

FINAL BILL REPORT

EHB 1864

PARTIAL VETO

C 42 L 01

Synopsis as Enacted

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

Sponsors: By Representatives Dickerson, Casada and McIntire.

House Committee on Judiciary

Senate Committee on Judiciary

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, residential 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 agency's 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 by submitting a petition for a declaration judgment with the Thurston County Superior Court. In addition, the Joint Administrative Rules and Review Committee may review an agency's proposed rules.

Summary:

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

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

The parties' Social Security numbers, residential addresses, dates of birth, telephone numbers, driver's license numbers, and name and address of the employer of the responsible parent are 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.

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 may 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 may 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 these provisions 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.

Votes on Final Passage:

House 93 0
Senate 48 0

Effective: October 1, 2001

Partial Veto Summary: The Governor vetoed the section that specified additional standards of review on any rules adopted by the agency pursuant to the act.