

HOUSE BILL REPORT

SSB 5392

As Reported By House Committee On:
Human Services

Title: An act relating to abuse of children and incompetent persons.

Brief Description: Revising provisions relating to abuse of children and incompetent persons.

Sponsors: Senate Committee on Health & Human Services
(originally sponsored by Senators Talmadge, Deccio, Fraser, L. Smith, McCaslin, Moyer, Oke and Winsley).

Brief History:

Reported by House Committee on:
Human Services, April 1, 1993, DPA.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Leonard, Chair; Riley, Vice Chair; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

Minority Report: Do not pass. Signed by 4 members: Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Staff: David Knutson (786-7146).

Background: In February 1992, an External Review Committee was created by the Department of Social and Health Services Division of Children and Family Services to conduct a child fatality review. The committee reviewed the policies and procedures used by the division in the case under review. The committee made a series of recommendations designed to decrease the likelihood of future child fatalities.

Summary of Amended Bill: Formal requirements for alcohol and substance abuse evaluations and treatment services in dependency cases are created. The treatment programs are required to file quarterly progress reports with the court, the department, the person in treatment or their attorney, the guardian ad litem and to any supervising child-placing agency. The court may not require the department to pay for any treatment programs.

The affected person must be involved in developing the plan and must sign the proposed plan. Progress reports must be sent at six weeks, three months, six months, one year and every six months thereafter. A close-out treatment report must be filed and shall include a summary of the treatment outcome and recommendations for maintaining ongoing stability.

The treatment facility must file a violation report within 24 hours of any breach of the treatment plan. The court or the department may schedule a show cause hearing for a treatment violation. The court shall modify the dependency order, as necessary, to ensure the safety of the child.

Agreed fact-finding and dispositional orders require the concurrence of the parties, their attorneys, the guardian ad litem and the court-appointed special assistants. The court is required to consider the reports of the guardian ad litem and the court-appointed special assistant at dispositional hearings. A risk assessment process shall be used for child abuse investigations. The department is required to present the risk assessment factors to the court.

The child abuse reporting requirement is expanded to include reporting by any adult residing within the residence where abuse or neglect has occurred.

A person can be in violation of a temporary restraining order without the need for a police officer to tell them to leave. A police officer who is investigating a child physical or sexual abuse case may seek a temporary restraining order to restrict visitation rights during the period of an investigation.

Amended Bill Compared to Substitute Bill: References to "alcoholism" are changed to "chemical dependency." A person residing with a child, adult dependent or person with a developmental disability who suffers abuse, is required to report if: (1) they have previously reported; or (2) they have been the subject of a child abuse investigation. Law enforcement will seek a temporary injunction rather than a temporary restraining order when investigating abuse allegedly committed by a non-custodial parent with visitation rights.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Reports from treatment providers to the court will help to make better decisions related to the best interests of children in foster care.

Testimony Against: Parents should not be required to report child abuse to authorities if they are abused themselves. Non-custodial parents should not be prohibited from visiting their children when law enforcement is conducting a child abuse investigation, if charges have not been filed.

Witnesses: (Pro) Darlene Flowers, Foster Parents Association of Washington State; (con) Mary Pontarolo, Coalition Against Domestic Violence; and (con) Michele Delo, Washington Families.