

# HOUSE BILL REPORT

## SHB 1825

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**As Passed House:**  
March 2, 2017

**Title:** An act relating to extending the timeline for completing a family assessment response, allowing the department of social and health services to complete a family assessment response upon the verbal agreement of a parent to participate, and defining disqualifying crimes.

**Brief Description:** Extending the timeline for completing a family assessment response, allowing the department of social and health services to complete a family assessment response upon the verbal agreement of a parent to participate, and defining disqualifying crimes.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kilduff, Muri, Sawyer, Klippert, Ortiz-Self, Kagi, Goodman, Ormsby and Fey; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/10/17, 2/14/17 [DP];  
Appropriations: 2/24/17 [DPS].

**Floor Activity:**

Passed House: 3/2/17, 98-0.

**Brief Summary of Substitute Bill**

- Limits the criminal conduct that is part of a child abuse and neglect allegation that prevents a parent from receiving family assessment response services.
- Extends the time for a family to receive family assessment response services from 45 days to 90 days, with the ability to extend those services for up to 120 days total.
- Removes the requirement that parents sign an agreement before receiving family assessment response services.

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**HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES**

*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.*

**Majority Report:** Do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McCaslin.

**Staff:** Luke Wickham (786-7146).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

**Staff:** Mary Mulholland (786-7391).

### **Background:**

#### Family Assessment Response.

Legislation was enacted in 2012 requiring the Department of Social and Health Services (DSHS) to implement a differential response system for responding to allegations of child abuse and neglect with low to moderate risk of child maltreatment called family assessment response (FAR). Upon receiving a report of child abuse or neglect that screens in for a response, the DSHS must either refer the case for investigation or FAR. The DSHS has a method by which to assign cases to investigation or FAR. Cases must be referred for investigation when the assessment determines that there is a risk of imminent harm to the child, a serious threat of substantial harm to the child, the conduct constitutes criminal activity, the child is abandoned, the child is dependent, or in a facility licensed by the DSHS or the Department of Early Learning.

The DSHS must complete FAR services within 45 days of receiving the child abuse and neglect report, and parents may agree to extend the response period up to 90 days. Parents must sign an agreement to participate in FAR services before services begin.

#### Federal Disqualifying Crimes for Serving Foster Youth.

Federal law includes requirements that states complete criminal records checks for prospective or adoptive parents and indicates certain crimes that would disqualify an individual from caring for a foster youth or pursuing adoption. The crimes that would permanently disqualify a prospective foster parent or adoptive parent including felony convictions of:

- child abuse or neglect;
- crimes against children; and

- crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

The crimes that disqualify an individual for five years after commission including felony convictions of:

- physical assault or battery; and
- drug-related offenses.

**Summary of Substitute Bill:**

Child abuse and neglect allegations that constitute criminal offenses that require an investigation rather than a FAR is limited to offenses within the categories of federal disqualifying crimes for purposes of prospective foster parents and adoptive parents. The FAR timeframe is extended from 45 days to 90 days, and the response period may be extended for services essential to reducing risk of harm to the child and improving or restoring family well-being up to 120 days. Parents or guardians are no longer required to sign an agreement to receive FAR services but must agree to those services.

**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 (Early Learning & Human Services):**

(In support) The FAR was implemented in 2014, and there are three offices that have not yet implemented FAR including Yakima, Bellevue, and Kent. There are three areas where there has been difficulty implementing FAR, and those are addressed in this bill. First, the 45-day time limit is too short and doesn't allow for engagement in evidence-based programs. The DSHS will work with stakeholders to determine a reasonable end date; 160 days would be sufficient time to work with families. There is a requirement that parents sign an agreement. Some parents are reluctant to sign that agreement based on distrust of the government. If individuals do not sign the agreement, a case is referred for investigation and may result in a finding of abuse or neglect. Many individuals who are reluctant to sign the agreement could have benefited from FAR services. The limitation that prevents parents from engaging in FAR services if child abuse and neglect allegations constitute criminal conduct is too broad and should be limited to the disqualifying crimes listed in the Adoption and Safe Families Act.

It is critical that parents can engage in programs that can remedy parental deficiencies, but some time limit should be included in the bill. The signing requirement should be removed from statute as that presents a great barrier for Native American families. Many families have been helped by this FAR program. The timeframe and signature requirement has been problematic. The more families are referred to evidence-based programs the better. It is important to maintain some flexibility regarding a time requirement for FAR services.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The FAR program is a good option for Child Protective Services-involved families, but it can be improved. Most families are interested in pursuing services right away, but some are reluctant to sign an agreement. Families should be able to get into the most appropriate services as early as possible, including evidence-based practices, but the FAR timeframe and delays in accessing services are limitations. Money should be saved in the long run because fewer families will re-enter the system.

(Opposed) None.

(Other) The FAR program saves money and saves people from being trapped in the child welfare system. There is a problem with the reference that excludes people from FAR who have convictions for disqualifying crimes described in the federal Adoption and Safe Families Act because it refers to adoptions and foster care, not current families. The language could be massaged. It is particularly troubling with regard to drug crimes related to chemical dependency problems that people may have overcome but that would exclude them from FAR.

**Persons Testifying (Early Learning & Human Services):** Representative Senn, prime sponsor; Jennifer Strus, Department of Social and Health Services; Kimberly Mays, Parent Ally; and Laurie Lippold, Partners for Our Children.

**Persons Testifying (Appropriations):** (In support) Laurie Lippold, Partners for Our Children.

(Other) Bob Cooper, Washington Defender Association and Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying (Early Learning & Human Services):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.