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Cynthia Lu
AB 132
Opposition

My name is Cynthia Lu. I work as a Chief Deputy Public Defender in Washoe County. Our office represents parents and sometimes children in 432B dependency cases. We are opposing AB 132. AB 132 jeopardizes the privacy rights of children, parents and families. Although, proponents of AB 132 have stated that they do not believe that parents have any rights in these matters, the U.S. Supreme Court continues to clearly delineate parental rights as a fundamental right and has protected the privacy rights of families in its progeny of cases related to contraception.

As a practical effect of AB 132, it is not only parents, but children who may not want to publish to their peers or that public that their family is having problems and they are in the foster care system. Also, the parents would potentially have less candor in discussing their personal family problems with the court and the public. This effect may potentially slow down the process of assisting these families because issues won't be identified or addressed in front of the public, which is the very reason for having court hearings. The bill takes away any privacy rights of all the family members. The effect of this bill is more likely to stigmatize families in smaller counties, where everybody knows each other, as nosy neighbors would be more inclined to be in the courtroom to get the town gossip. Even if the intention is to promote media exposure to make the system better, the reality is that members of the public may utilize this bill for gossip fodder.

The way the bill is currently written forces children, parents or the agency to file motions to protect their privacy rights. Since the bill makes the hearings presumptively open, the burden to close hearings are going to be placed upon the families. It will be on

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the parents or the child to close hearings. Our office believes that there will be more motions to close hearings than motions to open hearings if the hearings were made presumptively closed.

An alternative bill has been suggested to have the hearings be presumptively closed and parties may file a motion to open the hearings. One issue this version would need to address is the standing issue for a party to file a motion to open the hearing, like the media. However, this version would, at least, protect the privacy rights of the family from the onset and allow a court to hear and grant a motion to open a particular case. Moreover, if the motion was being filed by a nosy neighbor, the court can obviously consider this factor and deny the motions where the goal is not to expose or better the system, but to gather gossip. Another issue would be to create a specific criteria of factors to warrant opening a hearing or case to the public as well as the standard of proof in that regard so that there is guidance as to what factors the court may look at to open a hearing.

F-2022