

SENATE BILL REPORT

HB 1810

As Reported By Senate Committee On:
Human Services & Corrections, April 1, 1999

Title: An act relating to technical amendments concerning the child abuse protection and treatment act.

Brief Description: Amending the child abuse protection and treatment act.

Sponsors: Representatives Boldt and Tokuda; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 3/18/99, 4/1/99 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: The federal Child Abuse Prevention and Treatment Act (CAPTA) amendments of 1996 require the state to preserve the confidentiality of all reports and records on child abuse and neglect to protect the privacy rights of the child and the child's parents or guardians except in certain limited circumstances.

The only exception to the federal restrictions on disclosure of otherwise confidential child abuse and neglect information is in cases of child abuse or neglect that result in the death or near death of a child. In such cases, CAPTA requires public disclosure of the findings and information about the case. Current Washington law provides for disclosure of information if it has been disclosed: (1) in a required report, (2) by a person named in the report, (3) or when the child has died. Disclosure is not required for near fatalities from child abuse or neglect.

Summary of Amended Bill: The Department of Social and Health Services must disclose information regarding the near fatality of a child. "Near fatality" is defined as an act as certified by a physician that places the child in serious or critical condition. The court must appoint a guardian ad litem for a child subject to a dependency or termination action if a party challenges a finding of the court.

Amended Bill Compared to Original Bill: The good cause— exception for mandatory appointment of a guardian ad litem is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This legislation is required to ensure state conformity with the federal Child Abuse Prevention and Treatment Act.

Testimony Against: None.

Testified: PRO: Vicki Wallen, Office of the Family and Children's Ombudsman; Carole Holland, Children's Administration.