

SENATE BILL REPORT

HB 1920

As of February 16, 2022

Title: An act relating to investigations of child abuse or neglect at residential facilities.

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 History: Passed House: 2/8/22, 96-0.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/16/22.

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.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Alison Mendiola (786-7488)

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.

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)

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a family assessment response for low- to moderate-risk allegations that requires a 72-hour response.

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 DCYF, 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, 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 DCYF, makes a finding by a preponderance of the evidence or higher that the subject of the investigation abused or neglect the child, 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.

Residential treatment facility licenses must be renewed annually.

Summary of Bill: DYCF must investigate referrals of child abuse or neglect occurring at substance use disorder treatment facilities, including but not limited to, incidents involving residents abusing other residents and staff abusing residents; determine whether there is a finding of abuse or neglect; and determine whether a referral to law enforcement is appropriate.

DCYF and the Department of Health are to adopt rules to implement this requirement.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony: PRO: This bill addresses a gap in law to make sure that youth are safe from abuse and ensures that DCYF has full access to substance use disorder treatment facilities to do child welfare checks and investigate allegations of child abuse and neglect. This is a technical fix to clarify an ambiguity in law.

Persons Testifying: PRO: Representative Emily Wicks, Prime Sponsor; Allison Krutsinger, Department of Children, Youth, and Families.

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