

Family Law Court Records and Your Privacy

I. General Rule 22 - Access to Family Law and Guardianship Court Records



Legal Information
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1-866-259-7720
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206-521-4317
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As of October 1, 2001, people who file or respond to dissolution (divorce), non-parental custody, child support, parentage (paternity) or other family law actions complete special **pattern forms**. These forms help to protect the parties (the people involved in the case) against possible identity theft. They keep the public from seeing certain personal identifiers.

You can get a copy of General Rule 22 at http://www.courts.wa.gov/court_rules, under State Court Rules – Rules of General Application.

What are personal identifiers?

The personal identifiers which may be sealed include:

- your social security number,
- your driver's license number,
- your telephone number,
- the social security number of your child/ren, and
- the date of birth of your child/ren,
- financial account numbers.

Where Can I Get the Forms?

The following forms are included in this packet.

- Confidential Information Form (WPF DRPSCU 09.0200)
- Addendum to Confidential Information Form (WPF DRPSCU 09.0210)
- Sealed Financial Source Documents (WPF DRPSCU 09.0220)

Before you buy or use any pattern form, you should make sure that you are using the latest version of the form. The Administrative Office of the Courts (AOC) website has the most up-to-date versions of the forms: <http://www.courts.wa.gov/forms/> The revision date is located in the footer in the lower left corner of the form, under the name of the form and to the right of the pattern form number. For example:

PET FOR DISSO OF MARRIAGE (PTDSS) – Page 1 of 8
WPF DR 01.0100 (7/2003) – RCW 26.09.020]

How will My Personal Identifiers be Protected?

The personal identifiers that are protected by this rule are: your social security number, your driver's license number, your telephone number, the social security number of your child/ren, and the date of birth of your child/ren and financial account numbers.

You are required to complete the *Confidential Information Form* and to submit it with your petition or response. This *Confidential Information Form* is attached (WPF DRPSCU.09.0200). If you have more than two children, if there is more than one petitioner or more than one respondent, you will also need to file the *Addendum to Confidential Information Form (AD)*. This form is also attached (WPF DRPSCU.09.0210).

Your pleadings, such as your *Petition for Dissolution* or *Petition to Modify Child Support*, will still be part of the public record. The new pattern forms for these pleadings should not contain personal identifiers. Your *Confidential Information Form*, which does contain these identifiers, will be sealed from public access, including access by your opposing party. This new process will help balance the public's right to look at court records with the need to protect personal privacy.

What About Other Documents That Have My Personal Identifiers on Them?

You may also have certain financial documents sealed from the public by completing the attached *Sealed Financial Source Documents cover sheet* (WPF DRPSCU 09.0220). Documents that may be sealed under this form include:

- income tax returns,
- W-2's and schedules,
- wage stubs,
- credit card statements,
- financial institution statements,
- check registers,
- loan application documents,
- retirement plan orders, and
- other financial information sealed by a court order.

Please note that if you do not submit these financial documents under the *Sealed Financial Source Documents* cover sheet, the clerk will NOT seal those documents. Submit two copies of this cover sheet to the clerk. One copy will be placed in the general court file which the public may access. The other copy will become a part of your sealed file.

What about other kinds of personal information?

The public does not have access to the following court records:

- Confidential Information Form
- Sealed Financial Source documents
- Domestic Violence Information Form
- Notice of Intent to Relocate
- Sealed Personal Health Care Records

- Sealed Retirement Plan Order
- Sealed Confidential Reports
- Personal Information sheets necessary for the Judicial Information System

Health Care Records

You may have health care records sealed from the public by completing the attached *Sealed Personal Health Care Records cover sheet* (WPF DRPSCU 09.0260) and marking the records “sealed”, as the form instructs.

Confidential Reports

In many family law cases, people file reports to the court, such as parenting evaluations, domestic violence assessments, risk assessments, Child Protective Services reports, sexual abuse evaluations, and reports from the Guardian ad Litem or Court-Appointed Special Advocate.

As of July 1, 2006, these reports are filed as two separate documents, one public and one sealed. The public document lists the information that the evaluator reviewed, the people the evaluator contacted, any tests that they conducted or reviewed, and their conclusions and recommendations. The sealed documents are filed with a cover sheet and include all the details and the reasons for the conclusions.

If you are filing this kind of report, you can use the *Sealed Confidential Reports cover sheet* form (WPF DRPSCU 09/0270) included in this packet.

What about my address?

This rule does not require you to provide a residence address, but you must provide an address where you can be served court papers, and that address will be publicly available. This court rule and the new forms are intended to protect privacy, but are not designed to protect the safety of victims of domestic violence or stalking. For example, other parties, and attorneys of record in your case will be able to look at the documents that you or an evaluator file, even if they are "sealed" under this court rule.

However, all three cover sheets (Sealed Financial Source Documents, Sealed Confidential Reports, and Sealed Personal Health Care Records) note that you may block out information that identifies your location if you are concerned for your safety or the safety of your children.

Does this rule apply to all records?

This rule (GR 22), applies to family law case records in paper or electronic form. This rule does not apply to cases filed before October 1, 2001.

II. General Rule 31-- Access to Court Records

GR 31 tells you whether the public is allowed to look at certain court records, whether the records are paper copies in the courthouse or electronic copies on the Internet. You can get a copy of General Rule 31 at <http://www.courts.wa.gov/rules>, under State Court Rules – Rules of General Application.

Check the documents that you plan to file

This rule also says that whoever files a document is responsible for removing certain information in any documents (forms, declarations, exhibits, etc.) before they are filed.

Beginning October 26, 2004, people filing dissolution, nonparental custody, child support, parentage or other family law actions **shall not include certain personal identifiers** in any documents filed with the court, except for the Confidential Information forms required by GR 22 (see Section I. above). It doesn't matter whether you file the documents electronically or on paper. If a document that you need to file contains these personal identifiers, you must omit or black out all or part of the information, as specified below. This is true "unless necessary or otherwise ordered by the court."

Administrative records (records kept by government agencies, not courts) are not covered by this rule. However, administrative records, in general, are not available to the public. Check with the specific government agency if you are concerned.

The following personal identifiers shall be redacted (blacked out or deleted):

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.

Financial Account Numbers. If financial account numbers are relevant, *only the last four digits* shall be recited in the document. Examples of financial account numbers include credit card account numbers and bank account numbers.

Driver's License Numbers.

Will the Court Clerk Review My Documents to Make Sure That I Have Done This?

The clerk will not review each document for compliance with GR 31. Therefore, the responsibility for redacting these personal identifiers is up to the attorneys and the parties.

What will Happen if I File a Document Without Doing This?

If a pleading is filed without redaction, the opposing party or a person who is identified in the document may file a motion asking the court to order redaction. The court may award the prevailing party (the person that the judge decides in favor of) reasonable expenses, *including* attorney fees and court costs, that were incurred in order to make or oppose the motion.

Does This Rule Make All Court Records Available Online?

GR 31 does not force each court to produce online versions of court records. The new rule governs access to court records whether they are on the Internet or not. It does not provide specific regulations for records that are online.

Do I Have Full Access to All Court Records?

It is the policy of the courts to make it easy to look at court records. However, there are some limits on access to court records.

The following types of case records are “sealed” – not available to the public – by law. No one has to file a motion to seal these records:

- adoptions,
- confidential name changes,
- juvenile non-offender records (dependency, truancy, at-risk youth, child in need of services, termination of parental rights, and developmental disability placement),
- paternity (**except for the final orders**),
- mental illness commitment records,
- alcohol and drug treatment commitment records, and
- court records sealed by a judge’s order.

III. General Rule 15 – Destruction, Sealing and Redaction of Court Records

This rule is about the procedure for asking the court to destroy, seal and/or redact court files, cases, records or specific material in a court file or record. You can download a copy of General Rule 15 at <http://www.courts.wa.gov/rules>, under State court rules – Rules of General Application.

What does “destroy” mean?

When the court orders a court file, case or document destroyed it means that the contents can never be retrieved.

After entry of final judgment in a case, the case file is microfilmed before any part of it is destroyed. Any destruction of a court file before final judgment is entered is only done if there is a statute specifically permitting the court to do so.

What does “seal” mean?

When the court seals a file or a document, the court means to protect it from examination by the public. The existence of the sealed file can be found on a court index with the case number and the names of the parties and the notation “case sealed”. However, the contents of the case will not be available to the public.

The court may order a file to be sealed on its own motion or upon a motion brought by a party, after a reasonable notice is given to the non-moving party and a hearing is held.

What does “redact” mean?

Redaction prevents a portion or portions of a specific court record from being examined. For example, certain personal identifiers may be deleted from a document while the remaining portions of the document are visible.

Can records or documents be unsealed?

The court may order that documents be unsealed only if all parties agree or if there is proof of compelling circumstances. In that case, a motion to unseal is brought with written notice to all parties.

How can I seal a file?

You will probably need attorney assistance to prepare and argue your motion. There are no self help materials for this action.

FORMS

These forms are included in this packet:

- Confidential Information Form (WPF DRPSCU 09.0200)
- Addendum to Confidential Information Form (WPF DRPSCU 09.0210)
- Sealed Financial Source Documents cover sheet (WPF DRPSCU 09.0220)
- Sealed Confidential Reports cover sheet (WPF DRPSCU 09.0270)
- Sealed Personal Health Care Records cover sheet (WPF DRPSCU 09.0260)

All forms filed in Washington State Courts must have a 3" margin on the top of the first page and a 1" margin on all other sides. **If the forms you received with this packet do not have the correct margins** (because of copier error, for example), you can get copies of these forms from the Administrative Office of the Courts at <http://www.courts.wa.gov/forms/>. If you do not have access to the Internet, check with your Family Law Court Facilitator or Court Clerk to see if they have the forms available. You may also call the Administrative Office of the Courts (AOC) forms line at (360) 705-3628 to request an order form to order forms by mail.

Please note, AOC forms are not on pleading (numbered) paper; state court rule 10 recommends that all documents be on numbered paper and King County local rule 10 requires numbered paper. However, failure to use pleading paper is not on the list of “faulty documents” issued by the King County Court Clerk, so this may no longer be an issue. Please check the local rules in the county where you are filing, to determine if pleading paper is required. If you are using an AOC form, you may purchase pleading paper at an office supply store and copy your form onto it.

If you have questions about these court rules and their effect on your family law case, you may call the Legal Voice Legal Information and Referral Line at 206-621-7691 or 1-866-259-7720 for further information or referrals.

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 is required in all cases:
 (Use the Addendum To Confidential Information Form to list additional parties or children)**

Petitioner Information	Type or Print Only	Respondent Information
Name (Last, First, Middle)		Name (Last, First, Middle)
Race	Sex	Birthdate
Driver's Lic. or Identocard (# and State)		Driver's Lic. or Identocard (# and State), (or, if unavailable, residential address)
Mailing Address (P.O. Box/Street, City, State, Zip)		Mailing Address (P.O. Box/Street, City, State, Zip)
Relationship to Child(ren)		Relationship to Child(ren)

The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

- 1) Child's Name (Last, First, Middle)
- Child's Race/Sex/Birthdate
- Child's Soc. Sec. No. (If required)
- Child's Present Address or Whereabouts

2) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):

<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

Addendum(s) To Confidential Information Form attached. List other parties or children in Addendum(s).

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because _____

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Do not file in a public access file.
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Court Clerk: This is a Restricted Access Document

The following information about additional parties is required in all cases.

Additional Petitioner Information	Type or Print Only	Additional Respondent Information
Name (Last, First, Middle)		
Race	Sex	Birthdate
Drivers Lic. or Identicard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are additional children involved in the proceeding.
(Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

3) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

4) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

Except for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault), the following information is required:

Additional Petitioner Information	Additional Respondent Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()

1 **Superior Court of Washington**
2 **County of**

3 In re:

4 and

Petitioner(s),

5 Respondent(s).

No.
Sealed Financial Source Documents
(Cover Sheet)
(SEALFN)
Clerk's Action Required

6 **Sealed Financial Source Documents**

7 (List documents below and write "Sealed" at least one inch from the top of the first page of each
8 document.)

- 9 Income Tax records
10 Pay Stubs
11 Credit Card Statements
12 Bank statements
13 Checks or the equivalent
14 Check registers
15 Loan application documents
16 Retirement plan orders
17 Other

18 Submitted by:

19 **Notice: The other party will have access to these financial source documents. If you are concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

1 **Superior Court of Washington**
2 **County of**

3 In re:

4 and

Petitioner(s),

5
6 Respondent(s).

No.

**Sealed Confidential Reports
(Cover Sheet)
(SEALRPT)
Clerk's Action Required**

7 **Sealed Confidential Reports**

8 (List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

9 This cover sheet shall be used to file the sealed portion of the following reports:

- 10 Parenting evaluations
- 11 Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court
- 12 Risk Assessment Reports created by Family Court Services or a qualified expert
- 13 CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services
- 14 Sexual abuse evaluations
- 15 Reports of a guardian ad litem or Court Appointed Special Advocate
- 16 Other:

17 The sealed portion of these reports include: 1) Detailed descriptions of material, or information gathered or reviewed; 2) Detailed descriptions of all statements reviewed or taken; 3) Detailed descriptions of tests conducted or reviewed; 4) Analysis to support the conclusions and recommendations.

18 Submitted by: _____

19 **Notice: The other party will have access to these confidential reports. If you are concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

1
2 **Superior Court of Washington**
County of

3 In re:

4
5 and

Petitioner(s),

6
7 Respondent(s).

No.

**Sealed Personal Health Care
Records
(Cover Sheet)
(SEALPHC)
Clerk's Action Required**

8 **Sealed Personal Health Care Records**

9 (List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

10 Records or correspondences that contain health information that:

11 Relates to the past, present, or future physical or mental health condition of an individual
12 including past, present, or future payments for health care.

13 Involves genetic parentage testing.

14
15 Submitted by:

16 _____

17 **Notice: The other party will have access to these health care records. If you are**
18 **concerned for your safety or the safety of the children, you may redact (block out or**
19 **delete) information that identifies your location.**

FAMILY LAW COURT RECORDS AND YOUR PRIVACY

EVALUATION FORM

Please complete this form and return to: June Krumpotick, Legal Voice, 907 Pine St., Suite 500, Seattle, WA 98101-1818. FAX 206-682-9556. This will help us to make changes in this packet to make it more useful for people.

1. Where did you get this packet? _____

2. Did you read the instructions/information ? _____

3. Did you use the legal forms? _____

4. Did you find anything difficult to use or understand? What?

5. What happened in your case?

6. Today's date _____

7. (OPTIONAL) Your Name _____

Address _____

Phone _____

Fold and mail to address on back. THANK YOU.

ATTN: June Krumpotick
Legal Voice
907 Pine St., Suite 500
Seattle, WA 98101-1818