

SUPREME COURT OF THE STATE OF WASHINGTON

J.M.I. v. State

No. 104167-5 (Wash. Apr. 30, 2026) · No. 104167-5 · Decided April 30, 2026

SUMMARY

The Washington Supreme Court holds that child welfare records in the possession of the Department of Children, Youth, and Families are covered by the privilege in RCW 74.04.060(1)(a), but that the statute’s exception permits disclosure in negligence actions directly concerning administration of the foster care program. The court further holds that RCW 13.50.100 permits former foster children to obtain records that pertain to them, subject to confidentiality protections. The court affirms the trial courts’ discovery orders, denies attorney fees and costs, and remands for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Mungia, J.; Madsen, J.P.T.; Yu, J.P.T.
JURISDICTION	Supreme Court of the State of Washington
DECIDED	April 30, 2026
DOCKET	104167-5
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought direct review of consolidated trial court orders compelling production of child welfare records in negligence actions brought by former foster children. The Washington Supreme Court granted review, stayed the orders pending review, and affirmed.
STANDARD OF REVIEW	Discovery rulings are reviewed for abuse of discretion; interpretation of privilege and confidentiality statutes is reviewed de novo.
PRECEDENTIAL VALUE	Published; precedential Washington Supreme Court opinion
PARTIES	State of Washington, State of Washington, Department of Social & Health Services, State of Washington, Department of Children, Youth & Families, State of Washington, Department of Child Protective Services v. J.M.I., S.P., a minor, by Bruce A. Wolf, her guardian ad litem, Taci Marson, by and through Northstar Case Management, her guardian and conservator, Darel Maxfield, as guardian for F.H., a minor, N.H., individually

TOPICS

discovery dispute

statutory interpretation

civil procedure

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PRACTICE AREAS

civil procedure

discovery

child welfare

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statutory interpretation

QUESTIONS PRESENTED

1. Whether RCW 74.04.060(1)(a) creates a statutory privilege protecting child welfare records held by the Department of Children, Youth, and Families.
2. Whether the exception in RCW 74.04.060(1)(a) for records needed in a judicial proceeding directly concerned with administration of state programs permits discovery of the requested records.
3. Whether RCW 13.50.100's confidentiality and nondisclosure provisions bar production of records that pertain to the plaintiffs.
4. Whether the plaintiffs were entitled to attorney fees and costs under RCW 13.50.100(10) or RAP 18.1.

HOLDINGS

1. Foster children and their families are recipients of assistance under Title 74 RCW, and the term department in RCW 74.04.060(1)(a) encompasses DCYF for child welfare functions transferred from DSHS; therefore, the statute's privilege applies to DCYF child welfare records.
2. The exception in RCW 74.04.060(1)(a) applies because negligence actions alleging that the State failed to protect foster children directly concern the administration of the State's foster care program; the requested records are therefore discoverable.
3. RCW 13.50.100 does not bar production of the requested records because the records pertain to the plaintiffs when they directly relate to whether the State breached its duties to protect them.
4. The plaintiffs were not entitled to attorney fees and costs under RCW 13.50.100(10) or RAP 18.1 because these cases are negligence actions rather than dependency or termination proceedings, and no other basis for fees was established.

KEY QUOTATIONS

"Because privileges impede the truth-finding process, we strictly and narrowly construe them to exclude the least amount of relevant evidence." (6)

"Judicial proceedings involving allegations that the State negligently failed to fulfill its duties to a foster child are proceedings directly concerned with the State's administration of its foster care program." (9)

"The information they seek goes directly to the issue of whether the State breached that duty." (12)

FACTUAL BACKGROUND

The plaintiffs are former foster children who each alleged that the State negligently placed them in foster homes where they suffered sexual or physical abuse and that the State failed to adequately investigate abuse complaints.

They sought records concerning their placements, foster parents, other children in those homes, abuse allegations, and investigations of other state-licensed foster homes. The trial courts ordered production subject to redactions, protective orders, limits on dissemination, and possible sealing or redaction at trial.

PROCEDURAL HISTORY

The plaintiffs sued the State, alleging negligent placement in foster homes and inadequate investigation of abuse reports. They sought their own and nonparty child welfare records in discovery. The trial courts denied the State's motions for protective orders and ordered production subject to redactions, confidentiality restrictions, and protective measures. The State sought discretionary and direct review, which the Supreme Court granted and consolidated.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial courts' orders compelling production are affirmed, and the cases are remanded for further proceedings subject to the existing redaction, confidentiality, use, sealing, and evidentiary safeguards.

CASES CITED

- Magney v. Truc Pham, 195 Wn.2d 795, 801, 466 P.3d 1077 (2020)
- Dep't of Ecology v. Campbell & Gwinn, LLC, 146 Wn.2d 1, 9-10, 43 P.3d 4 (2002)
- State v. Burden, 120 Wn.2d 371, 376, 841 P.2d 758 (1992)
- Lowy v. PeaceHealth, 174 Wn.2d 769, 777-78, 280 P.3d 1078 (2012)
- State v. Watson, 146 Wn.2d 947, 954-55, 51 P.3d 66 (2002)
- Dep't of Soc. & Health Servs. v. Latta, 92 Wn.2d 812, 819, 601 P.2d 520 (1979)
- State v. Thompson, 54 Wn.2d 100, 104-05, 338 P.2d 319 (1959)
- State v. Harris, 51 Wn. App. 807, 813, 755 P.2d 825 (1988)
- Kustura v. Dep't of Labor & Indus., 169 Wn.2d 81, 88, 233 P.3d 853 (2010)
- Wash. Conserv. Action Educ. Fund v. Hobbs, 3 Wn.3d 768, 771, 557 P.3d 669 (2024)
- Wash. State Ass'n of Counties v. State, 199 Wn.2d 1, 13, 502 P.3d 825 (2022)
- Wark v. Wash. Nat'l Guard, 87 Wn.2d 864, 867, 557 P.2d 844 (1976)
- Landesberg v. Fairway Vill. Homeowners Ass'n, 30 Wn. App. 2d 660, 669, 546 P.3d 502 (2024)
- City of Seattle v. Long, 198 Wn.2d 136, 148, 493 P.3d 94 (2021)