

# SENATE BILL REPORT

## SB 6331

---

As Reported By Senate Committee On:  
Human Services & Corrections, February 1, 2006

**Title:** An act relating to unfounded or meritless child abuse or neglect referrals.

**Brief Description:** Concerning unfounded or meritless child abuse or neglect reports.

**Sponsors:** Senators Carrell and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/17/06, 2/1/06 [DPS].

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

**Staff:** Shani Bauer (786-7468)

**Background:** The Department of Social & Health Services (DSHS) is required to investigate allegations of child abuse or neglect. A "founded" report of child abuse or neglect, means that, based upon available information, it is more likely than not that child abuse or neglect did occur. An alleged perpetrator in a founded report of child abuse or neglect has the right to seek review of the finding.

Founded reports of child abuse and neglect may be considered by the DSHS in licensing child care providers, considering employees by a licensed child care agency, or otherwise authorized by the DSHS to care for children.

An "unfounded" report of child abuse or neglect means that, based upon available information, it is more likely than not that child abuse or neglect did not occur. Current law requires the DSHS to purge information related to unfounded referrals in files or reports of child abuse or neglect, over 6 years old, unless an additional report has been received in the intervening period.

Other states specify a variety of time periods to purge information for unfounded reports of child abuse from immediately upon determination up to 10 years. Some states have an intermediate classification of child abuse records for "inconclusive" or "unfounded at-risk" allegations. These terms refer to allegations where there is insufficient evidence to determine whether child abuse has or has not occurred. States with intermediate classifications typically have a shorter retention period for false claims and a longer retention period for those claims that are inconclusive.

**Summary of Substitute Bill:** Screened-out, inconclusive, and founded reports of child abuse and neglect are defined. The definition of an unfounded report is amended to clarify that the finding is at the completion of an investigation.

The provisions of Section 2 are reorganized. The DSHS must conduct an investigation of an alleged report of child abuse or neglect within time frames established in rule. At the completion of an investigation, the DSHS must make a finding that the report was unfounded, founded, or inconclusive.

Time frames are established for the expungement of records depending on the classification of the report. The DSHS is further required to set up a process for a person to request expungement of inconclusive records prior to the schedule date (6 years). A person who is the subject of an unfounded report of child abuse prior to the effective date of the Act may request expungement from the DSHS after one year from completion of the investigation.

A person who is a party to a report of child abuse or neglect may seek relief from the court if the information is not expunged as required by law. If information is improperly disclosed, the court may award a penalty up to \$1,000.

The department must disclose to a foster parent any behavioral and emotional problems of the child and whether the child is a sexually aggressive youth. A foster parent may not be found to have abused or neglected a child or be denied a foster care license if the child was not within the reasonable control of the foster parent at the time of the incident or, under certain circumstances, if prior conduct of the child was not disclosed to the foster parent.

The provisions related to expungement, disclosure, and retention of records relating to reports of child abuse or neglect do not take effect until January 1, 2007. If the DSHS makes recommendations for proposed legislation before that date, those provisions are void.

**Substitute Bill Compared to Original Bill:** The definition of a "meritless" report of child abuse is removed. The penalty of \$1,000 against the DSHS for failure to comply is limited to those situations where the department improperly disclosed information.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Some protections are needed for foster parents when taking in troubled children. Information about the child, such as information that the child is a sexually aggressive youth, is vital to the foster parent in protecting other children in the home. It is also not fair to take away the parent's license or take action against the foster parent for a failure to supervise the child when this information was not disclosed. DSHS should be prevented from pulling "hard to manage" children out of care with experienced foster home and placing in cheaper location with less experience or ability to handle that child.

**Testimony Against:** The changes to definitions of child abuse or neglect apply more broadly than just to allegations against foster parents. Broad application and expungement of

information after one year would remove necessary information needed to establish a pattern of behavior or failure to act in neglect cases. The terminology used to define "meritless" appears to require caseworkers to make a finding of motive which they are currently not trained to do.

**Who Testified:** PRO: Marcella Vasquez, Foster Parent; Tirzah Idahosa, Foster Parent; Minnie Vansapp, Foster Parent.

CON: Tammi Erickson, DSHS Children's Administration.