

# SENATE BILL REPORT

## HB 1672

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As of March 11, 2015

**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:** Passed House: 3/02/15, 57-40.

**Committee Activity:** Human Services, Mental Health & Housing: 3/12/15.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Alison Mendiola (786-7444)

**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 CA determines to be not credible and are not referred for investigation.

Results of Child Abuse and Neglect Investigations. CA investigates all reports that do not screen out. After an investigation is complete, 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 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 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

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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:

- DSHS must destroy all records concerning screened-out reports of child abuse and neglect within three years; and
- 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.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.