

HOUSE BILL REPORT

E2SSB 5710

As Reported By House Committee On:
Children & Family Services

Title: An act relating to reform of social and health services.

Brief Description: Changing provisions relating to juvenile care and treatment by the department of social and health services.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Stevens, Prentice, Zarelli and Schow).

Brief History:

Committee Activity:

Children & Family Services: 4/3/97, 4/4/97 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Staff: David Knutson (786-7146).

Background: Due to the large number of referrals, the Department of Social and Health Services (DSHS) is presently unable to offer or provide social services to families where there is a low risk of abuse or neglect. Many of these families request services which are reserved for families who present higher risks to their children. It is suggested the department create a statewide "alternative response system" to provide community-based services to low-risk families on a volunteer basis.

A developmentally disabled child may be found to be dependent because the parents are unable to meet the child's special needs. This finding makes the child eligible for certain state and federally funded programs for which the child would not otherwise be eligible. These cases are handled within the Children's Administration. A recent management report on the DSHS suggests the Children's Administration should narrow its focus to only serving children who have been abused or neglected.

The status as a juvenile justice– or care– agency gives an agency or organization special authority to receive confidential juvenile criminal records and social files. It is suggested that the Legislative Children’s Oversight Committee should be classified as a juvenile justice or care agency.

There are currently no restrictions on anonymous reporting of alleged child abuse or neglect.

Currently, many statutes refer to reports of abuse or neglect of children, adult dependent persons and developmentally disabled persons, as if those incidents have been confirmed. It is suggested the statutes should refer to "alleged" reports of abuse or neglect until the reported incidents are confirmed.

Summary of Amended Bill: *Alternative Response System.* The department provides, by contract, alternative response systems within each region of the state. There must be a minimum of nine sites, including the five existing sites. The services are offered, on a volunteer basis, to families who present a low risk of child abuse or neglect. The court may order participation in an alternative response system program when the DSHS agrees to the disposition. The systems are evaluated by the Institute for Public Policy by September 1, 2004, and the authority to operate the systems expires on July 1, 2005.

Developmentally Disabled Children. A voluntary placement process will be used when children with developmental disabilities require an out-of-home placement. The responsibility for serving the child is transferred to the Division of Developmental Disabilities. Funds and personnel related to this population are transferred.

Juvenile Justice or Care Agency. The Legislative Children’s Oversight Committee is classified as a juvenile justice or care agency.

Anonymous Reports of Abuse or Neglect. The department must not investigate cases of anonymous reports of abuse or neglect unless: (1) there is a serious threat of substantial harm to the child; (2) a crime has occurred or is about to occur involving a child as a victim; or (3) the department has substantiated a report of abuse or neglect against a household member within the previous three years.

Abuse and Neglect Definitions. Alleged– is inserted to modify abuse or neglect– when those terms are used in reference to reports of, as opposed to findings of, abuse or neglect. Attorney fees and costs are awarded if access to records concerning a child involved in a dependency or termination proceeding is wrongfully denied.

Role of Child Protective Services. The role of Child Protective Services is narrowed to investigative functions. Child Welfare Services has the role of providing services for CPS cases. An exception is provided for small offices or offices in remote locations.

Employee Misconduct. The Personnel Appeals Board must expedite employee appeals where the employee is alleged to have committed misconduct that may have placed a child at serious risk of harm. The board's decision must be issued within 45 days of the hearing, but may be extended an additional 30 days for exceptional circumstances.

Quality Assurance Reports. The department must prepare an annual quality assurance report on performance outcomes, children's length of stay in out-of-home placement, adherence to permanency planning timelines, and the response time on CPS investigations.

Controlled Substance Evaluations. When an in-person contact is made on a CPS investigation with a person who is alleged to have committed the abuse or neglect, there must be a determination of whether it is probable that the use of alcohol or controlled substances is a contributing factor.

The department must provide appropriate chemical dependency training for persons who conduct CPS investigations. If there is probable cause to believe abuse of alcohol or controlled substances has contributed to the child abuse or neglect, the department must conduct a comprehensive chemical dependency evaluation. This activity must be performed subject to available funds. No new personnel is added as a result of this section. The DSHS should only investigate anonymous reports of child abuse and neglect if there are specific danger signs that indicate a serious threat to the child.

Amended Bill Compared to Engrossed Second Substitute Bill: The creation of a Social Worker V classification in the DSHS is removed. The alternative response system for low risk child abuse and neglect cases will not include mandatory court-ordered treatment. The process for serving children with developmental disabilities in out-of-home placements will be changed to a voluntary placement agreement between the parent and the department. The studies required by the Washington Institute for Public Policy are removed. The requirement that the secretary of DSHS develop an operating statement for the Children's Administration is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains several effective dates. Please refer to the bill.

Testimony For: Highly trained social workers should be available to go to department regions and assist with complex child abuse cases. An alternative response system for low -risk child abuse cases is needed to help at-risk families. Children with developmental disabilities should not be treated as if they had been

abused or neglected by their parents to qualify for state assistance. This is embarrassing to the parents and unfair to their child.

Testimony Against: The DSHS does not support the transfer of responsibilities for children with developmental disabilities from the Children's Administration to the Division of Developmental Disabilities.

Testified: Senator Jim Hargrove, prime sponsor; Donna Patrick, ARC of Washington (comments); Joyce Duran, DSHS (comments); Seth Dawson, Common Ground for Children (pro); and Pete Hawkins, Common Ground for Children (pro).