

WSR 06-07-054
RULES OF COURT
STATE SUPREME COURT

[Memorandum—March 9, 2006]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 15 AND) NO. 25700-A-850
GR 22)

The JIS Committee having recommended the adoption of the proposed amendments to GR 15 and GR 22, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the amendments will be published expeditiously and become effective July 1, 2006.

DATED at Olympia, Washington this 9th day of March, 2006.

Alexander, C.J.
C. Johnson, J. Chambers, J.
Madsen, J. Owens, J.
Sanders, J. Fairhurst, J.
Bridge, J. J. M. Johnson, J.

RULE GR 15
DESTRUCTION, AND SEALING, AND REDACTION
OF COURT RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction, and sealing, and redaction of court files, cases, records, or specified documents or material in a court file or record at all court levels records. This rule shall apply to court files, cases, records, documents, or materials in any form or format, including but not limited to hard copy, microfilm, microfiche, and automated information system format. The clerk shall maintain all documents and materials filed with the court, and shall make available for public examination all files, cases, records, documents, or materials which have not been ordered destroyed or sealed. applies to all court records, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record.

(b) Definitions and Construction of Terms.

(1) "Court file" means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).

(2) "Court record" is defined in GR 31 (c)(4).

(23) Destroy. To destroy means to obliterate a court file, case, document, or material record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.

(14) Seal. To seal means to protect from examination by the public or non and unauthorized court personnel. Sealing of a hard copy, microfilm, or microfiche is accomplished by enclosing with a fastening which must be broken before access can be obtained. Sealing of an automated information system file or record is accomplished by restricting access to authorized court personnel only. The existence of a sealed file, unless protected by statute, is available for viewing by the public on court indices, but is limited to the case number, names of the parties, the notation "case sealed", the case type in civil cases and the cause of action or charge in criminal cases. The contents of sealed documents or records within a case are not available for viewing by the public. Sealed files, documents or records may be examined by the public only after the files, documents, or records have been ordered unsealed pursuant to section (d) of this rule. A motion or order to delete, purge, remove, excise, erase, or redact shall be treated as a motion or order to seal.

(5) Redact. To redact means to protect from examination by the public and unauthorized court personnel a portion or portions or a specified court record.

(6) Restricted Personal Identifiers are defined in GR 22 (b)(6).

(7)(35) Strike. A motion or order to strike is not a motion or order to seal or destroy.

(8)(6) Vacate. To vacate means to nullify or cancel.

(e) Grounds and Procedure for Requesting the Sealing or Destruction of Court Records.

(1) Criminal Cases or Juvenile Proceedings.

(A) Destruction of Files or Records. On motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be destroyed if the court finds that such action is expressly permitted by statute. Reasonable notice of the hearing shall be given to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant. This subsection (e)(1)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) Sealing of Files and Records. Subject to the provisions of RCW 4.24 and CR 26(j), on motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be sealed if the court finds that such action is expressly permitted by statute or that there are compelling circumstances requiring such action. Reasonable notice of the hearing shall be given by the moving party to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community place-

ment, or community supervision over the affected adult or juvenile defendant.

(2) Civil Cases.

(A) Destruction of Files or Records. After entry of final judgment, no civil case file or any part thereof may be destroyed, except after files have been microfilmed as provided in RCW 36.23.065. Before entry of final judgment, civil case files or parts thereof may be destroyed only if the destruction is expressly permitted by statute. This subsection (e)(2)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) Sealing of Files or Records. On motion of any party to a civil proceeding, or on the court's own motion, and after reasonable notice to the nonmoving party and a hearing, the court may order the sealing of any files and records in the proceeding (i) to further an order entered under CR 12(f) or a protective order entered under CR 26(c); or (ii) under compelling circumstances where justice so requires.

(c) Sealing or Redacting Court Records

(1) In a civil case, the court or any party may request a hearing to seal or redact the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to seal or redact the court records. Reasonable notice of a hearing to seal must be given to all parties in the case. In a criminal case, reasonable notice of a hearing to seal or redact must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile. ~~defendant~~ **No such notice is required for motions to seal documents entered pursuant to CrR 3.1(f) or CrRLJ 3.1(f).**

(2) After the hearing, the court may order the court files and records in the proceeding, or any part thereof, to be sealed or redacted if the court makes and enters written findings that the specific sealing or redaction is justified by **identified compelling** privacy or safety concerns that outweigh the public interest in access to the court record. Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records. Sufficient privacy or safety concerns that may be weighed against the public interest include findings that:

(A) The sealing or redaction is permitted by statute; or

(B) The sealing or redaction furthers an order entered under CR 12(f) or a protective order entered under CR 26(c); or

(C) A conviction has been vacated; or

(D) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or

(E) The redaction includes only restricted personal identifiers contained in the court record; or

(F) Another identified compelling circumstance exists that requires the sealing or redaction.

(3) A court record shall not be sealed under this section when redaction will adequately resolve the issues before the court pursuant to subsection (2) above.

(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. The existence of a court file sealed in its entirety,

unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, section (d) shall apply. The order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

(5) Sealing of Specified Court Records. When the clerk receives a court order to seal specified court records the clerk shall:

(A) On the docket, preserve the docket code, document title, document or subdocument number and date of the original court records;

(B) Remove the specified court records, seal them, and return them to the file under seal or store separately. The clerk shall substitute a filler sheet for the removed sealed court record. ~~In the event the~~ If the court record ordered sealed exists in a microfilm, microfiche or other storage medium form other than paper, the clerk shall ~~limit~~ restrict access to the alternate storage medium so as to prevent unauthorized viewing of the sealed court record; and

(C) File the order to seal and the written findings supporting the order to seal. Both shall be accessible to the public.

(D) Before a court file is made available for examination, the clerk shall prevent access to the sealed court records.

(6) Procedures for Redacted Court Records. When a court record is redacted pursuant to a court order, the original court record shall be replaced in the public court file by the redacted copy. The redacted copy shall be provided by the moving party. The original unredacted court record shall be sealed following the procedures set forth in (c)(5).

(d) Procedures for Vacated Criminal Convictions. In cases where a criminal conviction has been vacated and an order to seal entered, the information in the public court indices shall be limited to the case number, case type with the notation "DV" if the case involved domestic violence, the adult or juvenile's name, and the notation "vacated."

(de) Grounds and Procedure for Requesting the Unsealing of Sealed Records.

(1) Sealed court records may be examined by the public only after the court records have been ordered unsealed pursuant to this section or after entry of a court order allowing access to a sealed court record.

(2) Criminal Cases. ~~After the entry of an order to seal all or part of a court file in a criminal proceeding, the~~ A sealed court records in a criminal case sealed shall be ordered unsealed only upon proof of compelling circumstances, unless otherwise provided by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c)(1) of this rule except:

(A) If a new criminal charge is filed and the existence of the conviction contained in a sealed record is an element of the new offense, or would constitute a statutory sentencing enhancement, or provide the basis for an exceptional sentence, upon application of the prosecuting attorney the court shall nullify the sealing order in the prior sealed case(s).

(B) If a petition is filed alleging that a person is a sexually violent predator, upon application of the prosecuting attorney the court shall nullify the sealing order as to all prior criminal records of that individual.

(23) Civil Cases. After the entry of an order to seal all or part of a court file in a civil proceeding, the records ~~A sealed court record in a civil case~~ shall be ordered unsealed only upon stipulation of all parties or upon motion and written notice to all parties and proof ~~of compelling circumstances that identified compelling circumstances for continued sealing no longer exist~~, or pursuant to RCW 4.24 or CR 26(j). If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

(34) Juvenile Proceedings. After entry of an order to seal all or part of a court file in a juvenile proceeding, ~~I~~ inspection of the ~~a sealed juvenile court record files and records~~ included in the order to seal may thereafter be ~~is~~ permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010(8) and 13.50.050 (2423). Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(~~1516~~).

(e) Clerks Duties.

(1) Destruction of Entire File. Upon receipt of a court order to destroy the entire file under the primary control of the clerk, the clerk shall:

(A) Destroy all references to the file from any applicable automated information systems; and

(B) Destroy all documents in the file, in whatever media they may be stored, except for the order to destroy.

(2) Sealing of Entire File. Upon receipt of a court order to seal the entire file under the primary control of the clerk, the clerk shall:

(A) Seal the automated file.

(B) Seal the file and secure it and all subsequently filed documents from public access, except for the order to seal.

(3) Destruction of Specified Documents. Upon receipt of a court order to destroy specified documents or materials within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket destroy any docket code information except any document or sub-document number previously assigned to the document destroyed and enter "Ordered Destroyed" for the docket entry;

(B) Destroy the appropriate documents or material in whatever media they any be stored, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy.

(4) Sealing of Specified Documents. Upon receipt of a court order to seal specified documents or material within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket, preserve the docket code, document title, document or subdocument number and date of the original documents or material;

(B) Remove the documents or material from the file, seal them, and return them to the file under seal or store separately, substituting a filler sheet for the removed sealed document. In the event the document ordered sealed exists in a microfilm, microfiche or other storage medium, the clerk shall limit access to the alternate storage medium so as to prevent unauthorized viewing of the sealed document; and

(C) File the order to seal.

(D) If the file is made available for examination, the clerk shall prevent access to the sealed records before the rest of the file is made available.

(f) **Microfilming Maintenance of Sealed Court Records.** Sealed court records may be microfilmed as provided in RCW 36.23.065 and such microfilm shall be maintained in accordance with this rule. ~~are subject to the provisions of RCW 36.23.065 and can be maintained in mediums other than paper.~~

(g) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(hg) Use of Sealed Records on Appeal. A ~~file~~ court record or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. ~~Cases~~ Court records sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

(h) **Destruction of Court Records.**

(1) The court shall not order the destruction of any court record unless expressly permitted by statute. The court shall enter written findings that cite the statutory authority for the destruction of the court record.

(2) In a civil case, the court or any party may request a hearing to destroy court records only if there is express statutory authority permitting the destruction of the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to destroy the court records only if there is express statutory authority permitting the destruction of the court records. Reasonable notice of the hearing to destroy must be given to all parties in the case. In a criminal case, reasonable notice of the hearing must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile. **defendant.**

(3) When the clerk receives a court order to destroy the entire court file the clerk shall:

(A) Remove all references to the court records from any applicable information systems maintained for or by the clerk except for accounting records, the order to destroy, and the written findings. The order to destroy and the supporting written findings shall be filed and available for viewing by the public.

(B) The accounting records shall be sealed.

(4) When the clerk receives a court order to destroy specified court records the clerk shall:

(A) On the automated docket, destroy any docket code information except any document or sub-document number previously assigned to the court record destroyed, and enter "Ordered Destroyed" for the docket entry;

(B) Destroy the appropriate court records, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy and the written findings supporting the order to destroy. Both the order and the findings shall be publicly accessible.

(5) This subsection shall not prevent the routine destruction of court records pursuant to applicable preservation and retention schedules.

(i) **Trial Exhibits.** Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(ij) **Effect on Other Statutes.** Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor in the exercise of duties conferred by statute.

(j) **Access to Juror Information.** Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

(k) **Access to Master Jury Source List.** Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

GR 22

ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT RECORDS

(a) **Purpose and Scope of this Rule.** This rule governs access to family law and guardianship case court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

(1) "Case record" means any record pertaining to a particular case or controversy maintained by the court in paper or electronic format.

(1) "Court record" is defined in GR 31 (c)(4).

(2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.

(3) "Personal Health Care Record" means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care; or (2) involves genetic parentage testing.

(3)(4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family would (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.

(4)(5) "Public access" means unrestricted access to view or copy a requested document filed in a court case court record.

(5)(6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

COMMENT

A party shall is not be required to provide a residence address, in the publicly available case record. Pattern forms shall be modified, as necessary, to reflect the intent of this rule. Parties Petitioners or counsel to a family law case must will provide a service or contact address in accordance with CR 4.1 that will be publicly available and all parties and counsel should provide a contact address if otherwise required. Pattern forms shall be modified, as necessary, to reflect the intent of this rule.

(7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

(6)(8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, retirement plan orders, as well as other financial information sealed by court order.

(c) Access to Family Law or Guardianship Case Court Records.

(1) General Policy. Except as provided in RCW 26.26.200 610(2) and subsections (c)(2) and (c)(3) below, all case court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records. Individual documents may be requested electronically.

COMMENT

This rule does not prohibit making an index of family law case records generally available to the public in electronic form. Electronic access to family law case records is limited to responses to specific requests. However, GR 31 prohibits the release of information, which will have the effect

of providing access to lists of individuals, which will be used for the purpose of facilitating a profit-making activity.

(2) **Restricted Access.** The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 2926.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (fg) and (gh) herein.

(3) **Excluded Records.** This section (c) does not apply to court records, documents, or papers that are sealed as provided in GR 15 ~~(e)(2)(B)~~, or to which access is otherwise restricted by law.

(d) Restricted Personal Identifiers Not Required-Except. Parties to a family law case or the protected person in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with GR ~~—~~(ef)(1):

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 2926.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for Judicial Information System purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (ef) of this rule.

COMMENT

Documents Court records not meeting the definition of "Sealed Financial Source Documents", "Personal Health Care Records", Retirement Plan Orders, Confidential Reports or court records that otherwise meet the definition but have not been submitted in accordance with (ef)(1) are not automatically sealed. Section (ef)(3) provides authority for the court to seal documents court records containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

(e) Filing of Reports in Family Law and Guardianship cases - Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in Family law and Guardianship cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert;

(D) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

(E) Sexual abuse evaluations; and

(F) Reports of a guardian ad litem or Court Appointed Special Advocate.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(A) Public Document. The public portion of any report shall include a simple listing of:

(i) Materials or information reviewed;

(ii) Individuals contacted;

(iii) Tests conducted or reviewed; and

(iv) Conclusions and recommendations.

(B) Sealed Document. The sealed portion of the report shall be filed with a coversheet designated: "Sealed Confidential Report." The material filed with this coversheet shall include:

(i) Detailed descriptions of material or information gathered or reviewed;

(ii) Detailed descriptions of all statements reviewed or taken;

(iii) Detailed descriptions of tests conducted or reviewed; and

(iv) Any analysis to support the conclusions and recommendations.

(3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

(ef) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases - Cover Sheet.

(1) Financial source documents, personal health care records, and confidential reports as defined in (e)(2)(B) of this rule shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS", "SEALED PERSONAL HEALTH CARE RECORDS", or "SEALED CONFIDENTIAL REPORT" for filing in the case court record of family law or guardianship cases.

(2) All financial source documents, personal health care records, or confidential reports so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, or any report containing information described in (e)(2)(B) be sealed if they have not previously automatically been sealed pursuant to this rule.

(4) These coversheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

COMMENT

See comment to (d)(3) above.

(fg) Access by Courts, Agencies, and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all court records and files in family law or guardianship cases:

(A) Judges, commissioners, and other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board, carrying out the business of the court.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Court appointed Title 11 guardians ad litem as to cases where they are actively involved.

(gh) Public Access to Restricted Case Court Records Restricted Under This Rule.

~~(1) Information filed by a party in any file or court record, that is not a sealed financial source document as defined by (b)(6) or a personal health care record, shall be available to the public, unless sealed by the court under section (e)(3), or access is restricted under section (e)(2).~~

COMMENT

If a party files documents containing "restricted personal identifiers" without following the procedure for sealing those documents provided in section (e), such documents shall be publicly available in the case record. Access to documents specifically listed in section (e)(2) is restricted. Those documents are only available to the public under the provisions of subsections (2) and (3) below.

(21) The parties may stipulate in writing to allow public access ~~to the public~~ to any files or court records otherwise restricted under section (c)(2) above.

(32) Any person may file a motion, supported by an affidavit showing good cause, for access to any ~~document~~ court record otherwise restricted under section (c)(2) above, or to be granted access to such ~~documents~~ court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

(43) The court shall allow access to ~~restricted documents~~ court records restricted under this rule, or relevant portions of ~~restricted documents~~ court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children. If the court grants access to restricted ~~documents~~ court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 06-08-003
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 23, 2006, 10:09 a.m.]

The following sections are being decodified and recodified:

Decodified	Recodified
296-304-01005	296-304-01006

Kimberly Johnson
WISHA Rules Coordinator

**WSR 06-08-004
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR**

(Council for Prevention of Child Abuse and Neglect)

[Memorandum—March 23, 2006]

Please include in the register the address for the next council meeting of the Washington council for prevention of child abuse and neglect (WCPCAN). It will take place on May 5, 2006, from 9:30 a.m. to 3 p.m. at Safeco Jackson Street Center, 306 23rd Avenue South, Suite 200, Seattle, WA 98144.

**WSR 06-08-005
PUBLIC RECORDS OFFICER
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**

[Filed March 23, 2006, 10:12 a.m.]

The official public records officer for Spokane County Air Pollution Control Authority is Barbara J. Nelson, Finance and Personnel Administrator, bjnelson@scapca.org, (509) 477-4727, ext. 116.

Barbara J. Nelson

**WSR 06-08-006
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION**

[Memorandum—March 21, 2006]

The June 20 and 21, 2006, commission meeting has been changed to June 13 and 14, 2006. The location for the meeting is the Transportation Building, 310 Maple Park Avenue S.E., Commission Boardroom, Olympia, WA.

WSR 06-08-012
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Memorandum—March 20, 2006]

The community economic revitalization board (CERB) will change the meeting location for the May 18, 2006, meeting only. The meeting location for the May meeting is the SeaTac International Airport located at 17801 Pacific Highway South, Seattle, WA 98158. The CERB meeting will be held in the international auditorium. The meeting will begin at 9:00 a.m.

WSR 06-08-018
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 24, 2006, 9:48 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: DCS Administrative Policy 1.24 How the Division of Child Support Pays Claims for DCS Liability.

Subject: How the division of child support pays claims for DCS liability.

Effective Date: March 20, 2006.

Document Description: This policy explains to division of child support (DCS) staff how the division pays claims when DCS is financially liable to an individual as a result of its actions or inactions.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

March 20, 2006
 Fran Ferry

WSR 06-08-019
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed March 27, 2006, 9:16 a.m.]

Title of Policy: Premises Isolation Requirements for Service Connections with Wastewater Pumps.

Issuing Entity: Washington state department of health, division of environmental health, office of drinking water.

Description: This policy sets direction under chapter 246-290 WAC for the backflow protection requirements for service connections to residential and nonresidential premises with wastewater pumps. Group A water system purveyors must develop and implement cross connection control programs to protect public water systems from contamination. Premises isolation requirements apply to nonresidential and residential (as defined in the policy) connections with high-health hazards.

Office Contact: Terri Notestine, Cross Connection Control Program Manager, Department of Health, Office of Drinking Water, 7211 Cleanwater Lane, Building 9, P.O. Box 47822, Olympia, WA 98504-7822.

Effective Date: February 17, 2006.

Denise A. Clifford
 Director

WSR 06-08-020
NOTICE OF PUBLIC MEETINGS
GREEN RIVER
COMMUNITY COLLEGE

[Memorandum—March 24, 2006]

The board of trustees of Community College District No. 10 has rescheduled the date of its regular May 2006 meeting, from May 18 to Monday, May 15, 2006.

WSR 06-08-021
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—March 21, 2006]

The board of trustees of Eastern Washington University will hold meetings at the Cheney campus on Wednesday and Thursday, March 22 and 23, 2006. At 4:00 p.m. on Wednesday, March 22 and at 11:30 a.m. on March 23 the board will convene an executive session according to RCW 42.30.110. Immediately following executive session on Wednesday, March 22, the board will convene the advancement committee meeting and immediately following executive session on Thursday, March 23, the board will convene in open session to discuss and take action on agenda items.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 06-08-022
PUBLIC RECORDS OFFICER
WASHINGTON STATE PATROL

[Filed March 27, 2006, 2:34 p.m.]

Ms. Gretchen Dolan is the public records officer for the Washington state patrol. In accordance with the requirements of RCW 42.17.253(2), effective July 24, 2005, please publish this information in the State Register. Her contact information has changed from the last registry and is now Ms. Gretchen Dolan, Washington State Patrol, Public Disclosure Section, P.O. Box 42631, Olympia, WA 98504-2631, mailstop 42631, (360) 753-5467, fax (360) 753-0234, Gretchen.Dolan@wsp.wa.gov.

Director Diane C. Perry
 Management Services Bureau

WSR 06-08-023
ATTORNEY GENERAL'S OFFICE

[Filed March 27, 2006, 2:55 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the State Register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by April 26, 2006. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The attorney general's office seeks public input on the following opinion request(s).

06-03-05 Request by Joseph Zarelli
State Senator, 18th District

1. **May employees exercise their rights of nonassociation with a union under RCW 41.80.100(2) based on their strongly held private religious objection to union membership, even if their objections are not based on the teachings of a church or religious body?**
2. **Who makes the determination that employees qualify for the right of nonassociation under RCW 41.80.100(2), and what proof is necessary?**
3. **May employees who pay the union fees and dues required by RCW 41.80.100 by personal check or other method instead of through a payroll deduction be discharged for failing to use the payroll deduction method?**

WSR 06-08-026
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL
FOR THE DEAF

[Memorandum—March 23, 2006]

The May Washington School for the Deaf (WSD) board of trustees [meeting] has changed as follows:

Thursday, May 18, 2006
 5:30 - 7:30 p.m.

Work study session to be held at ESD 123 (3918 West Court Street, Pasco, WA)

Friday, May 19, 2006
 9:00 a.m. - 12 noon

Board of trustees meeting to be held at ESD 123 (3918 West Court Street, Pasco, WA)

WSR 06-08-028
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—March 22, 2006]

The Washington State University board of regents academic, faculty, and student affairs will hold a committee meeting on Monday, March 27, 2006, from 9:00 - 11:00 a.m. in French Administration 436C Conference Room in Pullman, Washington and via teleconference (509) 335-6666. The purpose of the meeting is to finish the discussion from the last committee meeting involving financial aid for access and quality and an update on enrollment.

This notice is being sent by direction of the chairman of the board of regents pursuant [to] the requirements of the Open [Public] Meeting Act of 1971 (chapter 250, Laws of 1971 1st ex. sess.), as amended.

WSR 06-08-029
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Memorandum—March 22, 2006]

The board of trustees of Shoreline Community College will hold a special meeting on Wednesday, March 29, 2006, from 4:00 p.m. to 6:00 p.m. for the purpose of conducting the presidential search process. The meeting will take place in the Building 1000 Central Conference Room.

This meeting is in addition to the previous meetings listed on the letter which was sent March 3, 2006, to the code reviser's office. The code reviser's office will be notified when additional meetings are scheduled. Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further information.

WSR 06-08-035
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—March 24, 2006]

Please be advised of a revision to the 2006 meeting schedule of the Edmonds Community College board of trustees.

April 12 - Special Meeting

The board of trustees will hold a special joint meeting on April 12 with the Shoreline Community College board of trustees. It will be a social event including a dinner meeting

held at Edmonds Community College, Brier Hall, Room 105, 5:30 - 8:30 p.m.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 06-08-040
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—March 30, 2006]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, April 20, 2006, has been cancelled and rescheduled for Thursday, April 27, 2006, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, May 18, 2006, has been cancelled and rescheduled for Wednesday, May 17, 2006, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 06-08-053
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION

[Memorandum—March 30, 2006]

The following meetings of the state board of education have been scheduled:

April 28, 2006 (change of date)	SeaTac Red Lion Hotel
July 28-29, 2006	Tacoma Area

WSR 06-09-063
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—March 31, 2006]

IAC MEETING
 April 18, 2006
 NRB Room 172
 1111 Washington Street S.E.
 Olympia, WA

If you need special accommodations to participate in this meeting, please notify us by April 11, 2006, at (360) 902-2637 or TDD (360) 902-1996.

Next Meeting: June 22 and 23, 2006, E. B. Hamilton House, Vancouver.

WSR 06-08-077
PUBLIC RECORDS OFFICER
HEALTH CARE AUTHORITY

[Filed April 3, 2006, 2:31 p.m.]

This memo is to notify you of the removal of Pete Cutler from the public records officer designation for the health care authority. The list located on the Washington State Register also lists Sheri Ammerman. Please retain Sheri Ammerman as the public records officer for the health care authority.

Barney Speight
 Deputy Administrator

WSR 06-08-088
ATTORNEY GENERAL'S OFFICE

[Filed April 4, 2006, 10:33 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the State Register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by April 26, 2006. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The attorney general's office seeks public input on the following opinion request(s).

06-03-06 Request by Pam Roach
State Senator, 31st District

1. Under RCW 9.41.060(1), are corrections officers exempt from the provisions of RCW 9.41.050, requiring a concealed pistol license in order to lawfully carry a concealed weapon?
2. Under RCW 10.93.020(4), are corrections officers (who are given limited commission) limited authority Washington peace officers?
3. If the answer to question two is yes, then under RCW 9.41.010(13), are corrections officers law enforcement officers?

WSR 06-08-090
PUBLIC RECORDS OFFICER
ENVIRONMENTAL HEARINGS OFFICE

[Filed April 4, 2006, 2:09 p.m.]

This letter is to advise you that Administrative Appeals Judge Phyllis K. Macleod, 4224 6th Avenue S.E., Building 2, RoweSix, P.O. Box 40903, Lacey, WA 98504-0903, has been appointed as the public records officer for the environmental hearings office. This agency is the umbrella agency for five separate boards: (1) The pollution control hearings board, (2) the shorelines hearings board, (3) the hydraulics appeals board, (4) the forest practice appeals board, and (5) the environmental and land use hearings board. Judge Macleod will be the public records officer for all five boards.

William H. Lynch
 Director

WSR 06-08-096
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 4, 2006, 4:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-249XXX: Seattle Field Office Pilot Project for Handling Requests for Payment Records by Providers of Assisted Housing.

Subject: Seattle field office pilot project for handling requests for payment records by providers of assisted housing.

Effective Date: April 3, 2006.

Document Description: This policy explains to division of child (DCS) staff that the DCS Seattle field office is piloting a project to centralize the handling of requests for case payment records received from providers of assisted housing. It clarifies the types of requests included in the project and establishes procedures for field office staff to handle such requests received in their field office that should have been directed to the Seattle field office.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

April 3, 2006
 Fran Ferry

WSR 06-08-097
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 4, 2006, 4:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 05-003 Amended—Priority of Multiple Withholding Orders.

Subject: Prior of multiple withholding orders.

Effective Date: March 29, 2006.

Document Description: The division of child support has amended PCM 05-003 to be in compliance with RCW 26.18.090(4) which requires employers to withhold equally for multiple orders rather than proportionally. This applies when employers receive withholding notices for two or more states and has the advantage of making it easier for Washington employers to process multiple withholds.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

March 30, 2006

Fran Ferry

WSR 06-08-098
DEPARTMENT OF ECOLOGY

[Filed April 4, 2006, 4:36 p.m.]

Announcement of Modification - NPDES General Permit for Boatyards

Introduction: On November 1, 2005, Washington state department of ecology (ecology) reissued the boatyard general permit, a National Pollutant Discharge Elimination System (NPDES) and state waste discharge general permit for boatyards in Washington state. This permit became effective on December 2, 2005. The permit implements the Federal Clean Water Act and State Water Pollution Control Act. The purpose of the permit is to control the discharge of pollutants from boatyards into waters of the state.

Boatyards conducting the following activities are required to obtain coverage under this permit: Pressure washing of boat hulls; bottom and top-side painting; engine, prop, shaft, and rudder repair and replacement; hull repair, joinery, bilge cleaning; fuel and lubrication system repair or replacement; welding and grinding on the hull; buffing and waxing; top-side cleaning; MSD (marine sanitation device) repair or replacement, and other activities necessary to maintain a vessel.

Proposed Modification of the General Permit: The fact sheet accompanying the boatyard general permit showed calculations for the derivation of the benchmark for discharge of stormwater to lakes. The calculation resulted in a value of 38µg/l. A benchmark value of 77µg/l was inadvertently placed in the permit. This modification of the boatyard general permit places the correct benchmark value of 38µg/l into

the permit. You may view the modified permit at <http://www.ecy.wa.gov/programs/wq/permits/boatyrd/index.html> or request a copy from the contact listed below for obtaining additional information.

Effective Date: This permit modification becomes effective on May 20, 2006.

Appeal Procedures: Pursuant to chapter 43.21.B. [43.21B] RCW, the terms and conditions of the modification may be appealed within thirty days. An appeal must be filed as noted below.

If you choose to appeal this permit modification your notice of appeal must contain a copy of the modification you are appealing.

Your appeal must be filed with the Pollution Control Hearings Board, 4224 6th Avenue S.E., RoweSix, Building 2, P.O. Box 40903, Lacey, WA 98504-0903.

Your appeal must also be served on the Department of Ecology Appeals Coordinator, P.O. Box 47608, Olympia, WA 98504-7608.

To Obtain Additional Information: Gary Bailey, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6433, fax (360) 407-6426, e-mail gbai461@ecy.wa.gov.

If you need this information in an alternate format, please contact ecology at (360) 407-6404. If you are a person with a speech or hearing impairment, call 711 or 1-800-833-6388 for TTY.