

**State Government Committee**

**SSB 5984**

**Brief Description:** *Changing provisions relating to public access to child dependency hearings and foster parent complaint information.*

**Sponsors:** *By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Deccio, Hewitt, Long and Franklin).*

***Brief Summary of Substitute Bill***

- *Allows dependency proceedings to be open to the public if requested by the parents.*
- *Exempts unfounded complaints against foster parents from public inspection and copying.*

**Hearing Date:** *3/26/01*

**Staff:** *Jim Morishima (786-7191).*

**Background:**

**I. Dependency Proceedings**

*If a child is a victim of abandonment, abuse, or neglect, any person may petition the juvenile court to have the child declared dependent. During a formal dependency hearing, the following issues are determined:*

- *Whether the state should formally take charge of the child;*
- *Whether a guardian ad litem should be appointed;*
- *Whether the child should be placed in shelter care;*
- *Whether the child should return home with the assistance of the Department of Social and Health Services (DSHS);*
- *Whether the child requires ongoing representation by a guardian ad litem;*
- *Whether the child should be placed in foster care;*
- *Whether parental rights should be terminated.*

*Dependency hearings are closed to the public.*

## **II. Foster Care**

*Foster care is the arrangement through which the state takes charge of a child without terminating the parental rights of the child's parents. Parents may place a child in foster care voluntarily, or may have the foster care involuntarily imposed on them by the state.*

*Complaints against foster parents are handled by the DSHS. After investigation, the DSHS classifies complaints in three ways:*

- Founded: Child abuse, more likely than not, has occurred.*
- Unfounded: Child abuse, more likely than not, has not occurred.*
- Inconclusive: A decision cannot be made that, more likely than not, child abuse did or did not occur.*

*The DSHS must maintain records of unfounded complaints for six years.*

## **III. Public Disclosure**

*The Public Disclosure Act requires that all state agencies make all public records available for public inspection and copying unless they fall within certain statutory exceptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.*

*Examples of statutory exceptions to the public records disclosure law include: a) personal information in agency files, the disclosure of which would violate an individual's right to privacy; b) records not available through pre-trial discovery that are relevant to a controversy to which an agency is a party; and c) specific intelligence information and investigative records compiled by law enforcement agencies the non-disclosure of which is essential to effective law enforcement or to protect any person's right to privacy.*

### **Summary of Bill:**

#### **I. Dependency Hearings**

*Dependency proceedings must be open to the public upon the request of the parents.*

#### **II. Foster Care**

*Unfounded complaints against a foster parent are exempt from public inspection and copying. Persons with standing in a civil or criminal matter may receive the information pursuant to a court order upon a showing of good cause.*

**Rulemaking Authority:** *No express authority.*

**Appropriation:** *None.*

***Fiscal Note: Not Requested.***

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