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HOUSE BILL 1137

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Tokuda and Murray; by request of Governor Lowry

Read first time 01/15/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the confidentiality of child welfare records;  
2 and adding new sections to chapter 74.13 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds unacceptable laws that  
5 bar legitimate and appropriate inquiries about the activities of public  
6 agencies in abuse and neglect cases, for they frustrate the ability of  
7 the legislature to set informed policy and act in appropriate oversight  
8 capacity; impair the ability of independent government agencies to  
9 determine the effectiveness of services, staff, and funding; corrode  
10 public trust; and undermine the right of the public to determine  
11 whether abused and neglected children are being adequately protected.

12 The legislature therefore finds a compelling need to reform the  
13 confidentiality laws and declares its intent, by enactment of this act,  
14 to increase the capacity for oversight and monitoring of the child  
15 welfare system, to increase information available to the public, and to  
16 increase accountability among the agencies involved in the system.

17 The legislature finds that the privacy of children and their  
18 families in child abuse and neglect cases must be safeguarded, but that  
19 the interests of children, their families, and the public are best

1 protected by increased knowledge and oversight concerning the system,  
2 and by greater accountability; and therefore declares that this privacy  
3 must be balanced with the appropriate release of information concerning  
4 these cases.

5 NEW SECTION. **Sec. 2.** Notwithstanding any inconsistent provision  
6 of the law to the contrary, the secretary may disclose information  
7 regarding the abuse or neglect of a child, the investigation of the  
8 abuse or neglect, and any services related to the abuse or neglect of  
9 a child if he or she determines that the disclosure is not contrary to  
10 the best interests of the child, the child's siblings, or other  
11 children in the household and any one of the following factors is  
12 present:

13 (1) The subject of the report has been charged in an accusatory  
14 instrument with committing a crime related to a report maintained by  
15 the department in its case and management information system;

16 (2) The investigation of the abuse or neglect of the child by the  
17 department or the provision of services by the department has been  
18 publicly disclosed in a report required to be disclosed in the course  
19 of their official duties, by a law enforcement agency or official, a  
20 prosecuting attorney, any other state or local investigative agency or  
21 official, or by a judge of the superior court;

22 (3) There has been a prior knowing, voluntary public disclosure by  
23 an individual concerning a report of child abuse or neglect in which  
24 such individual is named as the subject of the report; or

25 (4) The child named in the report has died.

26 NEW SECTION. **Sec. 3.** For purposes of section 2 of this act, the  
27 following information may be disclosed:

28 (1) The name of the abused or neglected child;

29 (2) The determination made by the department of the referrals, if  
30 any, for abuse or neglect;

31 (3) Identification of child protective or other services provided  
32 or actions, if any, taken regarding the child named in the report and  
33 his or her family as a result of any such report or reports;

34 (4) Any actions taken by the department in response to reports of  
35 abuse or neglect of the child; or

36 (5) Any extraordinary or pertinent information concerning the  
37 circumstances of the abuse or neglect of the child and the

1 investigation that resulted when the secretary determines that the  
2 disclosure is consistent with the public interest.

3 NEW SECTION. **Sec. 4.** In determining under section 2 of this act  
4 whether disclosure will be contrary to the best interests of the child,  
5 the secretary must consider the interest in privacy of the child and  
6 the child's family and the effects which disclosure may have on efforts  
7 to reunite and provide services to the family.

8 NEW SECTION. **Sec. 5.** Except as it applies directly to the cause  
9 of the abuse or neglect of the child, nothing in sections 2 through 4  
10 of this act is deemed to authorize the release or disclosure of the  
11 substance or content of any psychological, psychiatric, therapeutic,  
12 clinical, or medical reports, evaluations, or like materials, or  
13 information pertaining to the child or the child's family.

14 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each  
15 added to chapter 74.13 RCW.

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