
SUBSTITUTE SENATE BILL 6215

State of Washington

66th Legislature

2020 Regular Session

By Senate Law & Justice (originally sponsored by Senator Braun)

1 AN ACT Relating to establishing a collaborative process to
2 alleviate the burden on local courts to determine indigency through
3 proof of receipt of public assistance; amending RCW 10.101.020 and
4 74.04.060; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 10.101.020 and 1997 c 41 s 5 are each amended to
7 read as follows:

8 (1) A determination of indigency shall be made for all persons
9 wishing the appointment of counsel in criminal, juvenile, involuntary
10 commitment, and dependency cases, and any other case where the right
11 to counsel attaches. The court or its designee shall determine
12 whether the person is indigent pursuant to the standards set forth in
13 this chapter.

14 (2) In making the determination of indigency, the court shall
15 also consider the anticipated length and complexity of the
16 proceedings and the usual and customary charges of an attorney in the
17 community for rendering services, and any other circumstances
18 presented to the court which are relevant to the issue of indigency.
19 The appointment of counsel shall not be denied to the person because
20 the person's friends or relatives, other than a spouse who was not
21 the victim of any offense or offenses allegedly committed by the

1 person, have resources adequate to retain counsel, or because the
2 person has posted or is capable of posting bond.

3 (3) The determination of indigency shall be made upon the
4 defendant's initial contact with the court or at the earliest time
5 circumstances permit. The court or its designee shall keep a written
6 record of the determination of indigency. Any information given by
7 the accused under this (~~section or sections~~) chapter shall be
8 confidential and shall not be available for use by the prosecution in
9 the pending case.

10 (4) If a determination of eligibility cannot be made before the
11 time when the first services are to be rendered, the court shall
12 appoint an attorney on a provisional basis. If the court subsequently
13 determines that the person receiving the services is ineligible, the
14 court shall notify the person of the termination of services, subject
15 to court-ordered reinstatement.

16 (5) All persons determined to be indigent and able to contribute,
17 shall be required to execute a promissory note at the time counsel is
18 appointed. The person shall be informed whether payment shall be made
19 in the form of a lump sum payment or periodic payments. The payment
20 and payment schedule must be set forth in writing. The person
21 receiving the appointment of counsel shall also sign an affidavit
22 swearing under penalty of perjury that all income and assets reported
23 are complete and accurate. In addition, the person must swear in the
24 affidavit to immediately report any change in financial status to the
25 court.

26 (6) (a) The office or individual charged by the court to make the
27 determination of indigency shall provide a written report and opinion
28 as to indigency on a form prescribed by the office of public defense,
29 based on information obtained from the defendant and subject to
30 verification. The form shall include information necessary to provide
31 a basis for making a determination with respect to indigency as
32 provided by this chapter.

33 (b) Online real-time verification of public assistance as defined
34 in RCW 10.101.010(3)(a) shall be made available at no cost to all
35 courts and their designees by the department of social and health
36 services or the health care authority. The office of public defense,
37 in collaboration with the department of social and health services
38 and the health care authority, shall promote utilization of online
39 verification and provide training and technical assistance to the
40 courts and their designees.

1 **Sec. 2.** RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each
2 amended to read as follows:

3 (1)(a) For the protection of applicants and recipients, the
4 department, the authority, and the county offices and their
5 respective officers and employees are prohibited, except as
6 hereinafter provided, from disclosing the contents of any records,
7 files, papers and communications, except for purposes directly
8 connected with the administration of the programs of this title. In
9 any judicial proceeding, except such proceeding as is directly
10 concerned with the administration of these programs, such records,
11 files, papers and communications, and their contents, shall be deemed
12 privileged communications and except for the right of any individual
13 to inquire of the office whether a named individual is a recipient of
14 (~~welfare~~) public assistance and such person shall be entitled to an
15 affirmative or negative answer.

16 (b) Unless prohibited by federal law, for the purpose of
17 investigating and preventing child abuse and neglect and providing
18 for the health care coordination and well-being of children in foster
19 care, the department and the authority shall disclose to the
20 department of children, youth, and families the following
21 information: Developmental disabilities administration client
22 records; home and community services client records; long-term care
23 facility or certified community residential supports records; health
24 care information; child support information; food assistance
25 information; and public assistance information. Disclosure under this
26 subsection (~~((1)(b))~~) is mandatory for the purposes of the federal
27 health insurance portability and accountability act.

28 (c) Upon written request of a parent who has been awarded
29 visitation rights in an action for divorce or separation or any
30 parent with legal custody of the child, the department shall disclose
31 to him or her the last known address and location of his or her
32 natural or adopted children. The secretary shall adopt rules which
33 establish procedures for disclosing the address of the children and
34 providing, when appropriate, for prior notice to the custodian of the
35 children. The notice shall state that a request for disclosure has
36 been received and will be complied with by the department unless the
37 department receives a copy of a court order which enjoins the
38 disclosure of the information or restricts or limits the requesting
39 party's right to contact or visit the other party or the child.
40 Information supplied to a parent by the department shall be used only

1 for purposes directly related to the enforcement of the visitation
2 and custody provisions of the court order of separation or decree of
3 divorce. No parent shall disclose such information to any other
4 person except for the purpose of enforcing visitation provisions of
5 the said order or decree.

6 (d) The department shall review methods to improve the protection
7 and confidentiality of information for recipients of welfare
8 assistance who have disclosed to the department that they are past or
9 current victims of domestic violence or stalking.

10 (2) The county offices shall maintain monthly at their offices a
11 report showing the names and addresses of all recipients in the
12 county receiving public assistance under this title, together with
13 the amount paid to each during the preceding month.

14 (3) The provisions of this section shall not apply to duly
15 designated representatives of approved private welfare agencies,
16 public officials, members of legislative interim committees and
17 advisory committees when performing duties directly connected with
18 the administration of this title, such as regulation and
19 investigation directly connected therewith: PROVIDED, HOWEVER, That
20 any information so obtained by such persons or groups shall be
21 treated with such degree of confidentiality as is required by the
22 federal social security law.

23 (4) It shall be unlawful, except as provided in this section, for
24 any person, body, association, firm, corporation or other agency to
25 solicit, publish, disclose, receive, make use of, or to authorize,
26 knowingly permit, participate in or acquiesce in the use of any lists
27 or names for commercial or political purposes of any nature. The
28 violation of this section shall be a gross misdemeanor.

29 NEW SECTION. **Sec. 3.** This act takes effect September 1, 2020.

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