

# SENATE BILL REPORT

## SB 5531

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As Reported by Senate Committee On:  
Human Services & Corrections, February 20, 2013

**Title:** An act relating to measuring performance of the child welfare system.

**Brief Description:** Measuring performance of the child welfare system.

**Sponsors:** Senators Darneille, Litzow, Hargrove, Murray, Nelson, Carrell, Pearson, Fain, Mullet, Harper, Tom, Rivers, Hewitt, Hill and Keiser.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/11/13, 2/20/13 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

**Staff:** Joan Miller (786-7784)

**Background:** In 1998, a lawsuit was filed against Washington State and the Department of Social and Health Services (DSHS) on behalf of 13 foster children who had experienced harmful conditions during their time in foster care caused by placements in multiple foster homes and insufficient services. A settlement agreement between the parties resulted in 2004, and within it, DSHS agreed to make reforms in six key areas: placement stability; mental health; foster parent training; unsafe or inappropriate placements; sibling separation; and adolescent services. The settlement also established the Braam Oversight Panel (Panel), consisting of five independent members who were to create an implementation plan to improve outcomes in these areas and to oversee DSHS's progress in making reforms.

The Panel's monitoring report for the first half of 2012 shows that DSHS made significant progress in improving many aspects of the state's foster care system, but there are still benchmarks that have not been met, including the rate of sibling visitation, social worker caseloads, caregiver training, and educational needs of children.

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*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.*

In October 2011, the parties entered into a revised settlement agreement that acknowledged DSHS's progress but also recognized that many key outcomes had not been met. The revised agreement extended the Panel's oversight operations only until December 31, 2012.

**Summary of Bill (Recommended Substitute):** The goals of safety, permanency, and well-being of children should be measured so that the public and the Legislature understand how the child welfare system is performing.

DSHS and a university-based child welfare research entity, in collaboration with other stakeholders, must develop measurements in the areas of safety, permanency, and well-being using existing and available data. Measurements must be calculated from data used in the routine work of the state agencies' data and information technology departments. Data must be shared subject to applicable federal and state law. The initial measurements must be developed by October 31, 2013.

Beginning on January 1, 2014, the state agencies must provide the research entity with all measurement data related to the measurements developed at least quarterly. The research entity must make the data publicly available. Beginning on December 31, 2014, the research entity must report annually on the data to the Legislature and the Governor. The state agencies must execute agreements with the research entity to enable the sharing of data by July 1, 2014.

The research entity's choice to use a specific measurement or baseline or to compare any measure to a baseline is not admissible as evidence of negligence by DSHS.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** A university-based child welfare research entity and DSHS, in collaboration with other stakeholders, must develop measurements in the areas of safety, permanency, and well-being but specific measurements are no longer codified. Liability protection language is added.

**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 on Original Bill:** PRO: Public and private sectors need a consistent way to tell how the child welfare system is actually performing. These indicators will help us measure empirically to improve services and make better budgetary decisions. DSHS supports outcome measurements for child support services, but the agency has two specific issues with the bill as written: we believe it increase liability for the department, and some of the indicators are different from what we currently measure, which is confusing. This bill is an opportunity to provide consistency between administrations in the level of cooperation in the provision of data and to provide empirical, scientifically evidence-based data to the Legislature and DSHS. It is frustrating to continuously have new

initiatives being introduced before we have the chance to see how well the last one worked. This bill is also an opportunity for Partners for Our Children to be recognized as a national research entity, something that is sorely needed in this area. Partners for Our Children does not receive state money; we are largely supported by private funds, and we believe that we can use existing funding to support this work. It also should be pointed out that these data that we are talking about are aggregated data. It will not be possible to make any inferences about individuals.

**Persons Testifying:** PRO: Jennifer Strus, DSHS; Jeanine Livingston, WA Federation of State Employees; Ben de Haan, Partners for Our Children.