of supervised volunteers eligible for appointment as a GAL.

A GAL must provide certain background information that is submitted to the court upon appointment, including the person's education, training, experience, criminal history for the past 10 years, and the results of state and federal criminal background checks. In counties with GAL or CASA programs, the program maintains the background information records for each GAL or CASA.

In child welfare dependency, parental termination, and family court cases, the appointed GAL's background information must be disclosed to the parties in the case, except for the criminal history and criminal background checks, as well as any identifying information that may be used to harm the GAL, such as home addresses and telephone numbers. The court may allow a volunteer GAL to use a pseudonym as necessary for his or her safety.

Summary of Bill:

An exemption is created in the PRA that prohibits disclosure of certain personal information of a GAL provided in child welfare dependency, parental termination, guardianship, and family court cases. The information exempted includes the GAL's residential address, residential telephone number, and all other identifying information that may be used to harm a GAL. The GAL may specifically request such information to be released.

Appropriation: None.

Fiscal Note: Not requested.

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