
**Children & Family Services
Committee**

ESB 5379

Brief Description: Revising rules for public access to dependency hearings.

Sponsors: Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley.

Brief Summary of Engrossed Bill

- Requires that all dependency and termination of parental rights proceedings be open to the public unless the court determines the hearing should be closed based on the interests of the child or request of the parent.

Hearing Date:

Staff: Sonja Hallum (786-7092).

Background:

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the department of social and health services (department) may investigate the allegations and, if warranted, file a dependency petition with the court (dependency). If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

The court may order the parent to engage in services to correct the parental deficiencies which lead to the finding of dependency. If the parent fails to correct the parental deficiencies, the department may file a petition requesting termination of parental rights (termination). If the court finds the state has proven the statutory requirements, the court may terminate the parent's rights to the child. The parent then has no further rights to the child than would any other non-related person.

Dependency and termination hearings have traditionally been closed to the public. States have been increasingly moving towards opening these hearings to the public. The states which have opted to open their dependency and termination proceedings to the public vary on the extent of the openness of the hearings and the access allowed to the documents from the hearings.

There is no federal law specifically requiring that dependency or termination proceedings be either open or closed to the public. There are, however, federal provisions which provide funding to the states for the services such as foster care, social security, and other social services. These federal funding provisions require states to follow certain conditions in order to obtain the funding. One of the requirements is the maintenance of confidentiality regarding issues related to the funding provisions. Some of these issues may be the same as those addressed in dependency or termination hearings.

Summary of Bill:

The public will not be excluded from any dependency or termination of parental rights proceedings unless the court finds that there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized by conducting a public hearing. A parent may also request the hearing be closed to the public and it is within the court's discretion to decide to open or close the hearing to the public.

Appropriation: None.

Fiscal Note: Not Requested.

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