
Children & Family Services Committee

BILL ANALYSIS HB 2556

Title: An act relating to amendments concerning the child abuse prevention and treatment act and the adoption and safe families act.

Brief Description: Making changes concerning the federal child abuse prevention and treatment act.

Sponsors: Representatives Cooke, Tokuda and O'Brien; by request of Department of Social and Health Services.

Meeting Date: January 29, 1998.

Bill Analysis Prepared by: Doug Ruth (786-7134).

Background: Within the past year, Congress has amended two federal acts that govern child welfare law, The Child Abuse Act and the Social Security Act (title IV). Both of these acts provide grants to states for activities relating to preventing and treating child abuse and neglect, and family preservation. To be eligible for funding under the grant programs, states are required to establish systems for reporting and investigation child abuse and neglect, and providing foster care and adoption assistance. As with the vast majority of similar federal grant programs, these systems must meet certain federal guidelines.

Both acts were recently amended. The amendments change the guidelines for state foster care, adoption assistance, and child abuse and neglect programs.

Summary of Bill: Changes are made in Washington's child abuse and dependency laws to conform with recent changes in federal law.

The policy goal of Washington's dependency chapter is altered to emphasize that, in meeting the federal requirement that reasonable efforts— be made to reunite families, the paramount concern is the health and safety of the child.

An additional criteria is added to the list of circumstances that compel the filing of a parental termination petition after a child has been found dependent and removed from his or her home. The additional criteria is that a child under two years of age has been abandoned.

In certain circumstances, the custodial agency is relieved of the obligation to make reasonable efforts to eliminate the need to remove a child from his or her home. The agency is relieved of the obligation if such reunification efforts are inconsistent with the child's permanency plan created by the agency.

Courts and the agency are also relieved of the obligation to make reasonable efforts to reunify the family if the child's parent committed certain offenses against another child. These offenses include attempt, conspiracy to commit, or commission of first or second degree murder and first or second degree manslaughter of a child; commission of first or second degree assault against the child, or another child; and a previous termination of parental rights.

If the reunification obligation does not apply in any of these circumstances, the agency is required instead to complete whatever steps are necessary to permanently place the child in a timely manner.

Foster parents, pre-adoptive parents, or relatives of a dependent child are given the opportunity to provide input to the judge who is overseeing implementation of a child's permanency plan. These caretakers may give input only if they are the one currently providing care to the child at the time of the court's review hearing. The court must notify the caretakers of all review hearings.

Age is eliminated as a factor for determining when a permanency planning hearing by a court is required. No matter the age of the child, a court must hold a hearing if a child has remained out-of-home for at least nine months and neither an adoption decree or guardianship order is pending. The hearing must be held within twelve months of the date of the child's removal from home.

An additional basis for termination of a parent's rights is created. A court may terminate parental rights if it is proved beyond a reasonable doubt that a child is dependent, and that the parent has attempted, conspired, or committed first or second degree murder or first or second degree manslaughter of the parent's child, or committed first or second degree assault against the child, or another child.

Licensing and employment decisions by the department may not be based on unfounded child abuse or neglect reports.

All persons named in founded reports of child abuse or neglect have the right to seek review of the finding, not just those seeking employment. A review procedure is created. The person may request the department review the finding within twenty days of receiving notice that the person is the subject of a founded report. The request must be written. Management level staff in the Children's Administration shall conduct the review. If appropriate, the finding may be changed. The outcome of the review is sent to the requestor. Within thirty days of receiving the notice, the person may request a adjudicative hearing. No standard of proof is given. Any review or hearing is confidential. If the requestor does not meet the time lines or procedures described, he or she loses all rights to challenge the finding.

Notification of allegations of abuse or neglect is made by certified mail, return receipt requested.

The department's duty to investigate complaints of child abuse, neglect or abandonment is

revised. The description of what constitutes child abuse, neglect or abandonment is described in greater detail. In addition, the department may conduct a family assessment instead of an investigation. On the basis of an investigation or assessment, the department may offer services to the child's parents or guardians to resolve the problems revealed, and/or bring the situation to the attention of a court. The duty to report to law enforcement agencies crimes revealed by a department investigation is limited to crimes against children.

Appropriation: None.

Fiscal Note: None requested.

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

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