

SENATE BILL REPORT

SB 5653

As of February 6, 2009

Title: An act relating to public access to information about foster parents.

Brief Description: Regulating public access to information about foster parents.

Sponsors: Senators Roach, McCaslin and Carrell.

Brief History:

Committee Activity: Human Services & Corrections: 2/06/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: All foster parents are licensed by the Department of Social and Health Services (DSHS). As part of the licensing process, DSHS delves into the background of the applicant foster parents as well as any person or persons with whom they reside. Part of this process includes a criminal background check as well as determining whether the applicant has a founded allegation of child abuse or neglect. This information, along with personal information about the foster parents, is kept confidential by DSHS.

Summary of Bill: DSHS must maintain the following information on licensed foster parents, which is to be available to the public upon request:

- general residence area listed by region and local jurisdiction;
- misdemeanor or felony convictions;
- current employment and employment history with salary range;
- educational attainment;
- marital or domestic partnership history and current status;
- number of adults living in the foster home and their relationship to the foster parent;
- number and ages of the children living in the foster home, to be updated every six months; and
- the race or cultural background of the foster child or the other children living in the home compared to the race or cultural background of the foster parents or other adults living in the home.

The information must be displayed individually based upon the case number. DSHS must also include the amount of state and federal funds expended on the child's foster care

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placement. DSHS is not to include the names of the foster child or foster parent. DSHS must update this information on a semi-annual basis.

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.

Staff Summary of Public Testimony: PRO: Most foster parents do a good job and they want people to know they are foster parents because it sets a good example for people who might want to be foster parents in the future. But the people of the state are entitled to know facts about foster parents that are not currently divulged. In a recent dependency case, the foster parent had taken out a restraining order against a former lover who had threatened her with a gun. DSHS knew nothing about this, but if the foster parent had to reveal this information, DSHS would have known about it.

CON: Providing this information about foster parents to the public would make it even more difficult to recruit and retain foster parents. In small offices and communities, if this information were available to the public, the foster child would be easily identifiable which could negatively impact the child. The bill also may violate federal law in several areas. This bill is a gross invasion of the foster parent's privacy and could place children in their care in danger. Why is it necessary to know a foster parent's education level? If the foster parent didn't go to college, would that make him or her a bad foster parent? The bill also allows parties who want to obfuscate the dependency process to dig up dirt on the foster parent – dirt the foster parent has no right in court to refute.

OTHER: RCW 13.34.260 deals with a lot of the issues raised in this hearing. DSHS should be encouraged to use this statute as a vehicle to begin to address some of the concerns raised by this bill.

Persons Testifying: PRO: Senator Roach, prime sponsor.

CON: Gary Malkasian, Foster Care Justice Alliance; Ken Nichols, Children's Administration.

OTHER: Sharonda Amamilo, attorney with Parents Representation Project.