

SENATE BILL REPORT

SB 5482

As of February 7, 1995

Title: An act relating to services to families.

Brief Description: Modifying services to families.

Sponsors: Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley; by request of Governor Lowry and Attorney General.

Brief History:

Committee Activity: Human Services & Corrections: 2/8/95.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Richard Rodger (786-7461)

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 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" and a new class of services called "family preservation services" is created. The new services may be delivered in the home or in the community, and include such items as respite care, parenting skills, and the promotion of the child and family's well-being.

"Family preservation services" shall 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 due to 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 foster care 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 foster 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 their personnel in skills such as risk assessment, case management, crisis intervention, and professional collaboration. DSHS and the Office of the Administrator provides training to judges and service providers regarding the use of preservation services.

The laws regarding the release and access of child welfare records are consolidated and clarified. The department is given greater access to records when necessary to protect or supervise a child. A judicial process is created for the department's use in compelling the release of records requested by the department. The Attorney General, DSHS, and the Office of Superintendent of Public Instruction are required to develop and publish a guide to state and federal juvenile confidentiality laws.

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 that the foster parent receives notice of the hearing.

Court records remain confidential in cases involving reconciliation services, dependencies, and juvenile court proceedings. Briefs and decisions only use initials or pseudonyms to identify the juvenile or the juvenile's family. The court may authorize the release only if there is a compelling public interest, and the release is not detrimental to the child.

A provisional 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 a period of 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: Requested on January 30, 1995.

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