

SENATE BILL REPORT

SB 6438

As of January 31, 2000

Title: An act relating to records that are accessible by the department of social and health services.

Brief Description: Clarifying what records are available to the department of social and health services.

Sponsors: Senators Hargrove, Long and Sheahan; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 2/1/2000.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Joan K. Mell (786-7447)

Background: The Department of Social and Health Services has requested legislation to assist it in obtaining records of all types, which would assist them in investigating and handling child abuse and neglect cases.

Summary of Bill: An intent section states the department shall have access to a child's records to the same extent as the parent or legal custodian. This includes dependent children, children in need of services, and children served under a voluntary placement agreement. A similar section is added with the same language to a different title in statute, but it does not include the limitation of "to the same extent that the child's parent, legal custodian, or legal guardian has access to such records."

Existing statutory provisions that limit the department's request for records during an investigation of abuse or neglect to those that are "relevant" is amended to allow the department access to all records from birth to present in the possession of mandated reporters and their employees.

The mental health statutes are amended allow disclosure to the department, the court or the minor's guardian ad litem. Providers are given immunity for disclosure of that information by the department.

Health care providers are authorized to disclose health care information to the department, the court, and guardian ad litem, and are given immunity for further disclosure of that information by the department.

Appropriation: None.

Fiscal Note: Requested on January 30, 2000.

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