
Children, Youth & Families Committee

HB 1920

Brief Description: Concerning investigations of child abuse or neglect at residential facilities.

Sponsors: Representatives Wicks and Lekanoff; by request of Department of Children, Youth, and Families.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families to investigate referrals of alleged child abuse or neglect occurring at substance use disorder treatment facilities, determine whether there is a finding of abuse or neglect, and determine whether a referral to law enforcement is appropriate.

Hearing Date: 1/26/22

Staff: Luke Wickham (786-7146).

Background:

Reports of Child Abuse or Neglect.

If an individual suspects that a child has been abused or neglected, that abuse or neglect can be reported to the Department of Children, Youth, and Families (DCYF) Child Protective Services (CPS) office or to law enforcement. There are many individuals who are required by law 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, CPS will assign either: (1) a 24-hour response that includes an investigation; or (2) a family assessment response for low- to moderate-risk allegations that requires a 72-hour response.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The DCYF, or anyone else, can 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 will hold a shelter care hearing following removal of a child from his or her home within 72 hours. At this hearing, the court will determine if the child can 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 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.

Substance Abuse Disorder Treatment Licensing.

Residential treatment facilities, including substance use disorder facilities, are regulated, licensed, and certified by the Department of Health. An initial license requires that the facility submit a copy of its master business license, a room list identifying resident rooms with the dimensions and square footage, a reduced floor plan with identification of each room, and a criminal history background check and disclosure statement for those named in the application.

Residential treatment facility licenses must be renewed annually.

Summary of Bill:

The Department of Children, Youth, and Families (DCYF) must investigate referrals of alleged child abuse or neglect occurring at substance use disorder treatment facilities, determine whether there is a finding of abuse or neglect, and determine whether a referral to law enforcement is appropriate. The DCYF and the Department of Health must adopt rules to implement this requirement.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.