

SENATE BILL REPORT

SHB 2395

As of February 23, 2006

Title: An act relating to protocols for addressing the impact of domestic violence on children.

Brief Description: Addressing the impact of domestic violence on children.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia).

Brief History: Passed House: 2/09/06, 98-0.

Committee Activity: Human Services & Corrections: 2/23/06.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: In recent years, professionals who work in the field of domestic violence have recognized that there is a lack of common understanding among victim advocates, child welfare authorities, law enforcement, and the courts in dealing with the effects that domestic violence has on families. Experts believe that keeping the adult victim safe is one of the most effective ways to protect children from domestic violence and encourage programs that support victims while holding batterers accountable.

The Washington State Coordinated Response Protocol Project (Project) was established as a result of a grant from the U.S. Department of Justice. Under the Project, a multi-disciplinary Leadership Network was developed, incorporating representatives from a wide range of community and state agencies. The Leadership Network, in conjunction with regional representatives, created a protocol template as a set of principles and intervention guidelines for communities across the state to guide practice when responding to families experiencing domestic violence and child maltreatment.

It was further anticipated that the Leadership Network would provide oversight and guidance in developing statewide policy and procedures and technical assistance to local jurisdictions in implementing the template.

Summary of Bill: When conducting an investigation of child abuse or neglect, the Department of Social and Health Services (DSHS) is required to make a reasonable effort to determine if domestic violence contributed to the child abuse or neglect.

The DSHS is required to review current policies and procedures to determine if they are adequate to screen for domestic violence issues. The DSHS must then report the findings of the review to the Project, who must in turn report to the Legislature. The Project is also required to review methods to conduct comprehensive assessments of alleged domestic

violence perpetrators in cases involving co-occurring allegations of domestic violence and child maltreatment.

The DSHS is encouraged to work with agencies involved with domestic violence victims to develop written protocols for intervening in cases where allegations of child abuse or neglect and domestic violence co-occur. The DSHS must then implement the protocols in each of its regions.

Current law stating that exposure to domestic violence does not in and of itself constitute negligent treatment is modified to clarify that exposure to domestic violence can be considered negligent treatment or maltreatment if the exposure is so severe or on-going as to cause harm or to create a clear and present danger of harm to the child's health, welfare, or safety.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: This bill takes effect ninety days after adjournment of session in which bill is passed, except for section 4 relating to the definition of negligent treatment and maltreatment, which takes effect January 1, 2007.

Testimony For: Although exact statistics are not available, we believe there is a high incidence of domestic violence in child protective services cases. There are serious concerns that child protective workers are not trained to look for domestic violence indicators and don't know how to address it. The amendment to the definition of neglect in Section 4 still needs some work and several entities have expressed concern.

Often victims of domestic violence end up in the system because their abusers use the system to falsely accuse the victim of abusing the children. Workers need training to be able to identify when this is an issue. Care needs to be taken to ensure that the focus for putting the child at risk is on the abuser and not the victim.

It is important to have legislative backing to make sure that the important work of the project continues.

Testimony Against: None.

Who Testified: PRO: Representative Dickerson (sponsor); Grace Huang, WA Coalition Against Domestic Violence; Sara Cherin, Children's Alliance; Laurie Lippold, Children's Home Society; Ross Dawson, DSHS Children's Administration.