

SENATE BILL REPORT

SSB 5392

AS PASSED SENATE, MARCH 16, 1993

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)

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5392 be substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Staff: Richard Rodger (786-7461)

Hearing Dates: February 2, 1993; February 26, 1993

BACKGROUND:

In February of 1992 an external review committee was created by DSHS's 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:

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.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill protects children in homes where other abuse has occurred and where there has been a history of abuse. The mandatory show cause hearing requirement may cause a great fiscal impact on state and local governments.

TESTIMONY AGAINST: None

TESTIFIED: Darlene Flowers, FPAWS; Lois Smith, Juvenile Court Administrators; Gerard Sidorowicz, DSHS