

HOUSE BILL REPORT

SSB 6367

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to child protective services investigations.

Brief Description: Changing provisions relating to child protective services investigations.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Eide, Stevens, Keiser, Hargrove, Franklin, Carrell, Regala, Shin, Kohl-Welles and Rasmussen).

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/22/08, 2/26/08 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Requires a background check be conducted whenever the Department of Social and Health Services' Child Protective Services unit is investigating and responding to allegations of child sexual abuse.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman, Hinkle and Pettigrew.

Staff: Sydney Forrester (786-7120).

Background:

When the Department of Social and Health Services (DSHS) receives a report of child abuse or neglect, agency policy requires the Child Protective Services (CPS) intake worker to accept the report for investigation if the information meets the sufficiency screen requirements. The intake worker must evaluate risk factor information regarding child characteristics, history of prior agency contacts, parental functioning, environmental factors, and alleged perpetrator

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access to the child. Based upon this information, the worker must assign a risk level to the referral. The worker also must contact collateral sources if he or she determines additional information is needed to determine whether the referral should be accepted for investigation. The additional information obtained from collateral contacts also may be used to verify or clarify an allegation of abuse or neglect, or to determine the appropriate risk tag to assign.

CPS Investigators

For purposes of CPS investigations, the Children's Administration (CA) is authorized to access criminal conviction and arrest data from the Washington State Patrol (WSP) and the National Crime Information Center. Three conditions must be documented before the DSHS can access this information:

- (1) the criminal history inquiry is about an alleged perpetrator in an open CPS case;
- (2) the alleged abuse incident has been reported to law enforcement; and
- (3) the information being requested can reasonably be expected to help in assessing or reducing risk to the alleged victim.

The CA utilizes information obtained in background checks conducted pursuant to investigations of child abuse and neglect to inform decisions about child safety and case management, including the safety of workers preparing to visit or interview an alleged abuser. By policy, CPS workers typically conduct a background check when investigating allegations of child sexual abuse.

State Registry of Sex and Kidnapping Offenders

The WSP is required to maintain a central registry of sex and kidnapping offenders and to provide information to the Washington Association of Sheriffs and Police Chiefs (WASPC) for the purpose of maintaining a website for public notification regarding level 2 and level 3 sex offenders. The current practice of the WSP is to conduct a weekly data extract from its main criminal history database and provide the extract of information to the WASPC for updating the public website. No registry is maintained as separate from the WSP's main criminal history database. A search of the main database provides all criminal history information, including whether the person is a kidnapping offender or a level 1, 2, or 3 sex offender.

Summary of Amended Bill:

When investigating and responding to allegations of child sexual abuse, the CA must conduct a background check on the alleged perpetrator of the abuse.

Amended Bill Compared to Substitute Bill:

Rather than directing the CA to search a central registry of kidnapping and sex offender information, the CA is required to conduct a background check when investigating allegations of child sexual abuse.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 2 which reinstates prior law related to making changes to findings and records regarding child abuse and neglect referrals after a scheduled expiration and takes effect October 1, 2008.

Staff Summary of Public Testimony:

None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.