

HOUSE BILL REPORT

SSB 5770

As Reported By House Committee On:
Children & Family Services

Title: An act relating to the confidentiality of child welfare records.

Brief Description: Protecting child records.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens and Thibaudeau).

Brief History:

Committee Activity:

Children & Family Services: 3/28/97, 4/4/97 [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: David Knutson (786-7146).

Background: Most information regarding reports and investigations of child abuse and neglect is considered confidential and therefore barred from disclosure. Recent changes to federal law have loosened these restrictions when the release of information to the public is pursuant to a legitimate state purpose.

Summary of Amended Bill: Consistent with the Public Disclosure Act and federal law, the Department of Social and Health Services secretary or designee must disclose information regarding the abuse or neglect of a child, the investigation of abuse or neglect, and any services related to the abuse or neglect. If it is determined that the release is contrary to the best interests of the child, the siblings, or other children in the residence, the information may be kept from being revealed.

Except as limited by the secretary's determination of the best interests of the child,– the department is obligated to divulge information in the following cases:

- (1) there have been criminal charges filed in conjunction with the report filed with the DSHS;
- (2) the department's investigation or provision of services has already been publicly revealed by law enforcement, a prosecuting attorney, a superior court judge, or any other local or state investigatory source through the course of their official duties;
- (3) the subject of the report has made a voluntary public disclosure; or
- (4) the child named in the report has died.

The type of information that can be disclosed by the department is outlined. The secretary or designee is required to make the fullest disclosure of information in the event a child dies, either while in actual custody of the DSHS or having been so in the previous 12 months. This disclosure must be made in accordance with state and federal law. Personally identifying information— that may be removed from the records to be disclosed is also defined. Certain records are kept confidential, except as they relate to the cause of abuse or neglect or as applied to the department's actions in response to such reports.

The DSHS is also granted immunity from criminal or civil liability when acting in good faith.

Amended Bill Compared to Substitute Bill: Internal references to which child deaths are covered by public disclosure provisions are corrected. The types of records covered by the public disclosure requirements are clarified.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The public has a right to know the circumstances involving the death of children resulting from child abuse or neglect, or that the child was in the care of, or receiving care from, the DSHS within the past 12 months.

Testimony Against: There should be a reasonable time limit after which the DSHS should not have to provide case information involving child deaths. The types of records subject to public disclosure need to be clarified (concerns addressed by the adoption of the committee striking amendment).

Testified: Senator Val Stevens, prime sponsor; Roland Thompson, Allied Daily Newspapers (pro); and Jennifer Strus, Department of Social and Health Services (concerns).