

# SENATE BILL REPORT

## SHB 1279

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As Reported By Senate Committee On:  
Human Services & Corrections, February 23, 2006

**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:** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase).

**Brief History:** Passed House: 2/03/06, 96-0.

**Committee Activity:** Human Services & Corrections: 2/16/06, 2/23/06 [DP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

**Staff:** Shani Bauer (786-7468)

**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, 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 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:** CHINS 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. ARY hearings are required

to be open to the public. A parent may request the hearing to be closed and the judge shall exclude the public.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill was before the committee last year and was amended to address concerns regarding the parent's inability to request a closed hearing. The policy of opening up hearings is supported, but there is some concern about the disparate treatment between CHINS and ARY hearings. The court should have discretion to close either type of hearing in the court's own discretion if it is in the best interest of the child.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Kagi, prime sponsor; Martha Harden-Cesar, Superior Court Judges Association; Laurie Lippold, Children's Home Society.