# Court Rules and statutes related to disclosure of victim, witness, child victim/witness information.

Also includes statutes regarding dissemination of law enforcement information

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| GR 22 | (b)(2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.<br>(b)(4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.<br>(b)(6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.<br>COMMENT<br>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.<br><br>(c)(1) General Policy. Except as provided in RCW 26.26.610(2) and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.<br>(c)(2) Restricted Access. The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in (f) of this rule, and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (h) and (i) herein.<br>(c)(3) Excluded Records. This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.<br><br>(h) Access by Courts, Agencies, and Parties to Restricted Documents.<br><br>(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law or guardianship cases:<br>(A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.<br>(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act. |

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| | (2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.<br><br>(A) Parties of record as to their case.<br>(B) Attorneys as to cases where they are attorneys of record.<br>(C) Court appointed Title 11 guardians ad litem as to cases where they are actively involved.<br><br>(i) Access to Court Records Restricted Under This Rule.<br>(1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.<br>(2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful, or if the motion requests access to redacted JIS database records.<br><br>(A) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children.<br>(B) Upon receipt of a motion requesting access, the court may provide access to JIS database records described in (f) after the court has reviewed the JIS database records and redacted pursuant to GR 15 (c), any data which is confidential or restricted by statute or court rule.<br>(C) If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule. |
| GR 31 | (e) Personal Identifiers Omitted or Redacted from Court Records<br>(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless |

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| | necessary or otherwise ordered by the Court.<br>(A) Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.<br><br>(B) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.<br>(C) Driver's License Numbers. |
| Family Law Court Records – Guidelines for Public Access to Court Records. | Confidential Information Form, Domestic Violence information Form, Notice of Intent to Relocate, and Personal Information Sheet (if required for JIS purposes) are not open to the public. Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form are documents that the court collects for the benefit of other agencies and are not considered a court record. These are not available to the public.<br>Authority: GR 22 and GR 31 (Definition of court record) |
| RCW 4.24.130(5) Action for change of name | (5) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in **RCW 26.50.010(1) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed. |
| RCW 7.69A.030 Crime Victims, Survivors, and Witnesses<br><br>Rights of victims, survivors, and witnesses | There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:<br>(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available; |
| RCW 7.69A.030(4) Rights of child victims and witnesses | In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the |

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| | discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:<br>(4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness |
| RCW 7.69A.050 Rights of child victims and witnesses Confidentiality of address | At the time of reporting a crime to law enforcement officials and at the time of the initial witness interview, child victims or child witnesses of violent crimes, sex crimes, or child abuse and the child's parents shall be informed of their rights to not have their address disclosed by any **law enforcement agency, prosecutor's office, defense counsel, or state agency** without the permission of the child victim or the child's parents or legal guardian. The address may be disclosed to another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child. Intentional disclosure of an address in violation of this section is a misdemeanor. |
| RCW 10.52.100 Identity of child victims of sexual assault not to be disclosed | Child victims of sexual assault who are under the age of eighteen, have a right not to have disclosed to the public or press at any court proceeding involved in the prosecution of the sexual assault, the child victim's name, address, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. The court shall ensure that information identifying the child victim is not disclosed to the press or the public and that in the event of any improper disclosure the court shall make all necessary orders to restrict further dissemination of identifying information improperly obtained. Court proceedings include but are not limited to pretrial hearings, trial, sentencing, and appellate proceedings. The court shall also order that any portion of any court records, transcripts, or recordings of court proceedings that contain information identifying the child victim shall be sealed and not open to public inspection unless those identifying portions are deleted from the documents or tapes.<br><br>*COMMENT:*<br>*Allied Daily Newspapers v.Eikenberry*, 121 Wn.2d 205 (1993), in which the court held that RCW 10.52.100, which states that the court must ensure that information identifying a child victim of sexual assault is not disclosed to the public, is unconstitutional because it violates the state constitutional guarantee of access to openly-administered justice by not requiring an individualized determination of the need for nondisclosure. |
| RCW 10.77.205 Criminally insane – Procedures. | Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter. |

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| Sexual or violent offenders – Notice of release, escape, etc. | |
| RCW 10.97.130 Washington State Criminal Records Privacy Act<br><br>Child victims of sexual assaults, identification confidential | Information identifying child victims under age eighteen who are victims of sexual assaults is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying the child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. Prior to release of any criminal history record information (**Court records are exempt from the definition of Criminal History Record Information in RCW 10.97.030(1)*), the releasing agency shall delete any information identifying a child victim of sexual assault from the information except as provided in this section.<br><br>*COMMENT:*<br>Looking at cases on Westlaw: it is used mainly for law enforcement and educational institution documents.<br><br>“In denying the motion to seal the declaration under GR 15, the superior court properly considered the Ishikawa factors on the record. However, the court erred in denying the request to redact under RCW 10.97.130 on the grounds that “Deputy Bertrand is entitled, I think, as a citizen to present an affidavit in a civil matter.” The record is clear that the information set forth in Deputy Bertrand's declaration is based on a criminal investigation of the rape allegation. Information identifying child victims of sexual assault is protected by the Criminal Records Privacy Act and exempt from public disclosure. RCW 10.97.130; RCW 42.56.240(5).13 In Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 418, 259 P.3d 190 (2011), the court held that the police officer's identity was exempt from disclosure under the Criminal Records Privacy Act even though the remainder of the investigative records were subject to disclosure. *10 We affirm the decision on revision to enter a sexual assault protection order but remand to redact the name of the juvenile victim from the declaration of Deputy Bertrand.”<br><br>*Charbonneau ex rel. Charbonneau v. Foster*, 175 Wn. App. 1013 (2013) |
| RCW 13.50.050(14) | (14) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be |

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| | released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. |
| RCW 26.04.175 When disclosure of marriage applications and records prohibited | If a program participant under chapter 40.24 RCW notifies the appropriate county auditor as required under rules adopted by the secretary of state, the county auditor shall not make available for inspection or copying the name and address of a program participant contained in marriage applications and records filed under chapter 26.04 RCW, except under the following circumstances:<br><br>(1) If requested by a law enforcement agency, to the law enforcement agency; and<br>(2) If directed by a court order, to a person identified in the order |
| RCW 26.12.170 Authority of family court judges and court commissioners to order or recommend services—Report by court of child abuse or neglect | To facilitate and promote the purposes of this chapter, family court judges and court commissioners may order or recommend family court services, parenting seminars, drug and alcohol abuse evaluations and monitoring of the parties through public or private treatment services, other treatment services, the aid of physicians, psychiatrists, other specialists, or other services or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong.<br><br>If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.56.210(2). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations. |
| RCW 26.23.050 Support orders—Provisions—Enforcement—Confidential information form—Rules | (7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the |

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| | parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge. |
| RCW 26.23.120 Information and records—Confidentiality—Disclosure—Adjudicative proceeding—Rules—Penalties. | (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the division of child support, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section.<br>(2) The secretary of the department of social and health services may adopt rules:<br>(a) That specify what information is confidential;<br>(b) That specify the individuals or agencies to whom this information and these records may be disclosed;<br>(c) Limiting the purposes for which the information may be disclosed;<br>(d) Establishing procedures to obtain the information or records; or<br>(e) Establishing safeguards necessary to comply with federal law requiring safeguarding of information.<br>(3) The rules adopted under subsection (2) of this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:<br>(a) When authorized or required by federal statute or regulation governing the support enforcement program;<br>(b) To the person the subject of the records or information, unless the information is exempt from disclosure under chapter 42.56 RCW;<br>(c) To government agencies, whether state, local, or federal, and including federally recognized tribes, law enforcement agencies, prosecuting agencies, and the executive branch, if the disclosure is necessary for child support enforcement purposes or required under Title IV-D of the federal social security act;<br>(d) To the parties in a judicial or adjudicative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;<br>(e) To private persons, federally recognized tribes, or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;<br>(f) Disclosure of address and employment information to the parties to an action for purposes relating to a child support order, subject to the limitations in subsections (4) and (5) of this section;<br>(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the division of child support as set forth in state and federal statutes; or<br>(h) Disclosure of the information or records when authorized under RCW 74.04.060.<br>(4) Prior to disclosing the whereabouts of a physical custodian, custodial parent or a child to the other parent or party, a notice shall be mailed, if appropriate under the circumstances, to the parent or physical custodian whose whereabouts are to be disclosed, at that person's last known address. The notice shall advise the parent or physical custodian that a request for disclosure has been made and will be complied with unless the department: |

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| | (a) Receives a copy of a court order within thirty days which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the parent or party whose address is to be disclosed or the child;<br>(b) Receives a hearing request within thirty days under subsection (5) of this section; or<br>(c) Has reason to believe that the release of the information may result in physical or emotional harm to the physical custodian whose whereabouts are to be released, or to the child.<br>(5) A person receiving notice under subsection (4) of this section may request an adjudicative proceeding under chapter 34.05 RCW, at which the person may show that there is reason to believe that release of the information may result in physical or emotional harm to the person or the child. The administrative law judge shall determine whether the whereabouts of the person or child should be disclosed based on subsection (4)(c) of this section, however no hearing is necessary if the department has in its possession a protective order or an order limiting visitation or contact.<br>(6) The notice and hearing process in subsections (4) and (5) of this section do not apply to protect the whereabouts of a noncustodial parent, unless that parent has requested notice before whereabouts information is released. A noncustodial parent may request such notice by submitting a written request to the division of child support.<br>(7) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.56.070(9). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.<br>(8) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW. |
| RCW 26.26.041 Uniform Parentage Act - Protection of participants | Proceedings under this chapter are subject to other laws of this state governing the health, safety, privacy, and liberty of a child or other individuals who could be jeopardized by disclosure of identifying information, including the address, telephone number, place of employment, social security number, and the child's day care facility and school. |
| RCW 26.50.100 Order—Transmittal to law enforcement agency—Record in law enforcement information system—Enforceability | (1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.<br><br>Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, |

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| | vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.<br><br>(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail. |
| RCW 26.50.160 Judicial information system—Database | To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a database containing the following information:<br><br>(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.90 RCW, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the database as a party rather than the guardian or department;<br><br>(2) A criminal history of the parties; and<br><br>(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee. |
| RCW 26.50.165 Judicial information system—Names of adult cohabitants in third-party custody actions | In addition to the information required to be included in the judicial information system under RCW 26.50.160, the database shall contain the names of any adult cohabitant of a petitioner to a third-party custody action under chapter 26.10 RCW. |
| RCW 26.50.250 Disclosure of information | (1)(a) No court or administrative body may compel any person or domestic violence program as defined in RCW 70.123.020 to disclose the name, address, or location of any domestic violence program, including a shelter or transitional housing facility location, in any civil or criminal case or in any administrative proceeding unless the court finds by clear and convincing evidence that disclosure is necessary for the implementation of justice after |

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| | consideration of safety and confidentiality concerns of the parties and other residents of the domestic violence program, and other alternatives to disclosure that would protect the interests of the parties.<br><br>(b) The court's findings shall be made following a hearing in which the domestic violence program has been provided notice of the request for disclosure and an opportunity to respond.<br><br>(2) In any proceeding where the confidential name, address, or location of a domestic violence program is ordered to be disclosed, the court shall order that the parties be prohibited from further dissemination of the confidential information, and that any portion of any records containing such confidential information be sealed.<br><br>(3) Any person who obtains access to and intentionally and maliciously releases confidential information about the location of a domestic violence program for any purpose other than required by a court proceeding is guilty of a gross misdemeanor. |
| RCW 26.52.040 Filed foreign protection orders—Transmittal to law enforcement agency—Entry into law enforcement information system | (1) The clerk of the court shall forward a copy of a foreign protection order that is filed under this chapter on or before the next judicial day to the county sheriff along with the completed information form. The clerk may forward the foreign protection order to the county sheriff by facsimile or electronic transmission.<br><br>Upon receipt of a filed foreign protection order, the county sheriff shall immediately enter the foreign protection order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The foreign protection order must remain in the computer for the period stated in the order. The county sheriff shall only expunge from the computer-based criminal intelligence information system foreign protection orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the foreign protection order. The foreign protection order is fully enforceable in any county in the state.<br><br>(2) The information entered into the computer-based criminal intelligence information system must include, if available, notice to law enforcement whether the foreign protection order was served and the method of service. |
| 26.26.610 Proceeding to determine parentage—Hearings—Inspection of records | (1) On request of a party and for good cause shown, the court may close a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630.<br><br>(2) A final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 is publicly accessible. Records entered prior to the entry of a final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 are accessible only to the parties or on order of the court for good cause. |

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| | (3) Except as provided by applicable court rules, records entered after the entry of a final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 are publicly accessible. |
| Chapter 40.24 RCW | Address confidentiality for victims of DV, sexual assault and stalking |
| RCW 40.24.030 Address confidentiality program—Application—Certification | (1)(a)(iv):<br>(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, and (b) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:<br>(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv); |
| RCW 40.24.050 Agency use of designated address | (1) A program participant may request that state and local agencies use the address designated by the secretary of state as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant's substitute address, unless the secretary of state has determined that:<br><br>(a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and<br><br>(b) This address will be used only for those statutory and administrative purposes.<br><br>(2) A program participant may use the address designated by the secretary of state as his or her work address.<br><br>(3) The office of the secretary of state shall forward all first-class mail to the appropriate program participants |
| RCW 40.24.070 Disclosure of records prohibited—Exceptions | The secretary of state may not make any records in a program participant's file available for inspection or copying, other than the address designated by the secretary of state, except under the following circumstances:<br>(1) If requested by a law enforcement agency, to the law enforcement agency; and<br>(a) The participant's application contains no indication that he or she has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee; and<br>(b) The request is in accordance with official law enforcement duties and is in writing on official law enforcement letterhead stationery and signed by the law enforcement agency's chief officer, or his or her designee; or |

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| | (2) If directed by a court order, to a person identified in the order; and<br>(a) The request is made by a nonlaw enforcement agency; or<br>(b) The participant's file indicates he or she has reason to believe he or she is a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee. |
| RCW 40.24.075<br>Court order for address confidentiality program participant information | A court order for address confidentiality program participant information may only be issued upon a probable cause finding by a judicial officer that release of address confidentiality program participant information is legally necessary:<br>(1) In the course of a criminal investigation or prosecution; or<br>(2) To prevent immediate risk to a minor and meet the statutory requirements of the Washington child welfare system.<br>Any court order so issued will prohibit the release of the information to any other agency or person not a party to the order. |
| RCW 42.56.240(2), (5)<br>Investigative, law enforcement, and crime victims | (2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;<br>(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator; |
| RCW 70.125.065<br>Records of community sexual assault program and underserved populations provider not available as part of discovery—Exceptions | Records maintained by a community sexual assault program and underserved populations provider shall not be made available to any defense attorney as part of discovery in a sexual assault case unless:<br><br>(1) A written pretrial motion is made by the defendant to the court stating that the defendant is requesting discovery of the community sexual assault program or underserved populations provider records;<br><br>(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why the defendant is requesting discovery of the community sexual assault program or underserved populations provider records;<br><br>(3) The court reviews the community sexual assault program or underserved populations provider records in camera to determine whether the community sexual assault program or underserved populations provider records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the |

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| | confidentiality of such records taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records to the defendant; and<br><br>(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings. |

LAW ENFORCEMENT – Disclosure of personal identifying information in law enforcement records (source: mrsc.org)

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| Driver's license numbers | May be exempt from disclosure under RCW 42.56.230(5): This statute exempts certain bank or financial information as defined in RCW 9.35.005; that definition includes driver's license numbers.<br><br>•RCW 42.56.240(1) (if in an investigative file, agencies can assert the individual's right to privacy);<br>•RCW 46.52.120 (if obtained from the Department of Licensing); and<br>•18 USC § 2721(a)(2) (if retrieved from a database). |
| Social Security Numbers | Social Security numbers are exempt from disclosure under RCW 42.56.230(5). |
| Identity of Victims or Witnesses | The identifying information of a crime victim or witness is exempt from disclosure under RCW 42.56.240(2) if (1) the victim or witness indicates a desire for nondisclosure at the time of the complaint, or (2) disclosure would endanger the person's life, physical safety, or property. The agency must show, with specific evidence, that one or both of these conditions are met. See *Sargent v. Seattle Police Department*.<br><br>*COMMENT*:<br>Request for anonymity is on the witness statement form. |
| Identity of Child Victims or Witnesses | RCW 7.69A.030 and 7.69A.050 |
| Identity of Child Sexual Assault Victims | RCW 10.97.130. See also RCW 42.56.240(5)<br><br>*COMMENT*<br>Note: These statutes do not allow the entire investigative report to be withheld. They only allow redaction of the victim's identifying information. See *Koenig v. City of Des Moines*. |