

SENATE BILL REPORT

SSB 6558

As Passed Senate, February 16, 1998

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: Human Services & Corrections: 1/28/98, 2/5/98 [DPS-WM].

Ways & Means: 2/9/98, 2/10/98 [DPS (HSC)].

Passed Senate, 2/16/98, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Richard Rodger (786-7461)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6558 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Kohl, Long, Roach, Rossi, Schow, Spanel, Swecker and Zarelli.

Staff: Karen Barrett (786-7711)

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 the loss of 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 plan on the prevention child abuse and neglect.

Summary of Bill: Citizen review panels are created to examine the policies and procedures of agencies which deal with the prevention of child abuse and neglect. A minimum of six panels are created, one for each of the Department of Social and Health Services' (DSHS)

service delivery regions. The panel 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 are 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) must contract with a private nonprofit organization to serve as the appointing authority of the panels and to oversee their operation. These duties are transferred to the Office of the Family and Children's Ombudsman on (OFCO) on January 1, 2001. The panels may employ investigative staff and are designated as "juvenile justice or care agencies" for the purposes of obtaining confidential information. Further dissemination of confidential information is prohibited unless criminal activity is discovered, a child has died, the person alleged to have abused a child has made public disclosures regarding the case, law enforcement, the DSHS, court, or prosecutors have released a public report on the incident. Under specific criteria the panels may release information to the local prosecuting attorney or to interested citizens.

The panels may review complaints which have been referred to them by a legislator, the ombudsman, or the DSHS.

Appropriation: None.

Fiscal Note: Requested on January 21, 1998.

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

Testimony For: Citizen review panels are required under the new federal CAPTA law. Independent review boards can be an effective oversight mechanism. Citizen involvement is a critical component to solve communication problems in child welfare services. The costs to run citizen review panels are minimal compared to the value of getting citizens involved and in return, the potential for savings through quality improvements.

Testimony Against: The citizen review boards and the Office of the Family and Children Ombudsman are not necessarily compatible within the same office. They have distinct investigative duties which should be kept separate. The ombudsman's mission would be distracted by adding new administrative duties. DCTED could contract with an independent nonprofit agency to perform these duties.

Child protective teams, child fatality teams and the advisory committees perform these requirements for federal purposes. To the extent there is overlap, the investment of citizen time and state resources should be examined before launching a new program. Foster care citizen review boards were not cost effective.

Testified: Senator Zarelli, prime sponsor; Vickie Waller, Family and Children Ombudsman (pro w/concerns); Jennifer Strus, DSHS (concerns); Margaret Casey, WSCC (pro); Laurie Lippold, CHS (pro); Beth Harris, citizen (pro).