

HOUSE BILL REPORT

HB 1129

As Reported by House Committee On:
Judiciary

Title: An act relating to juvenile case records access for the office of civil legal aid.

Brief Description: Granting the office of civil legal aid access to juvenile case records.

Sponsors: Representatives Goodman, Walsh, Jinkins, Ortiz-Self, Gregerson and Pollet.

Brief History:

Committee Activity:

Judiciary: 1/21/15, 1/29/15 [DP].

Brief Summary of Bill

- Requires courts to release juvenile case records to the Office of Civil Legal Aid that are needed to implement the agency's oversight, technical assistance, and other functions associated with appointment of attorneys to children whose parents' rights have been terminated.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Omeara Harrington (786-7136).

Background:

Court Records.

For purposes of the chapter of the RCW governing the release of records by juvenile justice or care agencies, "records" include the official juvenile court file, the social file, and records of other juvenile justice or care agencies in a case. Courts may only permit inspection of records or release of information for the limited purposes outlined in statute. Records may be disclosed to:

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- clinics, hospitals, or agencies providing care or treatment to the subject of the records;
- individuals or agencies engaged in legitimate research for educational, scientific, or public purposes;
- the Caseload Forecast Council for its research and data-gathering functions; and
- the Office of Public Defense as needed for oversight, technical assistance, and other functions associated with providing defense counsel in criminal matters and other proceedings.

In addition, the Administrative Office of the Courts must maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is limited to the Washington State Center for Court Research.

Appointment of Attorneys to Children in Dependency Proceedings.

Pursuant to legislation enacted in 2014 (Engrossed Second Substitute Senate Bill 6126), a court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship when the child has no remaining parent with parental rights. Subject to appropriated amounts, the state is responsible for the cost of legal services provided by an appointed attorney. The Office of Civil Legal Aid (OCLA) administers the funds appropriated by the state for the purpose of appointment of attorneys to children who have no parent with parental rights.

Summary of Bill:

The court must release records to the OCLA that are needed to implement the OCLA's oversight, technical assistance, and other functions associated with appointment of attorneys to children who have no parent with parental rights. Access to the records is restricted to the OCLA, and the OCLA must maintain the confidentiality of all confidential information included in the records.

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.

Staff Summary of Public Testimony:

(In support) This bill is a follow up to a new law that went into effect last year, which provides funding for attorneys to represent foster children whose parents' rights have been terminated. The money was appropriated subject to compliance with certain caseload standards and other requirements. The OCLA is required to monitor compliance with these practice standards in order for funds to be distributed to counties, but cannot monitor what is going on with cases without access to case files. This will give the OCLA access to

pleadings, allow monitoring to make sure attorneys are attending hearings, and enable the OCLA to provide technical assistance. The Office of Public Defense (OPD) has similar responsibility with respect to providing attorneys in dependency proceedings. The legislation matches the statutory authority granted to the OPD with respect to access to files, and requires protection of confidentiality.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; and Jill Malet, Office of Civil Legal Aid.

Persons Signed In To Testify But Not Testifying: None.