

SENATE BILL REPORT

SHB 1825

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, March 20, 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: Passed House: 3/02/17, 98-0.

Committee Activity: Human Services, Mental Health & Housing: 3/15/17, 3/20/17 [DP-WM].

Brief Summary of 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.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass and be referred to Committee on Ways & Means.

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.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle, Hunt, Padden and Walsh.

Staff: Alison Mendiola (786-7444)

Background: Family Assessment Response. In 2012, the Legislature passed legislation 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.

Currently, 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 indicate 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 Bill: Child abuse and neglect allegations that constitute a criminal offense that require an investigation rather than a FAR is limited to offenses within the categories of federal disqualifying crimes for the purposes of prospective foster parents and adoptive parents.

FAR services are to be completed within 90 days of receiving the child abuse and neglect report, and parents may agree to extend the response period to 120 days.

Parents are not required to sign an agreement to participate in FAR services but the parents must agree to participate in services.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: FAR is still a relatively new program. This bill proposes some tweaks to better assist families in crisis; it increases the length of time for FAR from 45 to 90 days to allow a family to engage in services without signing an agreement. Some communities distrust the government and are reluctant to sign the agreement, with the alternative being a CPS investigation which may result in a founded finding, all of which could be avoided if families aren't required to sign an agreement, although they still have to agree to participate. This bill is being brought forward as a result of a robust evaluation—it's a mid course correction. Ten percent of families served would have benefitted from a longer period of service. Many evidence-based programs are longer than 45 days, thus 90 days would allow families to take advantage of more programs. Adding a list of specific crimes that excludes a family from participating in FAR is also necessary as the current language is too punitive. Of the FAR families surveyed, the families say they feel more engaged in process—88 percent—and are happy with the services received—90 percent.

OTHER: We are in support of concepts in the bill. Due to the current 45-day timeline, there is a chilling effect that prevents families from engaging in the most effective services. FAR protects families from unnecessary government intrusion.

Persons Testifying: PRO: Representative Tana Senn, Prime Sponsor; Laurie Lippold, Partners for Our Children; Kimberly Mays, Parent/Contracted Social Services Worker; Jennifer Strus, DSHS.

OTHER: Patrick Dowd, Washington State Office of the Family and Children's Ombuds.

Persons Signed In To Testify But Not Testifying: No one.