

HOUSE BILL REPORT

HB 1864

As Reported by House Committee On:
Judiciary

Title: An act relating to information requirements in family law court files.

Brief Description: Revising information requirements in family law court files.

Sponsors: Representatives Dickerson, Casada and McIntire.

Brief History:

Committee Activity:

Judiciary: 2/22/01, 2/27/01 [DPA].

Brief Summary of Amended Bill

- Changes what type of identifying information parties must provide on child support orders, petitions for dissolutions, and paternity actions filed with a court.
- Requires that parties file a confidential form containing identifying information in lieu of listing that information on court documents.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Trudes Hutcheson (786-7384).

Background:

A petition for dissolution of marriage, legal separation, or declaration of invalidity must contain certain information, including, each party's Social Security number, last known residence, and the names, ages, and addresses of any dependent children.

All child support orders must state, among other things, the Social Security number,

residence address, date of birth, telephone number, driver's license number, and name and address of the employer of the responsible parent. Support orders must also include the Social Security number and address of the physical custodian, and the names, birth dates and Social Security numbers of the dependent children.

Information such as the party's address and the employer's name and address may be omitted if there is reason to believe that release of the address may result in physical or emotional harm to the party or child, or there is a restraining or protective order in effect.

A parent required to pay support or receiving support services from the Division of Child Support must also provide the child support registry with identifying information, such as Social Security numbers and addresses, and update that information when necessary. That information is considered private and only subject to public disclosure pursuant to agency rules. The rules generally involve restricting disclosure of address information when there is reason to believe the safety of the party or the child would be at risk.

Agencies may adopt rules when authorized by the Legislature. The Administrative Procedure Act establishes rule-making procedures and standards of review. A person may challenge an agency's rule as being invalid. In addition, the Joint Administrative Rules and Review Committee may review an agency's proposed rules.

Summary of Amended Bill:

The statutes establishing what information is required on certain court documents are changed.

Petitions for dissolution no longer are required to contain the parties' Social Security numbers and specific residences, and the addresses of dependent children.

The parties' Social Security numbers, residence addresses, dates of birth, telephone numbers, driver's license numbers, and name and address of the employer of the responsible parent is no longer required to be on child support orders. In addition, the birth dates and Social Security numbers of the children are no longer required to be on the support orders.

In court actions under the domestic relations laws, parties must use a verified and signed confidential information form or an equivalent to supply the court with identifying information, such as Social Security numbers, birth dates, driver's license numbers, and addresses.

Information required to be submitted to the state support registry and the Division of Child Support must be submitted using the confidential information form. The Division

of Child Support may adopt rules that govern the collection of such information to enforce administrative support orders. The division shall not release confidential information if the division determines that there is reason to believe that release may result in physical or emotional harm to the party or the child, or a restraining order or protective order is in effect.

The clerk of the court shall not accept the parties' petitions, orders of child support, decrees of dissolution, or paternity orders for filing unless accompanied by the confidential information form or unless the confidential information form is already on file with the court. The court may collect the information in electronic form and require parties to complete a separate confidential information form.

Any rules adopted by the agency pursuant to the bill are subject to additional standards of judicial review that, to the extent they conflict, supersede standards in the Administrative Procedure Act. The additional standards of judicial review require that the agency bear the burden of demonstrating that the agency action is authorized by law and valid. The validity of the rule may be determined upon a petition in any superior court. In determining whether the rule exceeds the agency's authority, the court must consider specific criteria.

Amended Bill Compared to Original Bill:

The amended bill makes the following changes: (a) removes the authority for the court to combine the confidential information form with any other form; (b) authorizes the court to file a confidential form in addition to collecting that information electronically; (c) allows the court to send the family law court records to the state support registry; (d) makes the act effective October 1, 2001; and (e) adds a section that states any rule-making granted to the agency under the bill is subject to specific standards of judicial review that are in addition to, or supersede, those standards in the Administrative Procedure Act.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: The bill takes effect October 1, 2001.

Testimony For: There is a real concern that the public has access to court files and all the identifying information contained in those files. The information includes Social Security numbers and other information that makes the person subject to the court document an easy target for identity theft. The confidential form provides for protection of private citizens while still complying with federal law so the state receives federal funds. Dissolution files are especially an easy source for identity thefts as they contain

personal information such as bank accounts.

Testimony Against: None.

Testified: (In support) Representative Dickerson, prime sponsor; Betty Gould, Washington State County Clerks Association; Debbie Wilke, Washington Association of County Officials; Rick Bartholomew Washington state Bar Association, Family Law Section; and Victor Moore, Office of the Administrator for the Courts, and in behalf of Justice Bobbe Bridge, Washington State Supreme Court.

(In support with amendment) David Stillman, Department of Social and Health Services, Division of Child Support.