

FINAL BILL REPORT

2SHB 1645

C 270 L 20
Synopsis as Enacted

Brief Description: Certifying parental improvement.

Sponsors: House Committee on Human Services & Early Learning (originally sponsored by Representatives Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan).

House Committee on Human Services & Early Learning
House Committee on Appropriations
Senate Committee on Human Services, Reentry & Rehabilitation
Senate Committee on Ways & Means

Background:

The Department of Children, Youth, and Families.

The Department of Children, Youth, and Families (DCYF) oversees early learning programs, child welfare services, and juvenile justice programs.

Reports of Child Abuse or Neglect.

If an individual suspects that a child has been abused or neglected, that abuse or neglect may be reported to the DCYF Child Protective Services (CPS) office or to law enforcement. There are many individuals who are required to report suspected abuse or neglect.

The CPS will then determine whether the report of child abuse or neglect is credible and whether the report meets the sufficiency screening criteria. If the report meets the screening criteria, the CPS will assign either: (1) a 24-hour response that includes an investigation; or (2) a family assessment response (FAR) for low- to moderate-risk allegations that requires a 72-hour response.

The DCYF, or anyone else, may file a court petition alleging that the child should be a dependent of the state due to abuse, neglect, or because no parent, guardian, or custodian is capable of adequately caring for the child. A court must hold a shelter care hearing following removal of a child from his or her home within 72 hours. At this hearing, the court determines if the child may return home safely.

If a report of child abuse or neglect is investigated by the DCYF, the DCYF must complete the investigation within at least 90 days, unless law enforcement or the prosecuting attorney

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has determined that a longer investigation is necessary. At the completion of the investigation, the DCYF must make a finding that the report of child abuse or neglect is founded or unfounded. A "founded" determination means that it is more likely than not that child abuse or neglect did occur. An "unfounded" determination means that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the DCYF to determine that it did or did not occur.

If a court in a civil or criminal proceeding, considering the same facts as contained in the report investigated by the DCYF, makes a finding by a preponderance of the evidence or higher that the subject of the investigation abused or neglect the child, the DCYF must adopt that finding.

Foster Parent Licensure.

When a child is placed in out-of-home care pursuant to a dependency court process, the child may be placed with relatives or in foster care. Foster parents are licensed by the DCYF to provide 24-hour temporary care to children placed in out-of-home care.

Individuals may apply for a foster parent license directly to the DCYF or through a child-placing agency (CPA). The CPAs are licensed by the DCYF and can certify that an individual meets the foster licensing requirements before the application is sent to the DCYF. The CPAs also provide ongoing case management to foster families.

To receive a foster parent license, an individual must:

- be age 21 or older;
- complete, along with individuals age 18 or older in the household:
 - first aid training;
 - age-appropriate adult or infant cardiopulmonary resuscitation;
 - human immunodeficiency virus/acquired immunodeficiency syndrome; and
 - blood borne pathogens training;
- pass, along with certain household members, a background check;
- submit, along with individuals age 18 or older in the household, a negative tuberculosis test or an X-ray;
- submit proof of current immunization status for any children living on the premises, not in out-of-home care;
- provide proof of pertussis and influenza immunizations for all people living in the home when serving foster children under age 2;
- pass a home assessment and demonstrate the ability to provide the quality of care needed by children placed in the home; and
- complete training requirements.

Summary:

The Department of Children, Youth, and Families (DCYF) must implement a process where an individual who received a founded finding of neglect, maltreatment, or physical abuse, or a court finding that the individual's child was dependent based on abuse or neglect can petition the DCYF for a certificate of parental improvement (CPI).

The DCYF must respond to a request for a CPI within 60 days.

The DCYF may not issue a CPI if:

- fewer than five years have passed since the applicant's last founded finding of child abuse or neglect;
- fewer than two years have passed since the Secretary of the DCYF's denial of an individual's request for a CPI;
- the requestor has a final founded finding for sexual abuse, sexual exploitation, or physical abuse if the conduct involved cutting, burning, interfering with a child's breathing, shaking a child under age 3, or threatening a child with a deadly weapon;
- the individual has already received one CPI and is the alleged perpetrator of a subsequent, final founded finding of child abuse or neglect; or
- the applicant has any conviction or pending criminal action for:
 - any felony offense involving the physical neglect of a child;
 - any felony offense under chapter involving a physical injury or death of a child;
 - any felony domestic violence offense committed against a family or household member;
 - a felony offense against a child; or
 - any of the following felony offenses:
 - class A felony or an attempt to commit a class A felony;
 - criminal solicitation of or criminal conspiracy to commit a class A felony;
 - Manslaughter in the first or second degree;
 - Indecent Liberties Committed by Forcible Compulsion;
 - Kidnapping in the second degree;
 - Arson in the second degree;
 - Extortion in the first degree;
 - Robbery in the second degree;
 - Drive-by Shooting; and
 - Vehicular Homicide.

The DCYF must consider the following when determining whether to issue a CPI:

- documentation of any founded finding of child abuse or neglect and the underlying documentation the DCYF relied upon to make that finding;
- findings from any civil adjudication proceeding;
- referral history alleging child abuse or neglect against the applicant;
- the length of time that has elapsed since the founded finding of child abuse or neglect;
- whether a court made a finding that the applicant's child was dependent, the length of time elapsed since that dependency court process was dismissed, and the outcome of the dependency court process including whether the child was returned to the applicant's care;
- any documentation that the applicant successfully addressed the circumstances that led to an administrative finding of child abuse or neglect, including but not limited to a declaration by the applicant; recent assessments or evaluations; or completion or progress toward completion of recommended court-ordered treatment, services, or programs;
- any pending criminal or civil actions against the applicant;
- results of a Washington State Patrol criminal history and federal background check;

- personal and professional references from employers, professionals, and agencies familiar with the applicant who can address the applicant's current character; and
- any education, volunteer work, employment history, or community involvement of the applicant.

A person who is denied a CPI has the right to seek review of the DCYF's denial of this CPI by first asking the DCYF to review the decision, and if the DCYF does not change its decision, the person may request an administrative hearing to review the decision.

The DCYF may not deny or delay a foster care or child care license or approval or unsupervised access solely because of a founded finding of abuse or neglect or court finding that the individual's child is dependent based on abuse or neglect if that finding is accompanied by a CPI.

The Department of Social and Health Services may not consider founded findings of child abuse or negligent treatment when evaluating an applicant or employee's character if the finding is accompanied by a CPI.

A long-term care worker may not be employed with or have unsupervised access to vulnerable adults if the provider:

- is on the vulnerable adult abuse registry or equivalent;
- has a finding of child abuse or neglect, unless accompanied by a CPI;
- has received a finding of abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult; or
- has issued a court order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, financial exploitation of a minor or vulnerable adult unless accompanied by a CPI.

Nursing homes and assisted living facilities cannot deny a prospective volunteer solely based on a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect when that finding is accompanied by a CPI.

Votes on Final Passage:

House	63	35
Senate	47	2

Effective: January 1, 2020