

HOUSE BILL REPORT

HB 2628

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to public access to child in need of services and at-risk youth hearings.

Brief Description: Revising provisions relating to public access to child in need of services and at-risk youth hearings.

Sponsors: Representatives Kagi, Boldt, Dickerson, Delvin, Darneille, Pettigrew and Carrell.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/27/04, 2/3/04 [DP].

Brief Summary of Bill

- Requires child in need of services and at-risk youth hearings to be open to the public unless the judge finds that closing the hearings is in the best interest of the child.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

Staff: Sonja Hallum (786-7092).

Background:

There are several different types of hearings that pertain to the welfare of children. Some of the hearings that pertain to children include child in need of services (CHINS), at-risk youth (ARY), dependency, and termination hearings.

The CHINS proceedings may be initiated by a parent or child to request the court to approve or continue an out-of-home placement. An ARY proceeding may be initiated by

a parent who seeks assistance from the court in maintaining parental control over his or her child. Dependency and termination proceedings are generally initiated by the state in cases where the state is alleging the parent is not providing sufficiently appropriate care for his or her child and the state is seeking to intervene in the relationship.

The CHINS, ARY, and dependency and termination hearings have traditionally been closed to the public largely due to the sensitive nature of matters that are often discussed about the children involved in the cases. However, states have been increasingly moving towards opening these hearings to the public. In 1993, the Washington Legislature passed ESB 5379 which required that the public not be excluded from any dependency or termination hearings unless the judge finds that excluding the public is in the best interests of the child.

The CHINS and ARY hearings remain closed to the public.

Summary of Bill:

The CHINS and ARY hearings are required to be open to the public unless the judge finds that excluding the public is in the best interests of the child.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill follows the bill from last session. This was an inadvertent oversight when we opened dependency courts. Judges have said they have not seen any problems with opening hearings. In many cases, families have benefitted. There is a better understanding of the process and the role of the Department. We want to apply the same good reasoning to CHINS and ARY hearings. These kinds of hearings fall somewhere between civil and criminal cases and the public should have access. In rare cases, some individuals may be harmed, but it is for a greater good. In most cases, there is not much public interest. Closing the hearings may actually attract more interest.

Testimony Against: None.

Persons Testifying: Representative Kagi, prime sponsor; Art Cantrall, Department of Social and Health Services; Rowland Thompson, Allied Daily Newspaper; and Martha Harden, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.