Superior Court of the State of Washington

for Snohomish County

JUDGE
THOMAS J. WYNNE

SNOHOMISH COUNTY COURTHOUSE
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TO: Data Dissemination Committee

FROM : Judge Thomas Wynne

RE: Public Access to Party addresses in JIS/Odyssey thru Odyssey Portal *

- Neither GR 31 nor GR 22 provide for confidentiality of party names in any non confidential case type, including DV cases. This was an informed decision by the drafting Committee.
- The JIS Data Dissemination policy, which preceded the adoption of GR 31 and GR 22 has limited public access to an Index report, not including party address information. The DD policy has also prohibited public access to compiled reports.
- DV cases are filed within case types 1,2,3,5, and 8.(Odyssey Criminal, Civil, Family law and Juvenile).
- RCW 40.24.030 provides an address confidentiality program for victims of domestic violence, sexual assault, trafficking, or stalking through the Secretary of State's Office.
- A Confidential Information Form, WPF DV-1.060, promulgated by the pattern Forms Committee, must be completed and provided to the Clerk upon filing a Domestic violence petition.
- The initial creation of the Confidential Information Form was part of the adoption process of GR 22. The Confidential Information Form was created so clerks could receive the information contained therein in a hard copy format and it wouldn't have to be entered into the JIS system.
- The current iteration of WPF DV 1.06 reads in part:

Confidential Information Form (INFO)		
County:	Cause Number:	**Do not file in a public access file.**
Court Clerk: This is a Restricted Access Document		
☐ Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications ☐ Sexual Assault ☐ Other ☐ Domestic Violence ☐ Antiharassment ☐ Information Change (Check if you are updating information)		
☐ **A restraining order or protection order is in effect protecting ☐ the petitioner ☐ the respondent ☐ the children.**		
☐ **The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because**: _____ _____ _____		
The following information about the parties <u>is required</u> in <u>all cases</u>: (Use the Addendum To Confidential Information Form to list additional parties or children)		

- Some petitioners check the box on the current form that the health, safety, or liberty of a party or child would be jeopardized by disclosure of address information. They have an expectation of the privacy of this information.
- There is a similar box which may be checked on the second page of the Confidential Information Form of Family Law cases, WPF DRPSCU 09.0200
- Party address information and birthdates as well as the same information for children affected by DV Orders is required on each of these Confidential Information Forms.
- GR 22 (B) (6) specifically provides that the DOB of a minor child is a "Restricted personal identifier".
- GR 22 (d) contains the following comment, consistent with RCW 40.24.010:

A party is not required to provide a residence address. Petitioners or counsel to a family law case will provide a service or contact address in accordance with CR 4.1 that will be publicly available and all parties and counsel should provide a contact address if otherwise required. Pattern forms shall be modified, as necessary, to reflect the intent of this rule.

- GR 15 (6) provides that "Restricted Personal Identifiers" are defined in GR 22 (b) (6)

- Notwithstanding the Confidentiality of the address information and DOB of children contained in the Confidential Information Forms, Clerks' Offices have been entering information from these forms into the JIS system upon case initiation.
- The party database, insofar as it contains address information and DOBs of children has been compromised by such data entry.
- The Odyssey portal can't differentiate which cases contain DV Petitions.
- As a result of the above, public access to party address information in Odyssey has been blocked.
- The JIS Data Dissemination Committee has taken a position that where the preexisting DD policy conflicts with or is more restrictive than GR 15, 22 and 31, that the court rules should prevail.
- As the JIS person database has been contaminated with data entries from Confidential Information forms, the intent of GR 15, 22 and 31 in re: party addresses can't be implemented at this time within Odyssey.

*Judge Wynne was a member of the GR 31 drafting committee and co-chaired the GR 22 and GR 15 amendment drafting committee

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