

SENATE BILL REPORT

2SHB 2289

As of February 24, 2012

Title: An act relating to establishing a flexible approach to child protective services.

Brief Description: Establishing a flexible approach to child protective services.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Roberts, Carlyle, Jinkins, Ormsby and Dickerson).

Brief History: Passed House: 2/13/12, 98-0.

Committee Activity: Human Services & Corrections: 2/21/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: Recent Child Abuse and Neglect Statistics. Washington's Department of Social and Health Services (DSHS), Children's Administration (CA) estimates that in 2011, its Child Protective Services (CPS) division received 77,139 reports of child maltreatment – most allege neglect, investigated 27,199 of those reports, and determined that 4878 reports contained founded allegations. Approximately 66 percent of founded reports were regarding neglect, 25 percent were regarding physical abuse, and 9 percent were regarding sexual abuse. In 2011 approximately 82 percent of CPS investigations resulted in no finding of child abuse or neglect. In 2010 approximately 70 percent of neglect reports DSHS responded to were regarding families who had previously been reported to DSHS.

Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010. CAPTA is the sole federal child welfare program focusing only on preventing and responding to allegations of child abuse and neglect. CAPTA was reauthorized in 2010 through 2015 and encourages states to review their laws, policies, practices, and procedures regarding neglect to ensure children are protected. It also encourages CPS to utilize differential response which is described as a state or community – determined formal response that assesses the needs of the child or family without requiring a determination of risk or occurrence of maltreatment. Such response occurs in addition to the traditional investigatory response.

Child Protective Services in Washington. CPS are services provided by CA and are designed to protect children from child abuse and neglect, safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations

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may be conducted regardless of the location of the alleged abuse or neglect. CPS includes a referral to services to ameliorate conditions that endanger the welfare of children; the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect; and services to children to ensure that each child has a permanent home.

Duty to Investigate. A number of professionals who regularly work with children are mandated reporters in Washington State. If they have reasonable cause to suspect that a child has been abused or neglected they must report that fact to DSHS or law enforcement. DSHS must investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation or that present an imminent risk of serious harm. On the basis of the findings of such investigation, DSHS or law enforcement must offer child welfare services in relation to the problem to such parents, legal custodian or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of non-accidental injuries that are clearly not the result of a lack of care or supervision by the child's parents, legal custodian, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, DSHS must notify the appropriate law enforcement agency.

Summary of Bill: DSHS must select two sites to implement the Family Assessment Response (FAR) for CPS statewide. The sites selected must include one urban and one rural area. Implementation of the initial sites is contingent upon the receipt of philanthropic support.

Family assessment is defined as a comprehensive assessment of child safety, risk of subsequent child maltreatment and family strengths and needs based on available and relevant information. It is tool that can be used to respond to certain reports of child abuse and neglect. FAR is defined as a way of responding to certain reports of child abuse or neglect using a differential response approach to CPS. It does not include a determination of whether or not child abuse or neglect occurred but does determine the need for services. No one is named as a perpetrator and no investigative finding is entered in the record as a result of FAR.

DSHS must develop an implementation plan in consultation with stakeholders and in compliance with tribal agreements. By September 2012, DSHS must submit a summary report of the implementation plan to the Legislature. The implementation plan is deemed approved unless the Legislature takes affirmative action in law to reject or modify the plan. The following must be developed before implementation and included in the summary report:

1. a description of the FAR practice model;
2. identification of possible additional noninvestigative responses or pathways;
3. delineation of staff training requirements and how they will be met;
4. development of strategies to reduce disproportionality;
5. development of strategies to increase housing for child-welfare involved families, in collaboration with philanthropic partners;
6. identification of methods to involve local community partners in the development of community-based resources to meet families' needs;

7. delineation of continuous quality assurance procedures;
8. identification of current DSHS expenditures for services appropriate to FAR;
9. identification of philanthropic and other private funding available to supplement public resources in response to identified family needs;
10. statement of time frames for operating FAR sites;
11. delineation of policies and procedures necessary to implement sites;
12. development of effective mechanisms to assure and maximize that FAR for Native American children will be completed in a timely manner by a worker from the child's Tribe or approved by the Tribe; and
13. review of operating guidelines.

The sites selected to implement FAR must operate within the following guidelines:

1. selection of discrete responses to child abuse or neglect reports that are screened in and accepted for response such as investigation or family assessment;
2. use a method to assign cases to investigation or family assessment based on an array of factors including presence of imminent danger, level of risk, or number of previous reports;
3. allow for a change in response assignment based on new information that alters risk or safety level;
4. allow families assigned to FAR to choose to receive an investigation instead;
5. refer families who refuse the initial family assessment to investigation;
6. provide voluntary services to families based on the results of the initial family assessment;
7. conduct an investigation on allegations that DSHS believes pose:
 - a. a risk of imminent harm;
 - b. a serious threat of substantial harm to a child;
 - c. conduct involving a criminal offense that has or is about to occur in which a child is the victim;
 - d. an abandoned child; or
 - e. an adjudicated dependent child;
8. establish a time limit for FAR cases with provisions for exceptions based upon the safety of the child;
9. provide families involved with FAR with information about the process and instructions on how to contact the ombudsman to address disputes with DSHS;
10. maintain the confidentiality of families involved in FAR; and
11. interview children as needed.

The Washington Institute for Public Policy (WSIPP) must conduct an evaluation of each implementation site and define data to be gathered and maintained for evaluation purposes in consultation with a university based child welfare research entity in Washington State. At a minimum, the evaluations must address child safety measures, out-of-home placement rates, re-referral rates and caseloads. WSIPP must deliver a progress report to the Legislature after the demonstration sites have been operating for one and a half years. The final evaluation is due after the sites have been operating for three years. The Legislature must consider the results of the final evaluation and determine whether to authorize statewide implementation of FAR.

FAR referral and case information may not be disclosed for background check purposes.

Appropriation: None.

Fiscal Note: Available.

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: Moving to a differential response system allows the state to engage families early to keep them from falling into homelessness. This bill will allow social workers and parents to foster trusting productive relationships that will bring about positive changes to the parent and child. Often, parents who are the subject of a child abuse or neglect investigation feel like they are a number. For many of these families, an investigation is not the best way to encourage parent engagement and foster change. Asking parents what they need will go a long way to breaking down walls and create more of a partnership between the parent and the social worker. This bill provides an opportunity to partner with parents in their communities. Differential response allows an immediate engagement with families about the safety of the child in the home. Increased engagement with families will reduce the need for court required services and court involvement. FAR will change the relationship and dynamic that CPS workers have with parents. See the differential response system as an excellent model with which to work with victims of domestic violence.

Persons Testifying: PRO: Seth Howard, Building Changes; Patricia Ridge, Veteran Parent; Linda Thomas, Catholic Community Services; Laurie Lippold, Children's Home Society; Grace Huang, WA State Coalition Against Domestic Violence.