

HOUSE BILL REPORT

ESSB 5885

As Passed House - Amended:

April 6, 1995

Title: An act relating to services to families.

Brief Description: Modifying services to families.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley).

Brief History:

Committee Activity:

Children & Family Services: 3/21/95; 3/31/95 [DPA].

Floor Activity:

Amended.

Passed House: 4/6/95, 97-0.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Boldt; Buck; Carrell; Patterson and Tokuda.

Staff: David Knutson (786-7146).

Background: The Governor's Council on Families, Youth and Justice was created in 1994 to conduct a comprehensive review of the Juvenile Justice Act of 1977. The council was divided into four work groups covering dependencies, youth-in-crisis, juvenile offenders, and prevention strategies. The Dependency Work Group developed a series of recommendations related to children who are dependent or at risk of becoming dependent that are incorporated in this legislation.

The recommendations include expanding family preservation services, clarifying and modifying the confidentiality laws regarding child welfare records, strengthening the child abandonment statute, and regulating the access to departmental and judicial records.

Summary of Bill: The current family preservation services are renamed "intensive family preservation services." A new class of services called "family preservation services" is created which may be delivered in the home or in the community. The services include respite care, parenting skills, and the promotion of the child and family's well-being.

"Family preservation services" must ensure the safety of the child and strengthen the family, empower the family to become self-sufficient, utilize community supports, and locate and refer the family to basic support services. The services may be provided to children and their families when the child faces a "substantial likelihood of out-of-home placement" due to child abuse or neglect, a serious threat to their health, safety or welfare, or family conflict.

"Intensive family preservation services" share many of the characteristics of the new services, but are available sooner, have smaller caseloads, and are limited to 40 days in duration. The services are provided when the child is in "imminent risk" of out-of-home placement.

The Department of Social and Health Services (DSHS) is required to coordinate and plan the implementation and expansion of family preservation services. DSHS must provide the services through outcome-based, competitive contracts with social service agencies. The department may transfer funds appropriated for out-of-home care to purchase preservation services for children at imminent risk of out-of-home placement.

The department is required to use available resources to train its personnel in skills such as risk assessment, case management, crisis intervention, and professional collaboration. DSHS and the Office of the Administrator provide training to judges and service providers regarding the use of preservation services.

A judicial process is created for the department's use in compelling the release of records requested by the department.

The county coroner or medical examiner are mandated reporters of suspected abuse or neglect.

If a child resides in a foster home for more than six months prior to a permanency planning hearing, the court must ensure the foster parent receives notice of the hearing.

A foster-home license may be issued when it is limited to specific children, the child has a relationship with the applicant, and it is not issued for more than 90 days.

A rebuttable presumption of abandonment is created when due diligence is used to locate the parent, and there is no contact with the child and parent for three months. A guardianship entered under the dependency statutes may be modified or terminated upon a showing of a "substantial" change of circumstances, and the change is in the best interest of the child.

When requested by a new school, the child's school records from his or her previous school must be transmitted within two school days. Failure to properly transmit the records results in discipline of the principal or chief administrator of the school.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the budget.

Testimony For: Services should be provided to families to help them resolve problems they face and keep them together. DSHS should make family preservation services available in all parts of the state. Keeping families together should be our highest priority.

Testimony Against: None.

Testified: Senator Jim Hargrove, prime sponsor; Christine Gregoire, Attorney General (pro); Margaret Casey, Washington State Catholic Conference (pro); Charlotte Booth, Behavioral Sciences Institute (pro); Peter Berliner, Children's Alliance (pro); Rosie Oreskovich, Department of Social and Health Services (pro); and Darlene Flowers, Foster Parents Association of Washington State (pro).