

FINAL BILL REPORT

SSB 5770

PARTIAL VETO

C 305 L 97

Synopsis as Enacted

Brief Description: Protecting child records.

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

Senate Committee on Human Services & Corrections

House Committee on Children & Family Services

Background: Under current law most information concerning reports and investigations of child abuse and neglect is considered confidential. Recent changes to federal law have given the states greater authority to release such information to the public when the release is pursuant to a legitimate state purpose.

It has been suggested that the Washington laws be amended to allow the Department of Social and Health Services (DSHS) to disclose more information than currently allowed.

Summary: The confidentiality laws covering child welfare records are modified to allow greater disclosure of information.

When consistent with the Public Disclosure Act and federal law, the Secretary of DSHS, or his or her designee, must disclose information regarding: (1) the abuse or neglect of a child, (2) the investigation of the abuse or neglect, and (3) any services related to the abuse or neglect of a child, unless he or she determines that the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

The information, subject to the "best interest of the child" exception, must be released when: (1) the subject of the report has been charged with a crime related to a report maintained by the department; (2) the investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed by law enforcement, a prosecuting attorney, or a judge in the course of their official duties; (3) there has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which the individual is named as the subject of the report; or (4) the child named in the report has died from abuse or neglect, or while in the care of DSHS, or within 12 months of receiving services from DSHS.

If the release of information is authorized, the following information may be disclosed: (1) the name of the abused or neglected child; (2) the determination made by the department for abuse or neglect referrals; (3) identification of services provided or actions taken as a result of any reports; (4) any actions taken by the department in response to reports of abuse or neglect; and (5) any extraordinary or pertinent information when the secretary determines the disclosure is consistent with the public interest.

If a child death has occurred, DSHS must make the fullest disclosure of information possible. If the release is contrary to the best interest of the child or other sibling, the secretary may remove personally identifying information.

If any portion of this act violates federal law causing a loss of federal funds, the conflicting part is inoperative solely to the extent of the conflict. The department is given civil and criminal immunity for its good faith actions under this act, subject to the provisions of the Public Disclosure Act provisions.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 27, 1997

Partial Veto Summary: The Governor vetoed the intent section of the bill.