

HOUSE BILL REPORT

SHB 2300

As Passed House:
February 17, 2016

Title: An act relating to protecting the personal information of a person acting as a guardian ad litem.

Brief Description: Protecting the personal information of a person acting as a guardian ad litem.

Sponsors: House Committee on State Government (originally sponsored by Representatives Moeller, S. Hunt, Caldier, Appleton, Jinkins and Tharinger).

Brief History:

Committee Activity:

State Government: 1/12/16, 1/14/16 [DPS].

Floor Activity:

Passed House: 2/17/16, 96-2.

Brief Summary of Substitute Bill

- Prohibits public disclosure of certain personal identifying information of a guardian ad litem to the extent such information is exempted for public employees.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame and Moscoso.

Staff: Sean Flynn (786-7124).

Background:

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions in the PRA, or otherwise provided in law. The

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stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Certain personal identifying information of public employees and volunteers held by a public agency in personnel files, employment related records, and volunteer rosters is exempt from disclosure, including the following: residential addresses and telephone numbers; electronic mail addresses; social security numbers; driver's license numbers; and emergency contact information.

Judicial Records.

The PRA does not apply to the judicial branch of government. However, the State Supreme Court recently adopted General Rule 31.1, which requires public disclosure of certain administrative records maintained by a court or judicial agency. The new rule incorporates the exemptions under the PRA, and the PRA can provide guidance in interpreting the court rule.

Guardians ad Litem.

A guardian ad litem (GAL) is an individual appointed by a court to advocate for the interests of a minor or incapacitated person in the course of a particular legal action related to guardianships, child welfare dependencies, parental terminations, or family court matters. A GAL is authorized to investigate, present evidence at court hearings, submit factual reports, and make recommendations to the court.

County courts may establish a GAL program to manage the appointment of GALs in relevant cases. A county legislative authority also may establish a court-appointed special advocate (CASA) program of supervised volunteers eligible for appointment as a GAL.

A GAL must provide certain background information to the court upon appointment, including the person's education, training, experience, criminal history for the past 10 years, and the results of state and federal criminal background checks. In counties with GAL or CASA programs, the program maintains the background information records for each GAL or CASA.

In child welfare dependency, parental termination, and family court cases, the appointed GAL's background information must be disclosed to the parties in the case, except for the criminal history and criminal background checks, as well as any identifying information that may be used to harm the GAL, such as home addresses and telephone numbers. The court may allow a volunteer GAL to use a pseudonym as necessary for his or her safety.

Summary of Substitute Bill:

The PRA exemption for personal information of public employees held by a public agency in personnel files, employment related records, and volunteer rosters includes the same information of a GAL in child welfare dependency, parental termination, guardianship, and family court cases.

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) A GAL can be employed by a county or a volunteer. The GAL's background information can only be shared with the parties in a case. However, under the PRA agencies must disclose this information upon request to anyone who asks. There is some inherent danger for a GAL in the types of cases in which they serve, and disclosure of a GAL's personal information could put the person at risk of harm and should be protected against disclosure so that they can do their job effectively and safely.

(Opposed) None.

(Other) The current PRA exemption for public employee and volunteer records already covers the type of information that would be protected in this bill. Other agencies use this exemption for their volunteers. The GAL exemption should be added here. This exemption should only apply to volunteers and not professional attorneys who use their business office and do not use their residential addresses. The exemption in the bill is overbroad in exempting any information that may be used to harm a GAL, and would be very difficult to define and apply by an agency or a court.

Persons Testifying: (In support) Representative Moeller, prime sponsor; Ryan Murrey, Washington State Court Appointed Special Advocates; and Tom McBride, Washington Association of Juvenile Court Administrators.

(Other) Rowland Thompson, Allied daily Newspapers; and Arthur West.

Persons Signed In To Testify But Not Testifying: None.