

HOUSE BILL REPORT

HB 1672

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to information related to reports of child abuse and neglect.

Brief Description: Modifying provisions governing the maintenance and disclosure of information related to reports of child abuse and neglect.

Sponsors: Representatives Kagi, Walsh, Wylie and Moscoso; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/6/15, 2/10/15 [DP].

Brief Summary of Bill

- Eliminates the requirement that the Department of Social and Health Services destroy records concerning screened out, unfounded, and inconclusive reports of child abuse and neglect.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 11 members: Representatives Kagi, Chair; Walkinshaw, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Dent, Hawkins, Kilduff, McCaslin, Ortiz-Self, Sawyer and Senn.

Staff: Luke Wickham (786-7146).

Background:

The Children's Administration (CA) of the Department of Social and Health Services (DSHS) investigates allegations of child abuse and neglect. After receiving a child abuse or neglect report, the CA must determine whether to investigate the allegation. Screened out reports of child abuse or neglect are those that the CA determines to be not credible and are not referred for investigation.

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.

Results of Child Abuse and Neglect Investigations.

The CA investigates all reports that do not screen out. After an investigation is complete, the CA will make a founded or unfounded determination. A founded determination means that based on available information, it is more likely than not that child abuse or neglect did occur. An unfounded determination means that more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence to determine whether the alleged child abuse occurred. Until 2008 the CA also made inconclusive determinations. This meant that a child abuse or neglect decision could not be made on a more likely than not basis.

Screened Out, Unfounded, and Inconclusive Investigation Records.

In 2007 the Legislature enacted Substitute Senate Bill 5321, which requires the CA to destroy all records relating to the following child abuse and neglect referrals:

- for screened out referrals within three years from receipt of the report; and
- for unfounded and inconclusive referrals within six years of completion of the investigation, unless a prior or subsequent founded referral 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.

Disclosing Family Assessment Response Records.

In 2012 the Legislature created the Family Assessment Response (FAR) program. The FAR program is a method of responding to certain reports of child abuse or neglect that does not involve an investigation and where voluntary services are provided. No information about a family's participation in the FAR program may be disclosed to a child-placing agency or any other agency receiving children without consent of the subject of the report, unless:

- the individual seeks to become a licensed foster parent or adoptive parent; or
- the individual is the parent or legal guardian of a child being served by one of the agencies.

Summary of Bill:

The following requirements are eliminated:

- The 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.

Exceptions to the rule that no unfounded, screened-out, or inconclusive report or information about a family's participation in the FAR program may be disclosed to a child-placing agency, private adoption agency, or any other agency receiving children, expectant mothers, or developmentally disabled persons for supervision or care are eliminated.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Since the time the Legislature enacted the law requiring expungement, it has become clear that the CA should have flexibility regarding the future use of that information. The Legislature passed this bill in 2007 and it was enacted in 2008. At the time the bill was passed, the CA was transitioning into a new data management system and has not expunged the records as required. Because of the way that the old data system was designed, you have to print out and upload each record that will be removed. Social workers summarize their notes in the case management system. There are about 30,000 cases that would need redaction. The CA operates a risk-based system. The CA assesses the risk to a child. For this reason, it is critical that the CA observe the records. Without that information, the CA is stunted in its ability to assess risk. Prior reports of child abuse and neglect are an indicator of future child abuse or neglect. It would cost about \$9.1 million to come into compliance with this requirement. It is a bad policy decision to get rid of this information. In the Weller case where the CA paid out over \$9 million, there were 40 reports of child abuse and neglect. Twenty of those would have been destroyed pursuant to this law. The CA releases employees that improperly disclose this information. When individuals have unsupervised access to youth, the CA will release founded determinations. If the bill passes, the CA practice would not change, but the liability of the CA would decrease. There is a process for parents to contest founded determinations. If a parent is investigated and there is a founded determination, an area administrator can reverse a decision, and parents are notified and can appeal founded determinations. Some of these determinations are reversed.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; and Jennifer Strus, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.