

FINAL BILL REPORT

SSB 5315

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Synopsis as Enacted

Brief Description: Implementing the recommendations made by the Powell fatality team.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Dammeier, Rivers, Padden and Roach).

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Early Learning & Human Services

House Committee on Appropriations Subcommittee on Health & Human Services

Background: In January 2010, Joshua Powell and his two young boys moved from West Valley City, Utah to Mr. Powell's father's home in Puyallup, WA. The family moved following the suspicious disappearance of Mr. Powell's wife and the children's mother. Mr. Powell was a person of interest in his wife's disappearance.

In September 2011, the children were removed from their father's home and placed into protective custody with Children's Administration as the result of an arrest warrant issued against the children's paternal grandfather on charges related to child pornography. The children were subsequently placed in a relative foster care placement with their maternal grandparents. Following a hearing on February 1, 2012, where Mr. Powell was seeking the return of his children, Mr. Powell was ordered to undergo a psychosexual evaluation. On February 5, 2012, Charlie and Braden Powell were killed by their father while on a supervised visit in their father's home.

In April and June of 2012, the Department of Social and Health Services (DSHS) conducted a Child Fatality Review of the children's deaths. Upon completion of the review, the committee made the following recommendations:

- In dependency proceedings when there is an active criminal investigation, Children's Administration should make concerted efforts to include and consult with the assigned detective prior to making changes in parent/child contact.
- Given the intrusive nature of a psychosexual evaluation, Children's Administration should reassess parent/child contact prior to the next parent-child visit when a judge orders a parent to undergo such psycho-sexual evaluation in the course of a dependency proceeding.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Because the identification of domestic violence is critical when making case decisions intended to increase safety for children, Children's Administration staff should receive on-going training and regular consultation on domestic violence.
- In cases where the judge orders a child's placement with a specific caregiver over the objection of a parent, the reasons should be articulated in the court record.

Summary: In a dependency hearing and upon determining that the child should be removed from the home, if a court orders the child to be placed with a caregiver over the objections of the parent or DSHS, the court must articulate on the record the court's reasons for ordering the placement.

When a parent or sibling who desires visitation with a child is an identified suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, DSHS must make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. Law enforcement must provide any available information pertaining to the criminal case that may have serious implications for child safety or wellbeing to DSHS. Information provided to DSHS by law enforcement may only be used to inform family visitation plans, may not be shared or distributed, and is exempt from public inspection. The results of the consultation must be communicated to the court. DSHS must develop policies and protocols for consultation with the assigned law enforcement officer in the event of an active criminal investigation of the parent.

In the event a judge orders a parent to undergo a psychosexual evaluation, and pending the outcome of the evaluation, DSHS may, subject to the approval of the court, reassess visitation duration, supervision, and location. If the assessment indicates the current visitation plan might compromise the safety of the child, DSHS, subject to approval by the court, may alter the plan, pending the outcome of the evaluation.

Caseworkers employed in child services must receive ongoing domestic violence training and consultation, including how to use the Children's Administration's practice guide to domestic violence.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2013.