
HOUSE BILL 1980

State of Washington

64th Legislature

2015 Regular Session

By Representative Springer

Read first time 02/04/15. Referred to Committee on State Government.

1 AN ACT Relating to implementing recommendations of the sunshine
2 committee; amending RCW 13.34.100, 42.56.230, and 70.148.060; and
3 reenacting and amending RCW 42.56.240 and 42.56.330.

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

5 **Sec. 1.** RCW 13.34.100 and 2014 c 108 s 2 are each amended to
6 read as follows:

7 (1) The court shall appoint a guardian ad litem for a child who
8 is the subject of an action under this chapter, unless a court for
9 good cause finds the appointment unnecessary. The requirement of a
10 guardian ad litem may be deemed satisfied if the child is represented
11 by an independent attorney in the proceedings. The court shall
12 attempt to match a child with special needs with a guardian ad litem
13 who has specific training or education related to the child's
14 individual needs.

15 (2) If the court does not have available to it a guardian ad
16 litem program with a sufficient number of volunteers, the court may
17 appoint a suitable person to act as guardian ad litem for the child
18 under this chapter. Another party to the proceeding or the party's
19 employee or representative shall not be so appointed.

20 (3) Each guardian ad litem program shall maintain a background
21 information record for each guardian ad litem in the program. The

1 background information record shall include, but is not limited to,
2 the following information:

3 (a) Level of formal education;

4 (b) General training related to the guardian ad litem's duties;

5 (c) Specific training related to issues potentially faced by
6 children in the dependency system;

7 (d) Specific training or education related to child disability or
8 developmental issues;

9 (e) Number of years' experience as a guardian ad litem;

10 (f) Number of appointments as a guardian ad litem and the county
11 or counties of appointment;

12 (g) The names of any counties in which the person was removed
13 from a guardian ad litem registry pursuant to a grievance action, and
14 the name of the court and the cause number of any case in which the
15 court has removed the person for cause;

16 (h) Founded allegations of abuse or neglect as defined in RCW
17 26.44.020;

18 (i) The results of an examination of state and national criminal
19 identification data. The examination shall consist of a background
20 check as allowed through the Washington state criminal records
21 privacy act under RCW 10.97.050, the Washington state patrol criminal
22 identification system under RCW 43.43.832 through 43.43.834, and the
23 federal bureau of investigation. The background check shall be done
24 through the Washington state patrol criminal identification section
25 and must include a national check from the federal bureau of
26 investigation based on the submission of fingerprints; and

27 (j) Criminal history, as defined in RCW 9.94A.030, for the period
28 covering ten years prior to the appointment.

29 The background information record shall be updated annually. As a
30 condition of appointment, the guardian ad litem's background
31 information record shall be made available to the court. If the
32 appointed guardian ad litem is not a member of a guardian ad litem
33 program a suitable person appointed by the court to act as guardian
34 ad litem shall provide the background information record to the
35 court.

36 Upon appointment, the guardian ad litem, or guardian ad litem
37 program, shall provide the parties or their attorneys with a copy of
38 the background information record containing the results of the
39 background check conducted through the Washington state patrol
40 criminal identification system under RCW 43.43.832 through 43.43.834.

1 The portion of the background information record containing the
2 results of the criminal background check and the criminal history
3 from the federal bureau of investigation shall not be disclosed to
4 the parties or their attorneys. The background information record
5 shall not include identifying information that may be used to harm a
6 guardian ad litem, such as home addresses and home telephone numbers,
7 and for volunteer guardians ad litem the court may allow the use of
8 maiden names or pseudonyms as necessary for their safety.

9 (4) The appointment of the guardian ad litem shall remain in
10 effect until the court discharges the appointment or no longer has
11 jurisdiction, whichever comes first. The guardian ad litem may also
12 be discharged upon entry of an order of guardianship.

13 (5) A guardian ad litem through an attorney, or as otherwise
14 authorized by the court, shall have the right to present evidence,
15 examine and cross-examine witnesses, and to be present at all
16 hearings. A guardian ad litem shall receive copies of all pleadings
17 and other documents filed or submitted to the court, and notice of
18 all hearings according to court rules. The guardian ad litem shall
19 receive all notice contemplated for a parent or other party in all
20 proceedings under this chapter.

21 (6)(a) The court must appoint an attorney for a child in a
22 dependency proceeding six months after granting a petition to
23 terminate the parent and child relationship pursuant to RCW 13.34.180
24 and when there is no remaining parent with parental rights.

25 The court must appoint an attorney for a child when there is no
26 remaining parent with parental rights for six months or longer prior
27 to July 1, 2014, if the child is not already represented.

28 The court may appoint one attorney to a group of siblings, unless
29 there is a conflict of interest, or such representation is otherwise
30 inconsistent with the rules of professional conduct.

31 (b) Legal services provided by an attorney appointed pursuant to
32 (a) of this subsection do not include representation of the child in
33 any appellate proceedings relative to the termination of the parent
34 and child relationship.

35 (c)(i) Subject to the availability of amounts appropriated for
36 this specific purpose, the state shall pay the costs of legal
37 services provided by an attorney appointed pursuant to (a) of this
38 subsection, if the legal services are provided in accordance with the
39 standards of practice, voluntary training, and caseload limits
40 developed and recommended by the statewide children's representation

1 work group pursuant to section 5, chapter 180, Laws of 2010. Caseload
2 limits must be calculated pursuant to (c)(ii) of this subsection.

3 (ii) Counties are encouraged to set caseloads as low as possible
4 and to account for the individual needs of the children in care.
5 Notwithstanding the caseload limits developed and recommended by the
6 statewide children's representation work group pursuant to section 5,
7 chapter 180, Laws of 2010, when one attorney represents a sibling
8 group, the first child is counted as one case, and each child
9 thereafter is counted as one-half case to determine compliance with
10 the caseload standards pursuant to (c)(i) of this subsection and RCW
11 2.53.045.

12 (iii) The office of civil legal aid is responsible for
13 implementation of (c)(i) and (ii) of this subsection as provided in
14 RCW 2.53.045.

15 (7)(a) The court may appoint an attorney to represent the child's
16 position in any dependency action on its own initiative, or upon the
17 request of a parent, the child, a guardian ad litem, a caregiver, or
18 the department.

19 (b)(i) If the court has not already appointed an attorney for a
20 child, or the child is not represented by a privately retained
21 attorney:

22 (A) The child's caregiver, or any individual, may refer the child
23 to an attorney for the purposes of filing a motion to request
24 appointment of an attorney at public expense; or

25 (B) The child or any individual may retain an attorney for the
26 child for the purposes of filing a motion to request appointment of
27 an attorney at public expense.

28 (ii) Nothing in this subsection (7)(b) shall be construed to
29 change or alter the confidentiality provisions of RCW 13.50.100.

30 (c) Pursuant to this subsection, the department or supervising
31 agency and the child's guardian ad litem shall each notify a child of
32 his or her right to request an attorney and shall ask the child
33 whether he or she wishes to have an attorney. The department or
34 supervising agency and the child's guardian ad litem shall notify the
35 child and make this inquiry immediately after:

36 (i) The date of the child's twelfth birthday;

37 (ii) Assignment of a case involving a child age twelve or older;

38 or

39 (iii) July 1, 2010, for a child who turned twelve years old
40 before July 1, 2010.

1 (d) The department or supervising agency and the child's guardian
2 ad litem shall repeat the notification and inquiry at least annually
3 and upon the filing of any motion or petition affecting the child's
4 placement, services, or familial relationships.

5 (e) The notification and inquiry is not required if the child has
6 already been appointed an attorney.

7 (f) The department or supervising agency shall note in the
8 child's individual service and safety plan, and the guardian ad litem
9 shall note in his or her report to the court, that the child was
10 notified of the right to request an attorney and indicate the child's
11 position regarding appointment of an attorney.

12 (g) At the first regularly scheduled hearing after:

13 (i) The date of the child's twelfth birthday;

14 (ii) The date that a dependency petition is filed pursuant to
15 this chapter on a child age twelve or older; or

16 (iii) July 1, 2010, for a child who turned twelve years old
17 before July 1, 2010;

18 the court shall inquire whether the child has received notice of his
19 or her right to request an attorney from the department or
20 supervising agency and the child's guardian ad litem. The court shall
21 make an additional inquiry at the first regularly scheduled hearing
22 after the child's fifteenth birthday. No inquiry is necessary if the
23 child has already been appointed an attorney.

24 (8) For the purposes of child abuse prevention and treatment act
25 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L.
26 93-247, or any related state or federal legislation, a person
27 appointed pursuant to this section shall be deemed a guardian ad
28 litem.

29 (9) When a court-appointed special advocate or volunteer guardian
30 ad litem is requested on a case, the program shall give the court the
31 name of the person it recommends. The program shall attempt to match
32 a child with special needs with a guardian ad litem who has specific
33 training or education related to the child's individual needs. The
34 court shall immediately appoint the person recommended by the
35 program.

36 (10) If a party in a case reasonably believes the court-appointed
37 special advocate or volunteer guardian ad litem is inappropriate or
38 unqualified, the party may request a review of the appointment by the
39 program. The program must complete the review within five judicial
40 days and remove any appointee for good cause. If the party seeking

1 the review is not satisfied with the outcome of the review, the party
2 may file a motion with the court for the removal of the court-
3 appointed special advocate or volunteer guardian ad litem on the
4 grounds the advocate or volunteer is inappropriate or unqualified.

5 **Sec. 2.** RCW 42.56.230 and 2014 c 142 s 1 are each amended to
6 read as follows:

7 The following personal information is exempt from public
8 inspection and copying under this chapter:

9 (1) Personal information in any files maintained for students in
10 public schools, patients or clients of public institutions or public
11 health agencies, or welfare recipients;

12 (2)(a) Personal information:

13 (i) For a child enrolled in licensed child care in any files
14 maintained by the department of early learning; or

15 (ii) For a child enrolled in a public or nonprofit program
16 serving or pertaining to children, adolescents, or students,
17 including but not limited to early learning or child care services,
18 parks and recreation programs, youth development programs, and after-
19 school programs.

20 (b) Emergency contact information under this subsection (2) may
21 be provided to appropriate authorities and medical personnel for the
22 purpose of treating the individual during an emergency situation;

23 (3) Personal information in files maintained for employees,
24 appointees, or elected officials of any public agency to the extent
25 that disclosure would violate their right to privacy;

26 (4) Information required of any taxpayer in connection with the
27 assessment or collection of any tax if the disclosure of the
28 information to other persons would: (a) Be prohibited to such persons
29 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
30 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
31 to privacy or result in unfair competitive disadvantage to the
32 taxpayer;

33 (5) Credit card numbers, debit card numbers, electronic check
34 numbers, card expiration dates, or bank or other financial (~~account~~
35 ~~numbers~~) information as defined in RCW 9.35.005 including social
36 security numbers, except when disclosure is expressly required by or
37 governed by other law;

38 (6) Personal and financial information related to a small loan or
39 any system of authorizing a small loan in RCW 31.45.093;

1 (7)(a) Any record used to prove identity, age, residential
2 address, social security number, or other personal information
3 required to apply for a driver's license or identicard.

4 (b) Information provided under RCW 46.20.111 that indicates that
5 an applicant declined to register with the selective service system.

6 (c) Any record pertaining to a vehicle license plate, driver's
7 license, or identicard issued under RCW 46.08.066 that, alone or in
8 combination with any other records, may reveal the identity of an
9 individual, or reveal that an individual is or was, performing an
10 undercover or covert law enforcement, confidential public health
11 work, public assistance fraud, or child support investigative
12 activity. This exemption does not prevent the release of the total
13 number of vehicle license plates, drivers' licenses, or identicards
14 that, under RCW 46.08.066, an agency or department has applied for,
15 been issued, denied, returned, destroyed, lost, and reported for
16 misuse.

17 (d) Any record pertaining to a vessel registration issued under
18 RCW 88.02.330 that, alone or in combination with any other records,
19 may reveal the identity of an individual, or reveal that an
20 individual is or was, performing an undercover or covert law
21 enforcement activity. This exemption does not prevent the release of
22 the total number of vessel registrations that, under RCW 88.02.330,
23 an agency or department has applied for, been issued, denied,
24 returned, destroyed, lost, and reported for misuse; and

25 (8) All information related to individual claims resolution
26 structured settlement agreements submitted to the board of industrial
27 insurance appeals under RCW 51.04.063, other than final orders from
28 the board of industrial insurance appeals.

29 Upon request by the legislature, the department of licensing
30 shall provide a report to the legislature containing all of the
31 information in subsection (7)(c) and (d) of this section that is
32 subject to public disclosure.

33 **Sec. 3.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and
34 2013 c 183 s 1 are each reenacted and amended to read as follows:

35 The following investigative, law enforcement, and crime victim
36 information is exempt from public inspection and copying under this
37 chapter:

38 (1) Specific intelligence information and specific investigative
39 records compiled by investigative, law enforcement, and penology

1 agencies, and state agencies vested with the responsibility to
2 discipline members of any profession, the nondisclosure of which is
3 essential to effective law enforcement or for the protection of any
4 person's right to privacy;

5 (2) Information revealing the identity of persons who are
6 witnesses to or victims of crime or who file complaints with
7 investigative, law enforcement, or penology agencies, other than the
8 commission, if disclosure would endanger any person's life, physical
9 safety, or property. If at the time a complaint is filed the
10 complainant, victim, or witness indicates a desire for disclosure or
11 nondisclosure, such desire shall govern. However, all complaints
12 filed with the commission about any elected official or candidate for
13 public office must be made in writing and signed by the complainant
14 under oath;

15 (3) Any records of investigative reports prepared by any state,
16 county, municipal, or other law enforcement agency pertaining to sex
17 offenses contained in chapter 9A.44 RCW or sexually violent offenses
18 as defined in RCW 71.09.020, which have been transferred to the
19 Washington association of sheriffs and police chiefs for permanent
20 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

21 (4) License applications under RCW 9.41.070; copies of license
22 applications or information on the applications may be released to
23 law enforcement or corrections agencies;

24 (5) Information revealing the identity of child victims of sexual
25 assault who are under age eighteen. Identifying information (~~(means)~~)
26 includes, but is not limited to, the child victim's name, address,
27 location, photograph, and in cases in which the child victim is a
28 relative or stepchild of the alleged perpetrator, identification of
29 the relationship between the child and the alleged perpetrator;

30 (6) Information contained in a local or regionally maintained
31 gang database as well as the statewide gang database referenced in
32 RCW 43.43.762;

33 (7) Data from the electronic sales tracking system established in
34 RCW 69.43.165;

35 (8) Information submitted to the statewide unified sex offender
36 notification and registration program under RCW 36.28A.040(6) by a
37 person for the purpose of receiving notification regarding a
38 registered sex offender, including the person's name, residential
39 address, and email address;

1 (9) Personally identifying information collected by law
2 enforcement agencies pursuant to local security alarm system programs
3 and vacation crime watch programs. Nothing in this subsection shall
4 be interpreted so as to prohibit the legal owner of a residence or
5 business from accessing information regarding his or her residence or
6 business; ((and))

7 (10) The felony firearm offense conviction database of felony
8 firearm offenders established in RCW 43.43.822; ((and))

9 (11) The identity of a state employee or officer who has in good
10 faith filed a complaint with an ethics board, as provided in RCW
11 42.52.410, or who has in good faith reported improper governmental
12 action, as defined in RCW 42.40.020, to the auditor or other public
13 official, as defined in RCW 42.40.020; and

14 (12) The following security threat group information collected
15 and maintained by the department of corrections pursuant to RCW
16 72.09.745: (a) Information that could lead to the identification of a
17 person's security threat group status, affiliation, or activities;
18 (b) information that reveals specific security threats associated
19 with the operation and activities of security threat groups; and (c)
20 information that identifies the number of security threat group
21 members, affiliates, or associates.

22 **Sec. 4.** RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are
23 each reenacted and amended to read as follows:

24 The following information relating to public utilities and
25 transportation is exempt from disclosure under this chapter:

26 (1) Records filed with the utilities and transportation
27 commission or attorney general under RCW 80.04.095 or 81.77.210 that
28 a court has determined are confidential under RCW 80.04.095 or
29 81.77.210;

30 (2) The addresses, telephone numbers, electronic contact
31 information, and customer-specific utility usage and billing
32 information in increments less than a billing cycle of the customers
33 of a public utility contained in the records or lists held by the
34 public utility of which they are customers, except that this
35 information may be released to the division of child support or the
36 agency or firm providing child support enforcement for another state
37 under Title IV-D of the federal social security act, for the
38 establishment, enforcement, or modification of a support order;

1 (3) The names, residential addresses, residential telephone
2 numbers, and other individually identifiable records held by an
3 agency in relation to a vanpool, carpool, or other ride-sharing
4 program or service(~~(; however, these records)~~). Participant's names,
5 general locations, and email addresses may be disclosed to other
6 persons who apply for ride-matching services and who need that
7 information in order to identify potential riders or drivers with
8 whom to share rides;

9 (4) The personally identifying information of current or former
10 participants or applicants in a paratransit or other transit service
11 operated for the benefit of persons with disabilities or elderly
12 persons;

13 (5) The personally identifying information of persons who acquire
14 and use transit passes or other fare payment media including, but not
15 limited to, stored value smart cards and magnetic strip cards, except
16 that an agency may disclose personally identifying information to a
17 person, employer, educational institution, or other entity that is
18 responsible, in whole or in part, for payment of the cost of
19 acquiring or using a transit pass or other fare payment media for the
20 purpose of preventing fraud(~~(, or to the news media when reporting on~~
21 ~~public transportation or public safety)~~). As used in this subsection,
22 "personally identifying information" includes acquisition or use
23 information pertaining to a specific, individual transit pass or fare
24 payment media.

25 (a) Information regarding the acquisition or use of transit
26 passes or fare payment media may be disclosed in aggregate form if
27 the data does not contain any personally identifying information.

28 (b) Personally identifying information may be released to law
29 enforcement agencies if the request is accompanied by a court order;

30 (6) Any information obtained by governmental agencies that is
31 collected by the use of a motor carrier intelligent transportation
32 system or any comparable information equipment attached to a truck,
33 tractor, or trailer; however, the information may be given to other
34 governmental agencies or the owners of the truck, tractor, or trailer
35 from which the information is obtained. As used in this subsection,
36 "motor carrier" has the same definition as provided in RCW 81.80.010;

37 (7) The personally identifying information of persons who acquire
38 and use transponders or other technology to facilitate payment of
39 tolls. This information may be disclosed in aggregate form as long as
40 the data does not contain any personally identifying information. For

1 these purposes aggregate data may include the census tract of the
2 account holder as long as any individual personally identifying
3 information is not released. Personally identifying information may
4 be released to law enforcement agencies only for toll enforcement
5 purposes. Personally identifying information may be released to law
6 enforcement agencies for other purposes only if the request is
7 accompanied by a court order; and

8 (8) The personally identifying information of persons who acquire
9 and use a driver's license or identicard that includes a radio
10 frequency identification chip or similar technology to facilitate
11 border crossing. This information may be disclosed in aggregate form
12 as long as the data does not contain any personally identifying
13 information. Personally identifying information may be released to
14 law enforcement agencies only for United States customs and border
15 protection enforcement purposes. Personally identifying information
16 may be released to law enforcement agencies for other purposes only
17 if the request is accompanied by a court order.

18 **Sec. 5.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
19 read as follows:

20 (1) All (~~examination and proprietary reports and~~) information
21 except for proprietary reports or information obtained by the
22 director and the director's staff in soliciting bids from insurers
23 and in monitoring the insurer selected by the director shall (~~not~~)
24 be made public or otherwise disclosed to any person, firm,
25 corporation, agency, association, governmental body, or other entity.

26 (2) Subsection (1) of this section notwithstanding, the director
27 may furnish all or part of examination reports prepared by the
28 director or by any person, firm, corporation, association, or other
29 entity preparing the reports on behalf of the director to:

30 (a) The Washington state insurance commissioner;

31 (b) A person or organization officially connected with the
32 insurer as officer, director, attorney, auditor, or independent
33 attorney or independent auditor; and

34 (c) The attorney general in his or her role as legal advisor to
35 the director.

36 (3) Subsection (1) of this section notwithstanding, the director
37 may furnish all or part of the examination or proprietary reports or
38 information obtained by the director to:

39 (a) The Washington state insurance commissioner; and

1 (b) A person, firm, corporation, association, governmental body,
2 or other entity with whom the director has contracted for services
3 necessary to perform his or her official duties.

4 (4) (~~Examination reports and~~) Proprietary information obtained
5 by the director and the director's staff (~~are~~) is not subject to
6 public disclosure under chapter 42.56 RCW.

7 (5) A person who violates any provision of this section is guilty
8 of a gross misdemeanor.

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