

SB 5922-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that the department shall notify the parent, guardian, or legal custodian of a child of any allegations of child abuse or neglect made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Requires the department to provide training to all department personnel who conduct investigations under this act that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

Finds that whenever possible, children should remain in the home of their parents. It is only when the safety of the child is in jeopardy that the child should be removed from the home.

Declares an intent that the department of social and health services be permitted to intervene in cases of chronic neglect where the health, welfare, or safety of the child is at risk.

Declares an intent that, when chronic neglect has been found to exist in a family, the legal system reinforce the need for the parent's early engagement in services that will decrease the likelihood of future neglect. However, if the parents fail to comply with the offered necessary and available services, the state has the authority to intervene to protect the children who are at risk. If a parent fails to engage in available substance abuse or mental health services necessary to maintain the safety of a child or a parent fails to correct substance abuse deficiencies that jeopardize the safety of a child, the state has the authority to intervene to protect a child.

Provides that, in any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following: (1) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(2) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

Provides that, if the department, upon investigation of a report that a child has been abused or neglected as defined in chapter 26.44 RCW, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (1) Ameliorate the conditions that endangered the welfare of the child; or

(2) Address or treat the effects of mistreatment or neglect upon the child.

Declares that nothing in this act precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

Declares that nothing in this act shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.

VETO MESSAGE ON SB 5922-S

May 17, 2005

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 entitled:

"AN ACT Relating to investigations of child abuse or neglect."

The 2005-2007 state operating budget as passed by the Legislature does not include all of the funding that the Department of Social and Health Services' (DSHS) Children's Administration has initially estimated would be needed for full implementation of this bill. I am directing the Children's Administration to develop a policy for staff to provide guidance in identifying and prioritizing those cases involving allegations of chronic neglect that staff will be authorized to provide enhanced services to within the limits of new funding specifically appropriated for this purpose in the budget.

Section 7 specifies that, as regards to reports of child abuse or neglect, evidence of a parent's substance abuse as a contributing factor shall be considered to present an imminent risk of serious harm to the child. The DSHS' child protective services investigators are required to respond to all reports indicating an imminent risk of serious harm to a child within twenty-four hours. Elevating all reports in which substance abuse is alleged to imminent risk is unnecessary. Parental substance abuse is already one of the factors considered when determining the risk level of the referral. Automatically coding all cases with substance abuse as imminent risk cases will lead to focusing emergent investigative resources on non-emergent cases.

Section 8 requires the DSHS to complete a report regarding issues associated with implementation of this bill by December 1, 2006. The bill does not take effect, however, until January 1, 2007.

For these reasons, I have vetoed Sections 7 and 8 of Engrossed Substitute Senate Bill No. 5922.

With the exception of Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor