
SUBSTITUTE SENATE BILL 5984

State of Washington

57th Legislature

2001 Regular Session

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

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to public access to child dependency hearings and
2 foster parent complaint information; amending RCW 13.34.115; reenacting
3 and amending RCW 42.17.310; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Child dependency matters, which include the
6 placement of children in foster care, raise competing concerns between
7 public disclosure and client/provider confidentiality. The legislature
8 finds it appropriate for parents to determine whether the public should
9 have access to a child dependency court hearing, but that unfounded
10 complaints about foster parents in child dependency cases should not be
11 subject to public disclosure. Parents or others with standing may
12 access the unfounded complaint information pursuant to a court order
13 when good cause is shown.

14 **Sec. 2.** RCW 13.34.115 and 2000 c 122 s 12 are each amended to read
15 as follows:

16 All hearings may be conducted at any time or place within the
17 limits of the county, and such cases may not be heard in conjunction
18 with other business of any other division of the superior court. The

1 public shall be excluded, and only such persons may be admitted who are
2 found by the judge to have a direct interest in the case or in the work
3 of the court. The parents may request an open public hearing and the
4 court shall grant the parents' request. Unless the court states on the
5 record the reasons to disallow attendance, the court shall allow a
6 child's relatives and, if a child resides in foster care, the child's
7 foster parent, to attend all hearings and proceedings pertaining to the
8 child for the sole purpose of providing oral and written information
9 about the child and the child's welfare to the court.

10 Stenographic notes or any device which accurately records the
11 proceedings may be required as provided in other civil cases pursuant
12 to RCW 2.32.200.

13 **Sec. 3.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000
14 c 6 s 5 are each reenacted and amended to read as follows:

15 (1) The following are exempt from public inspection and copying:

16 (a) Personal information in any files maintained for students in
17 public schools, patients or clients of public institutions or public
18 health agencies, or welfare recipients.

19 (b) Personal information in files maintained for employees,
20 appointees, or elected officials of any public agency to the extent
21 that disclosure would violate their right to privacy.

22 (c) Information required of any taxpayer in connection with the
23 assessment or collection of any tax if the disclosure of the
24 information to other persons would (i) be prohibited to such persons by
25 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
26 taxpayer's right to privacy or result in unfair competitive
27 disadvantage to the taxpayer.

28 (d) Specific intelligence information and specific investigative
29 records compiled by investigative, law enforcement, and penology
30 agencies, and state agencies vested with the responsibility to
31 discipline members of any profession, the nondisclosure of which is
32 essential to effective law enforcement or for the protection of any
33 person's right to privacy.

34 (e) Information revealing the identity of persons who are witnesses
35 to or victims of crime or who file complaints with investigative, law
36 enforcement, or penology agencies, other than the public disclosure
37 commission, if disclosure would endanger any person's life, physical
38 safety, or property. If at the time a complaint is filed the

1 complainant, victim or witness indicates a desire for disclosure or
2 nondisclosure, such desire shall govern. However, all complaints filed
3 with the public disclosure commission about any elected official or
4 candidate for public office must be made in writing and signed by the
5 complainant under oath.

6 (f) Test questions, scoring keys, and other examination data used
7 to administer a license, employment, or academic examination.

8 (g) Except as provided by chapter 8.26 RCW, the contents of real
9 estate appraisals, made for or by any agency relative to the
10 acquisition or sale of property, until the project or prospective sale
11 is abandoned or until such time as all of the property has been
12 acquired or the property to which the sale appraisal relates is sold,
13 but in no event shall disclosure be denied for more than three years
14 after the appraisal.

15 (h) Valuable formulae, designs, drawings, computer source code or
16 object code, and research data obtained by any agency within five years
17 of the request for disclosure when disclosure would produce private
18 gain and public loss.

19 (i) Preliminary drafts, notes, recommendations, and intra-agency
20 memorandums in which opinions are expressed or policies formulated or
21 recommended except that a specific record shall not be exempt when
22 publicly cited by an agency in connection with any agency action.

23 (j) Records which are relevant to a controversy to which an agency
24 is a party but which records would not be available to another party
25 under the rules of pretrial discovery for causes pending in the
26 superior courts.

27 (k) Records, maps, or other information identifying the location of
28 archaeological sites in order to avoid the looting or depredation of
29 such sites.

30 (l) Any library record, the primary purpose of which is to maintain
31 control of library materials, or to gain access to information, which
32 discloses or could be used to disclose the identity of a library user.

33 (m) Financial information supplied by or on behalf of a person,
34 firm, or corporation for the purpose of qualifying to submit a bid or
35 proposal for (i) a ferry system construction or repair contract as
36 required by RCW 47.60.680 through 47.60.750 or (ii) highway
37 construction or improvement as required by RCW 47.28.070.

38 (n) Railroad company contracts filed prior to July 28, 1991, with
39 the utilities and transportation commission under RCW 81.34.070, except

1 that the summaries of the contracts are open to public inspection and
2 copying as otherwise provided by this chapter.

3 (o) Financial and commercial information and records supplied by
4 private persons pertaining to export services provided pursuant to
5 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
6 export projects pursuant to RCW 43.23.035.

7 (p) Financial disclosures filed by private vocational schools under
8 chapters 28B.85 and 28C.10 RCW.

9 (q) Records filed with the utilities and transportation commission
10 or attorney general under RCW 80.04.095 that a court has determined are
11 confidential under RCW 80.04.095.

12 (r) Financial and commercial information and records supplied by
13 businesses or individuals during application for loans or program
14 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
15 or during application for economic development loans or program
16 services provided by any local agency.

17 (s) Membership lists or lists of members or owners of interests of
18 units in timeshare projects, subdivisions, camping resorts,
19 condominiums, land developments, or common-interest communities
20 affiliated with such projects, regulated by the department of
21 licensing, in the files or possession of the department.

22 (t) All applications for public employment, including the names of
23 applicants, resumes, and other related materials submitted with respect
24 to an applicant.

25 (u) The residential addresses and residential telephone numbers of
26 employees or volunteers of a public agency which are held by the agency
27 in personnel records, employment or volunteer rosters, or mailing lists
28 of employees or volunteers.

29 (v) The residential addresses and residential telephone numbers of
30 the customers of a public utility contained in the records or lists
31 held by the public utility of which they are customers, except that
32 this information may be released to the division of child support or
33 the agency or firm providing child support enforcement for another
34 state under Title IV-D of the federal social security act, for the
35 establishment, enforcement, or modification of a support order.

36 (w)(i) The federal social security number of individuals governed
37 under chapter 18.130 RCW maintained in the files of the department of
38 health, except this exemption does not apply to requests made directly
39 to the department from federal, state, and local agencies of

1 government, and national and state licensing, credentialing,
2 investigatory, disciplinary, and examination organizations; (ii) the
3 current residential address and current residential telephone number of
4 a health care provider governed under chapter 18.130 RCW maintained in
5 the files of the department, if the provider requests that this
6 information be withheld from public inspection and copying, and
7 provides to the department an accurate alternate or business address
8 and business telephone number. On or after January 1, 1995, the
9 current residential address and residential telephone number of a
10 health care provider governed under RCW 18.130.040 maintained in the
11 files of the department shall automatically be withheld from public
12 inspection and copying unless the provider specifically requests the
13 information be released, and except as provided for under RCW
14 42.17.260(9).

15 (x) Information obtained by the board of pharmacy as provided in
16 RCW 69.45.090.

17 (y) Information obtained by the board of pharmacy or the department
18 of health and its representatives as provided in RCW 69.41.044,
19 69.41.280, and 18.64.420.

20 (z) Financial information, business plans, examination reports, and
21 any information produced or obtained in evaluating or examining a
22 business and industrial development corporation organized or seeking
23 certification under chapter 31.24 RCW.

24 (aa) Financial and commercial information supplied to the state
25 investment board by any person when the information relates to the
26 investment of public trust or retirement funds and when disclosure
27 would result in loss to such funds or in private loss to the providers
28 of this information.

29 (bb) Financial and valuable trade information under RCW 51.36.120.

30 (cc) Client records maintained by an agency that is a domestic
31 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
32 crisis center as defined in RCW 70.125.030.

33 (dd) Information that identifies a person who, while an agency
34 employee: (i) Seeks advice, under an informal process established by
35 the employing agency, in order to ascertain his or her rights in
36 connection with a possible unfair practice under chapter 49.60 RCW
37 against the person; and (ii) requests his or her identity or any
38 identifying information not be disclosed.

1 (ee) Investigative records compiled by an employing agency
2 conducting a current investigation of a possible unfair practice under
3 chapter 49.60 RCW or of a possible violation of other federal, state,
4 or local laws prohibiting discrimination in employment.

5 (ff) Business related information protected from public inspection
6 and copying under RCW 15.86.110.

7 (gg) Financial, commercial, operations, and technical and research
8 information and data submitted to or obtained by the clean Washington
9 center in applications for, or delivery of, program services under
10 chapter 70.95H RCW.

11 (hh) Information and documents created specifically for, and
12 collected and maintained by a quality improvement committee pursuant to
13 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
14 4.24.250, regardless of which agency is in possession of the
15 information and documents.

16 (ii) Personal information in files maintained in a data base
17 created under RCW 43.07.360.

18 (jj) Financial and commercial information requested by the public
19 stadium authority from any person or organization that leases or uses
20 the stadium and exhibition center as defined in RCW 36.102.010.

21 (kk) Names of individuals residing in emergency or transitional
22 housing that are furnished to the department of revenue or a county
23 assessor in order to substantiate a claim for property tax exemption
24 under RCW 84.36.043.

25 (ll) The names, residential addresses, residential telephone
26 numbers, and other individually identifiable records held by an agency
27 in relation to a vanpool, carpool, or other ride-sharing program or
28 service. However, these records may be disclosed to other persons who
29 apply for ride-matching services and who need that information in order
30 to identify potential riders or drivers with whom to share rides.

31 (mm) The personally identifying information of current or former
32 participants or applicants in a paratransit or other transit service
33 operated for the benefit of persons with disabilities or elderly
34 persons.

35 (nn) The personally identifying information of persons who acquire
36 and use transit passes and other fare payment media including, but not
37 limited to, stored value smart cards and magnetic strip cards, except
38 that an agency may disclose this information to a person, employer,
39 educational institution, or other entity that is responsible, in whole

1 or in part, for payment of the cost of acquiring or using a transit
2 pass or other fare payment media, or to the news media when reporting
3 on public transportation or public safety. This information may also
4 be disclosed at the agency's discretion to governmental agencies or
5 groups concerned with public transportation or public safety.

6 (oo) Proprietary financial and commercial information that the
7 submitting entity, with review by the department of health,
8 specifically identifies at the time it is submitted and that is
9 provided to or obtained by the department of health in connection with
10 an application for, or the supervision of, an antitrust exemption
11 sought by the submitting entity under RCW 43.72.310. If a request for
12 such information is received, the submitting entity must be notified of
13 the request. Within ten business days of receipt of the notice, the
14 submitting entity shall provide a written statement of the continuing
15 need for confidentiality, which shall be provided to the requester.
16 Upon receipt of such notice, the department of health shall continue to
17 treat information designated under this section as exempt from
18 disclosure. If the requester initiates an action to compel disclosure
19 under this chapter, the submitting entity must be joined as a party to
20 demonstrate the continuing need for confidentiality.

21 (pp) Records maintained by the board of industrial insurance
22 appeals that are related to appeals of crime victims' compensation
23 claims filed with the board under RCW 7.68.110.

24 (qq) Financial and commercial information supplied by or on behalf
25 of a person, firm, corporation, or entity under chapter 28B.95 RCW
26 relating to the purchase or sale of tuition units and contracts for the
27 purchase of multiple tuition units.

28 (rr) Any records of investigative reports prepared by any state,
29 county, municipal, or other law enforcement agency pertaining to sex
30 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
31 defined in RCW 71.09.020, which have been transferred to the Washington
32 association of sheriffs and police chiefs for permanent electronic
33 retention and retrieval pursuant to RCW 40.14.070(2)(b).

34 (ss) Credit card numbers, debit card numbers, electronic check
35 numbers, card expiration dates, or bank or other financial account
36 numbers supplied to an agency for the purpose of electronic transfer of
37 funds, except when disclosure is expressly required by law.

38 (tt) Financial information, including but not limited to account
39 numbers and values, and other identification numbers supplied by or on

1 behalf of a person, firm, corporation, limited liability company,
2 partnership, or other entity related to an application for a liquor
3 license, gambling license, or lottery retail license.

4 (uu) Records maintained by the employment security department and
5 subject to chapter 50.13 RCW if provided to another individual or
6 organization for operational, research, or evaluation purposes.

7 (vv) Individually identifiable information received by the work
8 force training and education coordinating board for research or
9 evaluation purposes.

10 (ww) Unfounded complaints against a licensed foster parent at the
11 department of social and health services. Persons with standing in a
12 civil or criminal matter may receive the information pursuant to a
13 court order upon a showing of good cause.

14 (2) Except for information described in subsection (1)(c)(i) of
15 this section and confidential income data exempted from public
16 inspection pursuant to RCW 84.40.020, the exemptions of this section
17 are inapplicable to the extent that information, the disclosure of
18 which would violate personal privacy or vital governmental interests,
19 can be deleted from the specific records sought. No exemption may be
20 construed to permit the nondisclosure of statistical information not
21 descriptive of any readily identifiable person or persons.

22 (3) Inspection or copying of any specific records exempt under the
23 provisions of this section may be permitted if the superior court in
24 the county in which the record is maintained finds, after a hearing
25 with notice thereof to every person in interest and the agency, that
26 the exemption of such records is clearly unnecessary to protect any
27 individual's right of privacy or any vital governmental function.

28 (4) Agency responses refusing, in whole or in part, inspection of
29 any public record shall include a statement of the specific exemption
30 authorizing the withholding of the record (or part) and a brief
31 explanation of how the exemption applies to the record withheld.

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