

# SENATE BILL REPORT

## SB 5170

---

---

As of February 7, 2013

**Title:** An act relating to implementing a recommendation of the sunshine committee.

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

**Sponsors:** Senators Roach and Hasegawa; by request of Public Records Exemptions Accountability Committee.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/28/13.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Joan Miller (786-7784)

**Background:** In 2007, the Legislature passed Substitute Senate Bill 5435, which created the Sunshine Committee (Committee), formally known as the Public Records Exemption Accountability Committee. The Committee is charged with reviewing all public disclosure exemptions and providing recommendations to the Legislature as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated.

By November 15 of each year, the Committee must transmit its recommendations to the Governor, the Attorney General, and the appropriate committees of the Legislature. In 2012, the Committee report contained three recommendations for the Legislature to consider, including the public disclosure of a guardian ad litem's criminal background check.

Each guardian ad litem program must maintain a background information record for each guardian in the program. Currently, the portion of the background information record containing the results of the criminal background check and the criminal history, regardless of whether it came from the Washington State Patrol (WSP) or the Federal Bureau of Investigation (FBI), may not be disclosed to parties or their attorneys.

**Summary of Bill:** The appointed guardian ad litem or the guardian ad litem program must provide the parties and their attorneys with a copy of the background information record containing the results of the background check conducted through the WSP's criminal

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

identification system. Disclosure of the results of the FBI's criminal background check remains prohibited.

**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.

**Staff Summary of Public Testimony:** PRO: This recommendation was first proposed in 2010, and the Sunshine Committee had a series of hearings about this exemption. It is really important when we are dealing with children that we know about any criminal records that are part of a background check. Similar to school teachers, we need backgrounds on guardians ad litem (GAL). It is in the interest of public safety that we know this background information. Sunshine laws are important so that citizens can have confidence in their government. The costs of secrecy are higher than the costs of transparency. GALs are often volunteers, and transparency about their background is reasonable. This bill attempts to expand the amount of information that GALs must make available to parties. Parties to these types of proceedings are not getting sufficient background information about GALs coming before the court. Although GALs do not make any final decisions, the courts rely heavily on reports submitted by a GAL. Having the maximum information available will allow parties to do two things: (1) challenge the initial appointment of a GAL, and (2) attack the credibility of a GAL report down the road. Requiring disclosure of the criminal background check is not an attempt to get information to harass a GAL; rather, it is an attempt to give parties information they can use to determine whether the GAL has biases or an agenda.

**Persons Testifying:** PRO: Senator Roach, prime sponsor; Michael Schwab, Rowland Thompson, Sunshine Committee; Arthur West, citizen.