

SENATE BILL REPORT

HB 2628

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 26, 2004

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: Children & Family Services & Corrections: 2/18/04, 2/26/04 [DPA].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Edith Rice (786-7444)

Background: There are several different types of hearings that pertain to the welfare of children. They 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 2003, 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 Amended Bill: The CHINS and ARY hearings must exclude the public unless the parents request that the proceedings be open and the court approves.

Amended Bill Compared to Original Bill: CHINS and ARY hearings are closed to the public unless the parents request that the proceedings be open and the court approves. The

original bill required that the proceedings be open to the public unless the court determined that it was in the best interests of the child to exclude the public.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: We support the concept of allowing the parents to decide if the proceeding should be open.

Testimony Against: None.

Testified: Art Cantrall, Department of Social and Health Services; Laurie Lippold, Children's Home Society.