
**Children & Family Services
Committee**

ESSB 5922

Brief Description: Changing procedures for investigations of child abuse or neglect.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Roach, Schmidt, Zarelli, Carrell and Finkbeiner).

Brief Summary of Engrossed Substitute Bill

- The Department of Social and Health Services or law enforcement must notify a parent of the complaints and allegations against him or her at the initial point of contact, unless the notification will jeopardize the safety or protection of the child or the course of the investigation.

Hearing Date: March 28, 2005.

Staff: Sonja Hallum (786-7092).

Background:

The Department of Social and Health Services (DSHS) has the responsibility to investigate allegations of child abuse or neglect. The DSHS must investigate complaints of any recent act, or failure to act, on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation, or that presents an imminent risk of serious harm to a child.

A person who is the subject of the investigation by the DSHS is entitled to constitutional protections, as well as state and federal statutory protections. In the 2003 amendments to the Child Abuse Prevention and Treatment Act (CAPTA) the federal statutes require states to enact state laws that include the following:

- 1) provisions and procedures to require that a representative of the child protect services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant; and
- 2) provisions addressing the training of representative of the child protective services system regarding the legal duties of the representatives...in order to protect the legal rights and safety of the children and families from the initial time of contact during investigation through treatment.

In Washington, when the DSHS investigates reports of child abuse or neglect, the DSHS is required by statute to notify the alleged perpetrator of the allegations at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process. Additionally, the parents are entitled to written notice of the allegations made against them and their rights.

The DSHS is also required to maintain appropriate confidentiality of persons making the report of child abuse or neglect.

Summary of Bill:

If a parent is the subject of an abuse and neglect investigation, the DSHS or law enforcement must notify the parent of complaints and allegations against him or her at the initial point of contact, unless such notice will jeopardize the safety or protection of the child or the course of the investigation. The notice given to the parents must be consistent with the confidentiality required for informants.

At the initial contact, the parent must be advised of the name of the investigator, who the investigator represents, and specific complaints or allegations made against him or her, unless the notice will jeopardize the safety or protection of the child or the course of the investigation

The form of written notice to parents that a child has been taken into custody by Child Protective Services is revised to include notice of the right to know of complaints or allegations made against the parent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.