

SENATE BILL REPORT

SB 5951

As Passed Senate, March 17, 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: Senators Costa, Long and Winsley; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 3/2/99 [DP].
Passed Senate, 3/17/99, 46-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The change requiring disclosure of information regarding near fatalities is required if the state wants to continue receiving funding under CAPTA.

Testimony Against: None.

Testified: Carole Holland, Children's Administration (pro).