

HOUSE BILL REPORT

SSB 6558

As Reported By House Committee On:

Children & Family Services

Title: An act relating to citizen review of child abuse and neglect cases.

Brief Description: Creating citizen review panels to review child abuse and neglect cases.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Long, Stevens, Roach and Oke).

Brief History:

Committee Activity:

Children & Family Services: 2/24/98, 2/26/98 [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: Congress recently passed revisions to the federal child abuse prevention statutes. The act is known as the "Child Abuse Prevention and Treatment Act Amendments of 1996" and referred to as "CAPTA". The federal act requires the states to adopt changes to their child abuse and neglect statutes or risk losing federal funding.

One provision of the CAPTA amendments requires the states to create "citizen review panels" to examine the policies and procedures of the state and local agencies which implement the state's child abuse and neglect prevention programs. The stated purpose of Congress is to provide opportunities for citizens to play an integral role in ensuring that states meet their goals of protecting children from abuse and neglect. Congress gave the states flexibility in designing their panels. CAPTA neither prescribes the depth or breadth of review by the panels, nor the structure of the panels other than general membership requirements. A state may use existing entities to act as citizen review panels, as long as those entities meet the federal requirements for the panels.

Summary of Amended Bill: The Department of Social and Health Services (DSHS) is directed to implement the citizen review panel requirements of CAPTA. By November 30, 1998, the department must report to the Legislature regarding implementation of the federal requirements and the findings of whatever entities the department designates as citizen review panels. The findings of the panels must evaluate the effectiveness of state and local agencies in discharging their child protection responsibilities.

Amended Bill Compared to Substitute Bill: The original bill created new entities independent of DSHS to act as citizen review panels. A minimum of six panels were created, one for each of the Department of Social and Health Services' regions. The panels were to consist of seven members each, three of which have professional or academic expertise in the prevention and treatment of child abuse and neglect. The remaining members would be citizens who have no fiduciary interest in any health, education, social service, or criminal justice agency.

The Department of Community, Trade, and Economic Development (DCTED) would have contracted with a private nonprofit organization to serve as the appointing authority of the panels and to oversee their operation. These duties were to be transferred to the Office of the Family and Children's Ombudsman (OFCO) on January 1, 2001.

The panels were given the authority to employ investigative staff and access confidential information. Dissemination of confidential information was prohibited except in specified circumstances. Improper disclosure was punishable by up to a \$5,000 fine.

In cases reported to a citizen review panel which led to civil action, a successful plaintiff could receive attorney fees, costs, triple damages, and punitive damages.

The panels were directed to examine the state's effectiveness in discharging any of the duties listed in the state's federally required child abuse and neglect prevention plan. The panels were also authorized to examine child protection standards, risk assessment, child fatality and near fatality reports, the time required for Child Protection Services (CPS) investigations, immunity for child abuse reporters, confidentiality, coordination between CPS and foster care and adoption programs, and cooperation between law enforcement, the courts, and DSHS in handling child protection cases.

The panels were also allowed to review specific cases, although the cases must have been referred to them by a legislator, the ombudsman, or DSHS.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The work of the Senate’s Subcommittee on Civil Rights showed a need to have citizen review panels as oversight to DSHS’ activities. The subcommittee identified several instances where the department did not meet the mandates of the child protection laws and the department’s child abuse prevention and protection plan. It is important to have citizens unconnected to the state be involved in examining DSHS’ performance in providing child protection services. Many of the current oversight bodies are staffed by professionals or state employees. CTED is happy to administer these panels, but feels it would be more efficient to leave the panels under CTED rather than transferring their administration to the Children and Family Ombudsman a few years after their creation.

Testimony Against: There are many citizen panels and teams which currently exist that can meet the requirements of CAPTA. In fact, the department may already be complying with CAPTA. Creating a new body would duplicate present oversight efforts. CAPTA expressly disfavors states duplicating current citizen panels. Current panels do contain citizen members and the department would be willing to increase the representation of non-professionals on these panels.

Testified: Senator Joseph Zarelli, prime sponsor; Russ Haugen, Kitsap County Prosecutor (pro); Doug Blair, Yakima County Sheriff (pro); Jennifer Strus, Director, Division of Program & Policy, Department of Social and Health Services (concerns); Laurie Lippold, Children’s Home Society (pro); and Bev Emery, Office of Crime Victims Advocacy (con).