

HOUSE BILL REPORT

SSB 5511

As Reported By House Committee On:
Children & Family Services

Title: An act relating to child abuse and neglect information.

Brief Description: Modifying provisions relating to retention of reports of child abuse or neglect.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Zarelli, Haugen, Benton, Strannigan, Rasmussen, Hochstatter, Schow and Goings).

Brief History:

Committee Activity:

Children & Family Services: 3/28/97, 4/1/97 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: Prior to 1987, the Department of Social and Health Services (DSHS) maintained both substantiated and unsubstantiated reports of child abuse and neglect in a tracking system called Central Registry for Child Abuse and Neglect. Persons who were entered into the system as alleged perpetrators of abuse or neglect were notified and given the opportunity to refute the allegations. The Legislature repealed the Central Registry in 1987 and replaced it with a system of background checks of pending criminal charges, criminal histories, civil adjudications, or final disciplinary board decisions related to child abuse or neglect through the Washington State Patrol.

As a result, the DSHS created the Case and Management Information System (CAMIS) to continue recording reports of child abuse and neglect, and to conduct background checks on individuals as part of licensing and employment decisions. The DSHS has also reclassified its categories of abuse and neglect reports as founded-, unfounded-, and inconclusive.- Each of the three categories is defined as follows in the Division of Children and Family Services 1995 policy manual:

Founded: Based on the CPS investigation, there is reasonable cause for the social worker to believe that either the allegations on the referral are true or that sufficient evidence exists to reasonably support the conclusion that the child has been, or is at risk of being, abused or neglected by a parent or caretaker.–

Unfounded: Based on the CPS investigation, there is reasonable cause for the social worker to believe that the allegations on the CPS referral are untrue or that sufficient evidence exists to reasonably conclude that the child has not been abused or neglected nor is at risk of abuse or neglect.–

Inconclusive: There is not significant evidence for the social worker to reasonably conclude that a child has or has not been abused or neglected or is at risk of abuse or neglect.–

At this time, all reports and information remain in the tracking system indefinitely.

Summary of Amended Bill: The DSHS will delete any information determined to be unfounded in files or reports of child abuse and neglect after six years, unless an additional report has been filed in the intervening period. The department's definition of unfounded– information is placed in statute.

The subject of an investigation will be notified of the filed report and the subsequent findings. The DSHS will make good-faith efforts to locate the subject. The notice shall inform the subject of his or her opportunity to submit a written response to the report, which will be filed in the record. Persons who are interested in child-care licensing or employment are notified of their opportunity to meet with the department to discuss and contest the information in the record.

The notification process must not jeopardize the safety and protection of the child or the investigation.

Amended Bill Compared to Substitute Bill: The definition of information determined to be unfounded– is placed in statute.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Six years is an appropriate time to preserve reports of child abuse or neglect because 1) reported victims who are under age one at the time of the report will be in school after six years, allowing for observation by school personnel; and 2)

if another report is not received within six years, it is unlikely that a pattern of abuse exists. A report six years old or older would not greatly help a case worker evaluate a subsequent report regarding the same individual.

Testimony Against: None.

Testified: Senator Val Stevens, prime sponsor; and Jennifer Strus, Department of Social and Health Services (pro).