

SENATE BILL REPORT

SB 5262

As of January 28, 2015

Title: An act relating to access to juvenile case records for the Washington state office of civil legal aid.

Brief Description: Releasing juvenile case records to the Washington state office of civil legal aid.

Sponsors: Senators O'Ban, Pedersen, Darneille, Dammeier and Honeyford.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 1/26/15.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Lindsay Erickson (786-7465)

Background: The Department of Social and Health Services (DSHS) or any person may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent or custodian capable of caring for the child. If the court determines that the child is dependent, then the court will conduct periodic reviews and make determinations about the child's placement and the parents' progress in correcting parental deficiencies. Under certain circumstances, the court may order the filing of a petition for the termination of parental rights.

Pursuant to legislation enacted in 2014 – E2SSB 6126, the court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship and when there is no remaining parent with parental rights. Subject to the availability of amounts appropriated for this specific purpose, the state must pay the costs for legal services of attorneys appointed to represent children six months after termination of parental rights if those services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation workgroup.

The Office of Civil Legal Aid (OCLA) administers funds appropriated for the appointment of an attorney for a child who has no remaining parent with parental rights. OCLA may enter into contracts with counties to disburse state funds and may require a county to use attorneys under contract with OCLA to remain within appropriated amounts. Prior to disbursing state

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funds, OCLA must verify that the appointed attorneys meet the standards of practice, voluntary training, and caseload limits.

Summary of Bill: The court must release records to OCLA that are needed to implement the agency's oversight, technical assistance, and other functions associated with appointment of attorneys to children who have no remaining parent with parental rights. The records used for those purposes will be restricted to OCLA, and the agency must maintain the confidentiality of all confidential information included in the records.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: It is the job of OCLA to make sure the appointed attorneys in these circumstances are complying with practice standards. As the law currently stands, court files are confidential. This makes oversight difficult for OCLA because of the useful information contained within those files. Access to these files would allow OCLA to access pleadings, to monitor if the appointed attorneys are attending hearings, and to provide technical assistance. The language of this bill was modeled after the language that allows the Office of Public Defense to access parental information and files in dependency proceedings.

Persons Testifying: PRO: Senator O'Ban, prime sponsor; Jill Malat, OCLA.