

HOUSE BILL ANALYSIS

SSB 5770

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).*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *March 28, 1997.*

Bill Analysis Prepared by: *Dave 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 Bill: *Consistent with the Public Disclosure Act and federal law, the DSHS 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.

Appropriation: *None.*

Fiscal Note: *Available.*

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