

SENATE BILL REPORT

SB 5885

As Reported By Senate Committee On:
Human Services & Corrections, March 1, 1995
Ways & Means, March 6, 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.

Brief History:

Committee Activity: Human Services & Corrections: 2/23/95, 2/28/95, 3/1/95 [DPS-WM].

Ways & Means: 3/3/95, 3/6/95 [DPS (HSC)]

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow, Smith and Strannigan.

Staff: Richard Rodger (786-7461); Andrea McNamara (786-7483)

Background: At the end of the 1994 legislative session, a council was created 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 Substitute 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 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.

Licensing information and records are excluded from records which may be disclosed under the juvenile court records system. The circumstances under which information in licensing records may be disclosed to protect the privacy of licensees, including foster families, is limited. Conditions under which information may be released to the press are eliminated.

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.

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 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.

Substitute Bill Compared to Original Bill: The substitute bill contains numerous technical and clarifying amendments. The substantive amendments include: DSHS is required to develop performance standards for preservation services; DSHS may provide preservation services, under the same standards for private sector, when no qualified contractor is available; the department's implementation plan must include an evaluation component; providers of intensive family preservation services must prevent out-of-home placements in at least 70 percent of the cases in the 12 months following the services; DSHS must report data regarding family preservation services; family preservation services provider's caseloads are reduced from 12 to 10 cases; sets a six-month time goal for the adoption of legally free children; intent section is modified regarding the court's authority to order services; coroner/medical examiner may receive licensing information from the department when investigating a death; unauthorized release of licensing records is made a gross misdemeanor; and specifies the content of social studies conducted on children placed out-of-home. A null and void clause is added.

The following provisions were stricken from the original bill: restriction on access to criminal history/dependency information regarding licensees; provisions regarding the release of child welfare records; the provisions allowing for the sharing of records for investigations, prior to the judicial filing of an action; the provision that limited juveniles, and their parents, access to juvenile justice or care agency records.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill will assist the department in avoiding out-of-home placements for children, shorten those placements that are made, and avoid "foster care drift." The expansion of family preservation services is necessary to better serve families in their own environments and communities. The modification of the confidentiality laws will improve the department's ability to ensure the safety of the children the department serves. The rules regarding access to judicial records are intended to protect the identity and welfare of children involved in litigation.

Testimony Against: The provider caseloads should be set at no more than six cases per caseworker. The lack of housing and homelessness are a contributing factor to children being removed from homes. The bill should be amended to allow the court to require the department to provide housing or services prior to the removal of children from the home.

Testified: Vicki Wallen, Governor's Office (pro); Jennifer Strus, DSHS (pro); Margaret Casey, WSCC (pro); Michael Mirra, Evergreen Legal Services; Christine Gregoire, Attorney General (pro); Lee Ann Miller, Attorney General's Office.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5885 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Staff: Brenda Hood (786-7431)

Testimony For: This bill will allow the department to provide services to families who are in significant risk of out-of-home placement. The bill is very necessary to serve the families who are in crisis, in order to address problems before the child becomes an adolescent runaway.

Testimony Against: None.

Testified: Christine Gregoire, Attorney General (pro); Jennifer Strus, DSHS (pro); Darlene Flowers, Foster Parents Assn. of WA State (pro); Margaret Casey, WSCC (pro/concerns).