

HOUSE BILL REPORT

HB 2384

As Reported By House Committee On:

Children & Family Services

Title: An act relating to child abuse and neglect information.

Brief Description: Modifying provisions relating to retention of reports of child abuse or neglect.

Sponsors: Representatives Stevens, Cooke, Koster, Smith, D. Sommers, Campbell, McMahan, Sheahan, Radcliff, Hickel, Benton, Blanton, Hankins, Boldt, Pelesky, L. Thomas, Fuhrman, Buck, Crouse, Mastin, Goldsmith, Hargrove, Thompson, Carrell, Johnson, Lambert, Sheldon, D. Schmidt, Hymes, McMorris and Mulliken.

Brief History:

Committee Activity:

Children & Family Services: 1/26/96, 2/2/96 [DPS].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Sterk.

Minority Report: Do not pass. Signed by 4 members: Representatives Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Dickerson and Patterson.

Staff: David Knutson (786-7146).

Background: Prior to 1987, the Department of Social and Health Services entered substantiated and unsubstantiated reports and information into a record-keeping system known as the Central Registry for Child Abuse and Neglect. The Central Registry was used to track child abuse and neglect reports. Persons who were the subject of reports in the Central Registry were provided notice and given the opportunity to challenge reports in the Central Registry. In 1987 the Legislature repealed the Central Registry and replaced it with background checks of pending criminal charges, criminal histories, civil adjudications, or disciplinary board final decisions related to child abuse or neglect through the Washington State Patrol crime computer.

The Department of Social and Health Services has continued to collect and use substantiated and unsubstantiated reports of child abuse and neglect on a new computer system known as the case and management information system (CAMIS) to conduct background checks on individuals without any specific statutory authority or protection for individuals named in the reports.

Summary of Substitute Bill: The Department of Social and Health Services will maintain reports of substantiated child abuse and neglect forever. Unsubstantiated reports of child abuse and neglect will be maintained for two years. The department will notify people who are the subject of reports of child abuse and neglect and tell them of their right to appeal the inclusion of their names in the system. The department will use the Washington State Patrol background system established under chapter 43.43 RCW when determining whether an individual or agency should be licensed under chapter 74.15 RCW. The department will define "substantiated" and "unsubstantiated" by rule.

Substitute Bill Compared to Original Bill: The requirement that the department maintain only reports of child abuse and neglect that have been founded by clear and convincing evidence is removed. The requirement to purge files and records that do not meet that standard is removed. The department will maintain substantial reports forever and unsubstantiated reports for two years.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The department should not maintain computer records on people who have not been determined to have committed abuse or neglect. It is an unwarranted intrusion into their private lives and violates their constitutional rights.

Testimony Against: The department needs to maintain records of unsubstantiated reports of child abuse and neglect to help establish patterns of abuse in some cases.

Testified: (Pro) Russell Fraser, private; Primrose & Jose Torres, private; Jerry Sheehan, American Civil Liberties Advisor; Dan Osborne, private; (Con) Ruth Kagi, Lauria Grace Fatality Review; Dr. Ted Walkley, Mary Bridge Children's Hospital; Debora Ruggles, Washington Coalition of Sexual Assault Programs; Rosie Oreskovkk, Department of Social and Health Services; and Jane Jorgenson, WFSE.