
SENATE BILL 5770

State of Washington

55th Legislature

1997 Regular Session

By Senators Stevens and Thibaudeau

Read first time 02/12/97. Referred to Committee on Human Services & Corrections.

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 must 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 unless he or she specifically finds that the disclosure is
10 contrary to the best interests of the child, the child's siblings, or
11 other children in the household, when any one of the following factors
12 is 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 will be publicly accessible:

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 effects which disclosure may have on
6 efforts to reunite and provide services to the family.

7 NEW SECTION. **Sec. 5.** For purposes of section 2(4) of this act,
8 when the child has died, the legislature finds that disclosure is
9 strongly in the public interest. The secretary must make the fullest
10 possible disclosure consistent with chapter 42.17 RCW in cases of all
11 fatalities of children who were in the care of the department at the
12 time of their death or within the twelve months previous to their
13 death.

14 If the secretary specifically finds that disclosure of the name of
15 the deceased child is contrary to the best interests of the child's
16 siblings or other children in the household, the secretary may remove
17 personally identifying information.

18 For the purposes of this section, "personally identifying
19 information" means the name, street address, social security number,
20 and day of birth of the child who died and of related private persons
21 who are named in child welfare records. Once this personally
22 identifying information is removed, the remainder of the records
23 pertaining to a child who has died must be released regardless of
24 whether the remaining facts in the records are embarrassing to the
25 unidentifiable other private parties or to identifiable public workers
26 who handled the case. These records include but are not limited to
27 administrative reports of fatality, fatality review reports, all prior
28 referrals to child protective services, the resulting notes and case
29 files, inspections, services, and social work practice issues.

30 NEW SECTION. **Sec. 6.** Except as it applies directly to the cause
31 of the abuse or neglect of the child, nothing in sections 2 through 5
32 of this act is deemed to authorize the release or disclosure of the
33 substance or content of any psychological, psychiatric, therapeutic,
34 clinical, or medical reports, evaluations, or like materials, or
35 information pertaining to the child or the child's family.

1 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
2 added to chapter 74.13 RCW.

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