
Early Learning & Human Services Committee

SSB 5315

Brief Description: Implementing the recommendations made by the Powell fatality team.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Dammeier, Rivers, Padden and Roach).

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services, Children's Administration (CA) to make a concerted effort to consult with law enforcement and communicate the results of the consultation with the courts, if a parent or sibling is identified as a suspect in a criminal investigation that may have child safety implications.
- Requires the CA to develop family visitation protocol in consultation with law enforcement, in the event that a parent or sibling is identified in an active criminal investigation that may have child safety implications.
- Requires the courts to articulate on the record if child placement decisions are contrary to the wishes of a parent.
- Requires the CA to reassess family visitation arrangements, when a parent is ordered to complete a psychosexual evaluation.
- Extends authority to the CA to restrict family visitation pending court approval, if an assessment indicates that children's health, safety, or welfare may be jeopardized.
- Requires the CA to provide ongoing domestic violence training and consultation to caseworkers.

Hearing Date: 3/21/13

Staff: Lindsay Lanham (786-7120).

Background:

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.

According to the Child Fatality Review Report provided by the CA, Joshua Powell and his two children (Charles Powell: date of birth 01/2005 and Braden Powell 1/2007) moved from West Valley City, Utah to the paternal grandfather's home in Washington in January 2010. The family relocated after the disappearance of the children's mother, Susan Powell. The West Valley City law enforcement considered Mr. Powell a "person of interest" in the disappearance of Susan Powell.

Between March 2010 and June 2011, the CA received four intakes reports regarding statements made by Charles Powell in school. The reports were not screened in for a child protective services' investigation because the allegations did not meet the statutory definition of child abuse or child neglect. Thus, the CA was unable to legally proceed with an investigation; however, reports indicate that the CA did forward all intakes to law enforcement for review.

In September 2011 the Pierce County Sheriff's Office requested that Charles and Braden Powell be placed in the protective custody of the state because of allegations of child pornography and voyeurism in the home of the paternal grandfather. At the time of the removal, the Pierce County Sheriff's Office was not clear if Joshua Powell was involved in child pornography or voyeurism. The case was assigned based on allegations of neglect of the children by their father Joshua Powell. At the request of the West Valley City, Utah police, the Pierce County Law enforcement did not provide information to the CA staff regarding the their investigation into the disappearance of Susan Powell.

The children were placed first in a foster home, and later in the home of their maternal grandparents. The court ordered supervised family visitation for three hours a week. The family visits initially occurred at the CA's office and later the visits were moved to the offices of the Foster Care and Resource Network. The Foster Care and Resource Network agency has a contractual agreement with the CA to provide supervision for family visitation.

During the dependency case, Mr. Powell established a new residence separate from his father's home and requested that family visits move from the offices of the Foster Care and Resource Network to his home. The CA received reports from the visitation supervisor from the Foster Care and Resource Network stating that family visitations were well structured and included snacks and activities. Visitation reports further offered that Mr. Powell's interactions with the children were positive and included appropriate limit setting, affection, and attention with both children. In addition to the reports from the Foster Care and Resource Center visitation supervisor, the CA also consulted with the guardian ad-litem and the psychologist conducting Mr. Powell's psychological evaluation when considering Mr. Powell's request for a venue change for family visits.

After receiving confirmation from parties, visitation was moved to Mr. Powell's home in November 2011. In December 2011 Mr. Powell petitioned the court for additional weekly visitation with his children. His request was approved by the court. In January 2012, Mr. Powell filed a motion with the court requesting that the children be placed in his home or moved from the maternal grandparents' home. A hearing was scheduled. Prior to the hearing, the West Valley City Police Department provided the CA with digital computer images that were obtained during a search of the Powell home in August 2011. Although a Utah court had originally restricted access to the images, a court order from January 2012 allowed the images to be released to the Pierce County Sheriff detective, the judge presiding over the dependency case, the Assistant

Attorney General representing the CA, the attorney for the maternal grandparents, the attorney for Mr. Powell, the guardian ad-litem, the psychologist conducting Mr. Powell's psychological evaluation, and the CA caseworker.

Upon examination of the images provided by the West Valley City Police Department, the court ordered that the children remain in the home of the maternal grandparents. Additionally, Mr. Powell was ordered to complete a psychosexual evaluation. On February 5, 2012 (four days after the hearing), the children were transported to their father's home for court ordered visitation. An employee from the Foster Care and Resource Network was conducting supervision for the family visit. On this day, Mr. Powell set his home on fire and killed his children and himself.

In June 2012 and August 2012, the CA convened a Child Fatality Review of the Powell Case. The committee was comprised of members from diverse disciplines. After reviewing the case file, court transcripts, the CA procedure manuals, and conducting interviews, the Child Fatality Review Committee issued a report. A component of the report included recommendations.

Summary of Bill:

The recommendations from the Child Fatality Review Committee are incorporated into statute. Specifically, the CA is required to make a concerted effort to consult with law enforcement and communicate the results of the consultation with the courts, if a parent or sibling is identified as a suspect in a criminal investigation that may have child safety implications. Additionally, the CA is to develop family visitation protocol in consultation with law enforcement, in the event that a parent or sibling is identified in an active criminal investigation that may have child safety implications. The CA is further required to reassess family visitation arrangements, when a parent is ordered to complete a psychosexual evaluation. The CA is given the authority to restrict family visitation pending court approval, if an assessment indicates that children's health, safety, or welfare may be jeopardized. The CA is required to provide ongoing domestic violence training and consultation to caseworkers. Finally, the courts are required to articulate on the record if child placement decisions are contrary to the wishes of a parent.

Appropriation: None.

Fiscal Note: Requested on March 20, 2013.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.