

ESHB 1980 - S COMM AMD

By Committee on Government Operations & Security

ADOPTED AS AMENDED 4/9/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.100 and 2014 c 108 s 2 are each amended to
4 read as follows:

5 (1) The court shall appoint a guardian ad litem for a child who
6 is the subject of an action under this chapter, unless a court for
7 good cause finds the appointment unnecessary. The requirement of a
8 guardian ad litem may be deemed satisfied if the child is represented
9 by an independent attorney in the proceedings. The court shall
10 attempt to match a child with special needs with a guardian ad litem
11 who has specific training or education related to the child's
12 individual needs.

13 (2) If the court does not have available to it a guardian ad
14 litem program with a sufficient number of volunteers, the court may
15 appoint a suitable person to act as guardian ad litem for the child
16 under this chapter. Another party to the proceeding or the party's
17 employee or representative shall not be so appointed.

18 (3) Each guardian ad litem program shall maintain a background
19 information record for each guardian ad litem in the program. The
20 background information record shall include, but is not limited to,
21 the following information:

22 (a) Level of formal education;

23 (b) General training related to the guardian ad litem's duties;

24 (c) Specific training related to issues potentially faced by
25 children in the dependency system;

26 (d) Specific training or education related to child disability or
27 developmental issues;

28 (e) Number of years' experience as a guardian ad litem;

29 (f) Number of appointments as a guardian ad litem and the county
30 or counties of appointment;

31 (g) The names of any counties in which the person was removed
32 from a guardian ad litem registry pursuant to a grievance action, and

1 the name of the court and the cause number of any case in which the
2 court has removed the person for cause;

3 (h) Founded allegations of abuse or neglect as defined in RCW
4 26.44.020;

5 (i) The results of an examination of state and national criminal
6 identification data. The examination shall consist of a background
7 check as allowed through the Washington state criminal records
8 privacy act under RCW 10.97.050, the Washington state patrol criminal
9 identification system under RCW 43.43.832 through 43.43.834, and the
10 federal bureau of investigation. The background check shall be done
11 through the Washington state patrol criminal identification section
12 and must include a national check from the federal bureau of
13 investigation based on the submission of fingerprints; and

14 (j) Criminal history, as defined in RCW 9.94A.030, for the period
15 covering ten years prior to the appointment.

16 The background information record shall be updated annually. As a
17 condition of appointment, the guardian ad litem's background
18 information record shall be made available to the court. If the
19 appointed guardian ad litem is not a member of a guardian ad litem
20 program a suitable person appointed by the court to act as guardian
21 ad litem shall provide the background information record to the
22 court.

23 Upon appointment, the guardian ad litem, or guardian ad litem
24 program, shall provide the parties or their attorneys with a copy of
25 the background information record containing the results of the
26 background check conducted through the Washington state patrol
27 criminal identification system under RCW 43.43.832 through 43.43.834.
28 The portion of the background information record containing the
29 results of the criminal background check and the criminal history
30 from the federal bureau of investigation shall not be disclosed to
31 the parties or their attorneys. The background information record
32 shall not include identifying information that may be used to harm a
33 guardian ad litem, such as home addresses and home telephone numbers,
34 and for volunteer guardians ad litem the court may allow the use of
35 maiden names or pseudonyms as necessary for their safety.

36 (4) The appointment of the guardian ad litem shall remain in
37 effect until the court discharges the appointment or no longer has
38 jurisdiction, whichever comes first. The guardian ad litem may also
39 be discharged upon entry of an order of guardianship.

1 (5) A guardian ad litem through an attorney, or as otherwise
2 authorized by the court, shall have the right to present evidence,
3 examine and cross-examine witnesses, and to be present at all
4 hearings. A guardian ad litem shall receive copies of all pleadings
5 and other documents filed or submitted to the court, and notice of
6 all hearings according to court rules. The guardian ad litem shall
7 receive all notice contemplated for a parent or other party in all
8 proceedings under this chapter.

9 (6)(a) The court must appoint an attorney for a child in a
10 dependency proceeding six months after granting a petition to
11 terminate the parent and child relationship pursuant to RCW 13.34.180
12 and when there is no remaining parent with parental rights.

13 The court must appoint an attorney for a child when there is no
14 remaining parent with parental rights for six months or longer prior
15 to July 1, 2014, if the child is not already represented.

16 The court may appoint one attorney to a group of siblings, unless
17 there is a conflict of interest, or such representation is otherwise
18 inconsistent with the rules of professional conduct.

19 (b) Legal services provided by an attorney appointed pursuant to
20 (a) of this subsection do not include representation of the child in
21 any appellate proceedings relative to the termination of the parent
22 and child relationship.

23 (c)(i) Subject to the availability of amounts appropriated for
24 this specific purpose, the state shall pay the costs of legal
25 services provided by an attorney appointed pursuant to (a) of this
26 subsection, if the legal services are provided in accordance with the
27 standards of practice, voluntary training, and caseload limits
28 developed and recommended by the statewide children's representation
29 work group pursuant to section 5, chapter 180, Laws of 2010. Caseload
30 limits must be calculated pursuant to (c)(ii) of this subsection.

31 (ii) Counties are encouraged to set caseloads as low as possible
32 and to account for the individual needs of the children in care.
33 Notwithstanding the caseload limits developed and recommended by the
34 statewide children's representation work group pursuant to section 5,
35 chapter 180, Laws of 2010, when one attorney represents a sibling
36 group, the first child is counted as one case, and each child
37 thereafter is counted as one-half case to determine compliance with
38 the caseload standards pursuant to (c)(i) of this subsection and RCW
39 2.53.045.

1 (iii) The office of civil legal aid is responsible for
2 implementation of (c)(i) and (ii) of this subsection as provided in
3 RCW 2.53.045.

4 (7)(a) The court may appoint an attorney to represent the child's
5 position in any dependency action on its own initiative, or upon the
6 request of a parent, the child, a guardian ad litem, a caregiver, or
7 the department.

8 (b)(i) If the court has not already appointed an attorney for a
9 child, or the child is not represented by a privately retained
10 attorney:

11 (A) The child's caregiver, or any individual, may refer the child
12 to an attorney for the purposes of filing a motion to request
13 appointment of an attorney at public expense; or

14 (B) The child or any individual may retain an attorney for the
15 child for the purposes of filing a motion to request appointment of
16 an attorney at public expense.

17 (ii) Nothing in this subsection (7)(b) shall be construed to
18 change or alter the confidentiality provisions of RCW 13.50.100.

19 (c) Pursuant to this subsection, the department or supervising
20 agency and the child's guardian ad litem shall each notify a child of
21 his or her right to request an attorney and shall ask the child
22 whether he or she wishes to have an attorney. The department or
23 supervising agency and the child's guardian ad litem shall notify the
24 child and make this inquiry immediately after:

25 (i) The date of the child's twelfth birthday;

26 (ii) Assignment of a case involving a child age twelve or older;

27 or

28 (iii) July 1, 2010, for a child who turned twelve years old
29 before July 1, 2010.

30 (d) The department or supervising agency and the child's guardian
31 ad litem shall repeat the notification and inquiry at least annually
32 and upon the filing of any motion or petition affecting the child's
33 placement, services, or familial relationships.

34 (e) The notification and inquiry is not required if the child has
35 already been appointed an attorney.

36 (f) The department or supervising agency shall note in the
37 child's individual service and safety plan, and the guardian ad litem
38 shall note in his or her report to the court, that the child was
39 notified of the right to request an attorney and indicate the child's
40 position regarding appointment of an attorney.

1 (g) At the first regularly scheduled hearing after:

2 (i) The date of the child's twelfth birthday;

3 (ii) The date that a dependency petition is filed pursuant to
4 this chapter on a child age twelve or older; or

5 (iii) July 1, 2010, for a child who turned twelve years old
6 before July 1, 2010;

7 the court shall inquire whether the child has received notice of his
8 or her right to request an attorney from the department or
9 supervising agency and the child's guardian ad litem. The court shall
10 make an additional inquiry at the first regularly scheduled hearing
11 after the child's fifteenth birthday. No inquiry is necessary if the
12 child has already been appointed an attorney.

13 (8) For the purposes of child abuse prevention and treatment act
14 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L.
15 93-247, or any related state or federal legislation, a person
16 appointed pursuant to this section shall be deemed a guardian ad
17 litem.

18 (9) When a court-appointed special advocate or volunteer guardian
19 ad litem is requested on a case, the program shall give the court the
20 name of the person it recommends. The program shall attempt to match
21 a child with special needs with a guardian ad litem who has specific
22 training or education related to the child's individual needs. The
23 court shall immediately appoint the person recommended by the
24 program.

25 (10) If a party in a case reasonably believes the court-appointed
26 special advocate or volunteer guardian ad litem is inappropriate or
27 unqualified, the party may request a review of the appointment by the
28 program. The program must complete the review within five judicial
29 days and remove any appointee for good cause. If the party seeking
30 the review is not satisfied with the outcome of the review, the party
31 may file a motion with the court for the removal of the court-
32 appointed special advocate or volunteer guardian ad litem on the
33 grounds the advocate or volunteer is inappropriate or unqualified.

34 **Sec. 2.** RCW 42.56.230 and 2014 c 142 s 1 are each amended to
35 read as follows:

36 The following personal information is exempt from public
37 inspection and copying under this chapter:

1 (1) Personal information in any files maintained for students in
2 public schools, patients or clients of public institutions or public
3 health agencies, or welfare recipients;

4 (2)(a) Personal information:

5 (i) For a child enrolled in licensed child care in any files
6 maintained by the department of early learning; or

7 (ii) For a child enrolled in a public or nonprofit program
8 serving or pertaining to children, adolescents, or students,
9 including but not limited to early learning or child care services,
10 parks and recreation programs, youth development programs, and after-
11 school programs.

12 (b) Emergency contact information under this subsection (2) may
13 be provided to appropriate authorities and medical personnel for the
14 purpose of treating the individual during an emergency situation;

15 (3) Personal information in files maintained for employees,
16 appointees, or elected officials of any public agency to the extent
17 that disclosure would violate their right to privacy;

18 (4) Information required of any taxpayer in connection with the
19 assessment or collection of any tax if the disclosure of the
20 information to other persons would: (a) Be prohibited to such persons
21 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
22 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
23 to privacy or result in unfair competitive disadvantage to the
24 taxpayer;

25 (5) Credit card numbers, debit card numbers, electronic check
26 numbers, card expiration dates, or bank or other financial (~~account~~
27 ~~numbers~~) information as defined in RCW 9.35.005 including social
28 security numbers, except when disclosure is expressly required by or
29 governed by other law;

30 (6) Personal and financial information related to a small loan or
31 any system of authorizing a small loan in RCW 31.45.093;

32 (7)(a) Any record used to prove identity, age, residential
33 address, social security number, or other personal information
34 required to apply for a driver's license or identicard.

35 (b) Information provided under RCW 46.20.111 that indicates that
36 an applicant declined to register with the selective service system.

37 (c) Any record pertaining to a vehicle license plate, driver's
38 license, or identicard issued under RCW 46.08.066 that, alone or in
39 combination with any other records, may reveal the identity of an
40 individual, or reveal that an individual is or was, performing an

1 undercover or covert law enforcement, confidential public health
2 work, public assistance fraud, or child support investigative
3 activity. This exemption does not prevent the release of the total
4 number of vehicle license plates, drivers' licenses, or identicards
5 that, under RCW 46.08.066, an agency or department has applied for,
6 been issued, denied, returned, destroyed, lost, and reported for
7 misuse.

8 (d) Any record pertaining to a vessel registration issued under
9 RCW 88.02.330 that, alone or in combination with any other records,
10 may reveal the identity of an individual, or reveal that an
11 individual is or was, performing an undercover or covert law
12 enforcement activity. This exemption does not prevent the release of
13 the total number of vessel registrations that, under RCW 88.02.330,
14 an agency or department has applied for, been issued, denied,
15 returned, destroyed, lost, and reported for misuse; and

16 (8) All information related to individual claims resolution
17 structured settlement agreements submitted to the board of industrial
18 insurance appeals under RCW 51.04.063, other than final orders from
19 the board of industrial insurance appeals.

20 Upon request by the legislature, the department of licensing
21 shall provide a report to the legislature containing all of the
22 information in subsection (7)(c) and (d) of this section that is
23 subject to public disclosure.

24 (9) Voluntarily submitted information contained in a database
25 that is part of or associated with enhanced 911 emergency
26 communications systems, or information contained or used in emergency
27 notification systems as provided under sections 6 and 7 of this act.

28 **Sec. 3.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and
29 2013 c 183 s 1 are each reenacted and amended to read as follows:

30 The following investigative, law enforcement, and crime victim
31 information is exempt from public inspection and copying under this
32 chapter:

33 (1) Specific intelligence information and specific investigative
34 records compiled by investigative, law enforcement, and penology
35 agencies, and state agencies vested with the responsibility to
36 discipline members of any profession, the nondisclosure of which is
37 essential to effective law enforcement or for the protection of any
38 person's right to privacy;

1 (2) Information revealing the identity of persons who are
2 witnesses to or victims of crime or who file complaints with
3 investigative, law enforcement, or penology agencies, other than the
4 commission, if disclosure would endanger any person's life, physical
5 safety, or property. If at the time a complaint is filed the
6 complainant, victim, or witness indicates a desire for disclosure or
7 nondisclosure, such desire shall govern. However, all complaints
8 filed with the commission about any elected official or candidate for
9 public office must be made in writing and signed by the complainant
10 under oath;

11 (3) Any records of investigative reports prepared by any state,
12 county, municipal, or other law enforcement agency pertaining to sex
13 offenses contained in chapter 9A.44 RCW or sexually violent offenses
14 as defined in RCW 71.09.020, which have been transferred to the
15 Washington association of sheriffs and police chiefs for permanent
16 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

17 (4) License applications under RCW 9.41.070; copies of license
18 applications or information on the applications may be released to
19 law enforcement or corrections agencies;

20 (5) Information revealing the identity of child victims of sexual
21 assault who are under age eighteen. Identifying information means the
22 child victim's name, address, location, photograph, and in cases in
23 which the child victim is a relative or stepchild of the alleged
24 perpetrator, identification of the relationship between the child and
25 the alleged perpetrator;

26 (6) Information contained in a local or regionally maintained
27 gang database as well as the statewide gang database referenced in
28 RCW 43.43.762;

29 (7) Data from the electronic sales tracking system established in
30 RCW 69.43.165;

31 (8) Information submitted to the statewide unified sex offender
32 notification and registration program under RCW 36.28A.040(6) by a
33 person for the purpose of receiving notification regarding a
34 registered sex offender, including the person's name, residential
35 address, and email address;

36 (9) Personally identifying information collected by law
37 enforcement agencies pursuant to local security alarm system programs
38 and vacation crime watch programs. Nothing in this subsection shall
39 be interpreted so as to prohibit the legal owner of a residence or

1 business from accessing information regarding his or her residence or
2 business; (~~and~~)

3 (10) The felony firearm offense conviction database of felony
4 firearm offenders established in RCW 43.43.822; (~~and~~)

5 (11) The identity of a state employee or officer who has in good
6 faith filed a complaint with an ethics board, as provided in RCW
7 42.52.410, or who has in good faith reported improper governmental
8 action, as defined in RCW 42.40.020, to the auditor or other public
9 official, as defined in RCW 42.40.020; and

10 (12) The following security threat group information collected
11 and maintained by the department of corrections pursuant to RCW
12 72.09.745: (a) Information that could lead to the identification of a
13 person's security threat group status, affiliation, or activities;
14 (b) information that reveals specific security threats associated
15 with the operation and activities of security threat groups; and (c)
16 information that identifies the number of security threat group
17 members, affiliates, or associates.

18 **Sec. 4.** RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are
19 each reenacted and amended to read as follows:

20 The following information relating to public utilities and
21 transportation is exempt from disclosure under this chapter:

22 (1) Records filed with the utilities and transportation
23 commission or attorney general under RCW 80.04.095 or 81.77.210 that
24 a court has determined are confidential under RCW 80.04.095 or
25 81.77.210;

26 (2) The addresses, telephone numbers, electronic contact
27 information, and customer-specific utility usage and billing
28 information in increments less than a billing cycle of the customers
29 of a public utility contained in the records or lists held by the
30 public utility of which they are customers, except that this
31 information may be released to the division of child support or the
32 agency or firm providing child support enforcement for another state
33 under Title IV-D of the federal social security act, for the
34 establishment, enforcement, or modification of a support order;

35 (3) The names, residential addresses, residential telephone
36 numbers, and other individually identifiable records held by an
37 agency in relation to a vanpool, carpool, or other ride-sharing
38 program or service(~~;/ however, these records~~). Participant's names,
39 general locations, and point of contact may be disclosed to other

1 persons who apply for ride-matching services and who need that
2 information in order to identify potential riders or drivers with
3 whom to share rides;

4 (4) The personally identifying information of current or former
5 participants or applicants in a paratransit or other transit service
6 operated for the benefit of persons with disabilities or elderly
7 persons;

8 (5) The personally identifying information of persons who acquire
9 and use transit passes or other fare payment media including, but not
10 limited to, stored value smart cards and magnetic strip cards, except
11 that an agency may disclose personally identifying information to a
12 person, employer, educational institution, or other entity that is
13 responsible, in whole or in part, for payment of the cost of
14 acquiring or using a transit pass or other fare payment media for the
15 purpose of preventing fraud(~~(, or to the news media when reporting on~~
16 ~~public transportation or public safety)~~). As used in this subsection,
17 "personally identifying information" includes acquisition or use
18 information pertaining to a specific, individual transit pass or fare
19 payment media.

20 (a) Information regarding the acquisition or use of transit
21 passes or fare payment media may be disclosed in aggregate form if
22 the data does not contain any personally identifying information.

23 (b) Personally identifying information may be released to law
24 enforcement agencies if the request is accompanied by a court order;

25 (6) Any information obtained by governmental agencies that is
26 collected by the use of a motor carrier intelligent transportation
27 system or any comparable information equipment attached to a truck,
28 tractor, or trailer; however, the information may be given to other
29 governmental agencies or the owners of the truck, tractor, or trailer
30 from which the information is obtained. As used in this subsection,
31 "motor carrier" has the same definition as provided in RCW 81.80.010;

32 (7) The personally identifying information of persons who acquire
33 and use transponders or other technology to facilitate payment of
34 tolls. This information may be disclosed in aggregate form as long as
35 the data does not contain any personally identifying information. For
36 these purposes aggregate data may include the census tract of the
37 account holder as long as any individual personally identifying
38 information is not released. Personally identifying information may
39 be released to law enforcement agencies only for toll enforcement
40 purposes. Personally identifying information may be released to law

1 enforcement agencies for other purposes only if the request is
2 accompanied by a court order; and

3 (8) The personally identifying information of persons who acquire
4 and use a driver's license or identicard that includes a radio
5 frequency identification chip or similar technology to facilitate
6 border crossing. This information may be disclosed in aggregate form
7 as long as the data does not contain any personally identifying
8 information. Personally identifying information may be released to
9 law enforcement agencies only for United States customs and border
10 protection enforcement purposes. Personally identifying information
11 may be released to law enforcement agencies for other purposes only
12 if the request is accompanied by a court order.

13 **Sec. 5.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
14 read as follows:

15 (1) All (~~examination and proprietary reports and~~) information
16 except for proprietary reports or information obtained by the
17 director and the director's staff in soliciting bids from insurers
18 and in monitoring the insurer selected by the director shall (~~not~~)
19 be made public or otherwise disclosed to any person, firm,
20 corporation, agency, association, governmental body, or other entity.

21 (2) Subsection (1) of this section notwithstanding, the director
22 may furnish all or part of examination reports prepared by the
23 director or by any person, firm, corporation, association, or other
24 entity preparing the reports on behalf of the director to:

25 (a) The Washington state insurance commissioner;

26 (b) A person or organization officially connected with the
27 insurer as officer, director, attorney, auditor, or independent
28 attorney or independent auditor; and

29 (c) The attorney general in his or her role as legal advisor to
30 the director.

31 (3) Subsection (1) of this section notwithstanding, the director
32 may furnish all or part of the examination or proprietary reports or
33 information obtained by the director to:

34 (a) The Washington state insurance commissioner; and

35 (b) A person, firm, corporation, association, governmental body,
36 or other entity with whom the director has contracted for services
37 necessary to perform his or her official duties.

1 (4) (~~Examination reports and~~) Proprietary information obtained
2 by the director and the director's staff (~~are~~) is not subject to
3 public disclosure under chapter 42.56 RCW.

4 (5) A person who violates any provision of this section is guilty
5 of a gross misdemeanor.

6 NEW SECTION. Sec. 6. A new section is added to chapter 38.52
7 RCW to read as follows:

8 (1) Information contained in an automatic number identification
9 or automatic location identification database that is part of a
10 county enhanced 911 emergency communications system as defined in RCW
11 82.14B.020 and intended for display at a public safety answering
12 point with incoming 911 voice or data is confidential and exempt from
13 public inspection and copying under chapter 42.56 RCW.

14 (2) Information voluntarily submitted to be contained in a
15 database that is part of or associated with a county enhanced 911
16 emergency communications system as defined in RCW 82.14B.020 and
17 intended for the purpose of display at a public safety answering
18 point with incoming 911 voice or data is confidential and exempt from
19 public inspection and copying under chapter 42.56 RCW.

20 (3) This section shall not be interpreted to prohibit:

21 (a) Display of information at a public safety answering point;

22 (b) Dissemination of information by the public safety answering
23 point to police, fire, or emergency medical responders for display on
24 a device used by police, fire, or emergency medical responders for
25 the purpose of handling or responding to emergency calls or for
26 training;

27 (c) Maintenance of the database by a county;

28 (d) Dissemination of information by a county to local agency
29 personnel for inclusion in an emergency notification system that
30 makes outgoing calls to telephone numbers to provide notification of
31 a community emergency event;

32 (e) Inspection or copying by the subject of the information or an
33 authorized representative; or

34 (f) The public disclosure of information prepared, retained,
35 disseminated, transmitted, or recorded, for the purpose of handling
36 or responding to emergency calls, unless disclosure of any such
37 information is otherwise exempted under chapter 42.56 RCW or other
38 law.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 38.52
2 RCW to read as follows:

3 Information obtained from an automatic number identification or
4 automatic location identification database or voluntarily submitted
5 to a local agency for inclusion in an emergency notification system
6 is confidential and exempt from public inspection and copying under
7 chapter 42.56 RCW. This section shall not be interpreted to prohibit:

8 (1) Making outgoing calls to telephone numbers to provide
9 notification of a community emergency event;

10 (2) Maintenance of the database by a local agency; or

11 (3) Inspection or copying by the subject of the information or an
12 authorized representative."

ESHB 1980 - S COMM AMD

By Committee on Government Operations & Security

ADOPTED AS AMENDED 4/9/2015

13 On page 1, line 2 of the title, after "committee;" strike the
14 remainder of the title and insert "amending RCW 13.34.100, 42.56.230,
15 and 70.148.060; reenacting and amending RCW 42.56.240 and 42.56.330;
16 and adding new sections to chapter 38.52 RCW."

EFFECT: (1) Adds language from original bill requiring the
results of the Washington State Patrol criminal background check on a
guardian ad litem be provided to parties and their attorneys upon the
guardian's appointment, but prohibiting disclosure of the FBI
criminal background check results.

(2) Removes language expanding the definition of identifying
information of a child victim of sexual assault who is under the age
of eighteen.

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