

WAC 388-14A-2140 What happens at a hearing on objection to disclosure of address information? In any administrative hearing requested under WAC 388-14A-2114 (1) (b) (ii):

(1) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing.

(2) The office of administrative hearings (OAH) sets the hearing as a phone hearing;

(3) Each party must provide OAH with a telephone number where the party can be reached for the hearing, at some time before the scheduled hearing.

(4) The administrative law judge (ALJ) must not disclose the location or phone number from which either party is appearing.

(5) The ALJ may, upon good cause shown, convert the hearing to an in-person hearing for the party requesting disclosure.

(6) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure.

(7) If the party requesting address disclosure:

(a) Fails to meet this burden, the ALJ enters an order denying the address request;

(b) Establishes that the address was requested for a purpose for which disclosure is permitted, the other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

(i) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and

(ii) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.

(8) If either party fails to appear, the ALJ enters an order on default:

(a) If the party objecting to disclosure fails to appear, the order requires DCS to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the address;

(b) If the address requesting party fails to appear, the default order denies the request for address information.

(9) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children.

(10) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies, including any late appeal periods.

(11) If the custodial parent (CP) requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order are independent parties in the address disclosure hearing.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2140, filed 3/19/02, effective 4/19/02.]