

**ESB 5379** - H COMM AMD

By Committee on Children & Family Services

ADOPTED AS AMENDED 4/14/03

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.34.115 and 2000 c 122 s 12 are each amended to  
4 read as follows:

5 (1) All hearings ((may)) shall be public, and conducted at any time  
6 or place within the limits of the county, ((and such cases may not be  
7 heard in conjunction with other business of any other division of the  
8 superior court. The public shall be excluded, and only such persons  
9 may be admitted who are found by the judge to have a direct interest in  
10 the case or in the work of the court. Unless the court states on the  
11 record the reasons to disallow attendance, the court shall allow a  
12 child's relatives and, if a child resides in foster care, the child's  
13 foster parent, to attend all hearings and proceedings pertaining to the  
14 child for the sole purpose of providing oral and written information  
15 about the child and the child's welfare to the court)) except if the  
16 judge finds that excluding the public is in the best interests of the  
17 child.

18 (2) Either parent, or the child's attorney or guardian ad litem,  
19 may move to close a hearing at any time. If the judge finds that it is  
20 in the best interests of the child the court shall exclude the public.

21 (3) If the public is excluded from the hearing, the following  
22 people may attend the closed hearing unless the judge finds it is not  
23 in the best interests of the child:

24 (a) The child's relatives;

25 (b) The child's foster parents if the child resides in foster care;

26 and

27 (c) Any person requested by the parent.

28 (4) Stenographic notes or any device which accurately records the  
29 proceedings may be required as provided in other civil cases pursuant  
30 to RCW 2.32.200.

1       (5) Any video recording of the proceedings may be released pursuant  
2 to RCW 13.50.100, however, the video recording may not be televised,  
3 broadcast, or further disseminated to the public."

EFFECT:       (1) Maintains the exception in the Children & Family Services committee striking amendment that permits a judge to close the hearing when it is in the best interests of the child rather than the exception in the underlying bill which would permit the closure of the hearing only if the open hearing would jeopardize the health, safety, or welfare of the child.

(2) Allows either parent, or the child's attorney or guardian ad litem, to request the hearing be closed and the public will be excluded if it is in the best interests of the child.

(3) Maintains the language in the underlying Children & Family Services committee striking amendment that permits certain people to attend the hearing regardless of whether the court has excluded the general public.

(4) Prohibits a video recording of the proceeding from being televised, broadcast, or further disseminated to the public.

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