

SHB 2621 - H AMD 639

By Representative Taylor

NOT ADOPTED 02/10/2016

1 On page 5, beginning on line 34, after "(2)" strike all material
2 through "~~purposes-)~~" on page 6, line 35 and insert "The department
3 shall destroy all of its records concerning:

4 (a) A screened-out report, within three years from the receipt of
5 the report; and

6 (b) An unfounded or inconclusive report, within six years of
7 completion of the investigation, unless a prior or subsequent founded
8 report has been received regarding the child who is the subject of the
9 report, a sibling or half-sibling of the child, or a parent, guardian,
10 or legal custodian of the child, before the records are destroyed.

11 (3) The department may keep records concerning founded reports of
12 child abuse or neglect as the department determines by rule.

13 (4) No unfounded, screened-out, or inconclusive report or
14 information about a family's participation or nonparticipation in the
15 family assessment response may be disclosed to a child-placing agency,
16 private adoption agency, or any other provider licensed under chapter
17 74.15 RCW without the consent of the individual who is the subject of
18 the report or family assessment, unless:

19 (a) The individual seeks to become a licensed foster parent or
20 adoptive parent; or

21 (b) The individual is the parent or legal custodian of a child
22 being served by one of the agencies referenced in this subsection.

23 (5)(a) If the department fails to comply with this section, an
24 individual who is the subject of a report may institute proceedings
25 for injunctive or other appropriate relief for enforcement of the
26 requirement to purge information. These proceedings may be instituted
27 in the superior court for the county in which the person resides or,

1 if the person is not then a resident of this state, in the superior
2 court for Thurston county.

3 (b) If the department fails to comply with subsection (4) of this
4 section and an individual who is the subject of the report or family
5 assessment response information is harmed by the disclosure of
6 information, in addition to the relief provided in (a) of this
7 subsection, the court may award a penalty of up to one thousand
8 dollars and reasonable attorneys' fees and court costs to the
9 petitioner.

10 (c) A proceeding under this subsection does not preclude other
11 methods of enforcement provided for by law.

12 (6) Nothing in this section shall prevent the department from
13 retaining general, nonidentifying information which is required for
14 state and federal reporting and management purposes."

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EFFECT: Restores current law, which includes the following requirements:

- The Department of Social and Health Services (DSHS) must destroy all records concerning screened-out reports of child abuse and neglect within three years;
- The DSHS must destroy all records of unfounded or inconclusive reports within six years of completing an investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child;
- The DSHS must obtain the consent of the individual who is the subject of the report or family assessment before disclosing unfounded, screened-out, or inconclusive reports or information about a family's participation in the Family Assessment Response to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW, unless the individual's case meets one of the specified exceptions; and
- If the DSHS fails to comply, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief.

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