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## Government Operations & Elections Committee

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### HB 1297

**Brief Description:** Implementing a recommendation of the sunshine committee.

**Sponsors:** Representatives Springer, Hunt, Appleton and Ryu; by request of Public Records Exemptions Accountability Committee.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Clarifies what information resulting from background checks of a guardian ad litem may and may not be disclosed to the parties in a parent-child termination action.</li></ul>
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**Hearing Date:** 2/5/13

**Staff:** Marsha Reilly (786-7135).

**Background:**

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

Under any proceeding related to terminating a parent-child relationship, the courts must appoint a *guardian ad litem* for any child. A *guardian ad litem* is an individual appointed by the court to represent the best interests of a child or incapacitated person involved in a case in superior court. Persons wishing to be a guardian ad litem must apply to the guardian ad litem program in each county. Counties must maintain information for each guardian ad litem in the program, which is updated annually, including, but not limited to:

- level of formal education;
- general training related to the guardian ad litem's duties;

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- specific training related to issues potentially faced by children in the dependency system;
- specific training or education related to child disability or developmental issues;
- number of years' experience as a guardian ad litem;
- number of appointments as a guardian ad litem and the county or counties of appointment;
- the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;
- founded allegations of abuse or neglect;
- results of a background check through the Washington state criminal records privacy act, the Washington State Patrol criminal identification system, and the Federal Bureau of Investigation; and
- criminal history for the period covering ten years prior to the appointment.

The background information must be provided to the parties or their attorneys involved in the action. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys, and may not include background information that includes identifying information that may be used to harm the guardian ad litem.

**Summary of Bill:**

The background information that may and may not be disclosed to the parties or their attorneys in an action is clarified. The results of the background check conducted through the Washington State Patrol criminal identification system may be provided. The results of the criminal background check and the criminal history from the Federal Bureau of Investigation may not be disclosed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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