

SENATE BILL REPORT

SHB 2300

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 25, 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: Passed House: 2/17/16, 96-2.

Committee Activity: Human Services, Mental Health & Housing: 2/25/16, 2/25/16 [DP, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Alison Mendiola (786-7444)

Background: Public Records Act. The Public Records Act (PRA) requires state and local agencies to make their records available to the public for inspection and copying upon request, unless the information is specifically exempt under the PRA, or elsewhere in law. 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.

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.

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 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.

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: People who volunteer as CASAs are sworn officers of the Court. The Courts are dependent on CASAs. For example, in Clark County last year there were 160 CASA volunteers contributing over 3,100 volunteer hours. Parties to a case are already provided with information regarding a CASA or other guardian ad litem. We have a duty to safeguard their private information and ensure that this information is not subject to public disclosure. In a volunteer capacity, some of these volunteers have families or kids and for the safety of their family don't want their personal information provided. This doesn't prevent the Court or attorneys from reviewing this information, but rather this private information would not be subject to public disclosure.

Persons Testifying: PRO: Jenn Harlay, YWCA Clark County CASA/ WA State CASA

Persons Signed In To Testify But Not Testifying: No one.