

# SENATE BILL REPORT

## SHB 1236

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As of March 19, 2003

**Title:** An act relating to public access to child dependency hearings.

**Brief Description:** Providing public access to child dependency hearings.

**Sponsors:** House Committee on Children & Family Services (originally sponsored by Representatives Kagi, Boldt, Pettigrew, Darneille, Moeller, Clibborn, Roach, Armstrong, Jarrett, Lantz, Kenney, Benson, Shabro, Anderson and Mielke).

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 3/21/03.

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

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**Staff:** Edith Rice (786-7444)

**Background:** Dependency proceedings are court hearings which deal with the abandonment, abuse or neglect of a child by a parent, guardian, or custodian. Due to the sensitive nature of the information presented in such proceedings, Washington courts have traditionally excluded the public, allowing only those who have a direct interest in the case to be present in the courtroom. Some parents have experienced this closed proceeding as intimidating and secretive.

Other states have opened these hearings to the public. They vary on the extent of the openness of the hearings and the access allowed to 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 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.

**Summary of Bill:** Dependency and termination hearings may be heard in conjunction with other business of the court. The public is not excluded from dependency and termination hearings unless the judge finds that excluding the public is in the best interest of the child and states the reasons for excluding the public on the record.

If the judge finds it is in the best interest of the child to close the hearing to the public, the following people may attend the hearings despite the closure:

- a. The child's relatives and foster parents may attend the hearing unless the judge finds it is not in the best interest of the child; and
- b. Any person may attend the hearing at the request of the parent unless the judge finds it is not in the best interest of the child.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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