

HOUSE BILL REPORT

SHB 1858

As Passed House:
February 12, 1998

Title: An act relating to information about parents' rights.

Brief Description: Requiring parents who are the subject of an abuse or neglect allegation to be notified of their rights.

Sponsors: By House Committee on Child & Family Service (originally sponsored by Representatives Boldt, Cooke, Dickerson and Mulliken).

Brief History:

Committee Activity:

Children & Family Services: 2/21/97, 3/4/97 [DPS].

Floor Activity:

Passed House: 2/12/98, 60-37.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Kastama, Assistant Ranking Minority Member; Carrell and McDonald.

Minority Report: Do not pass. Signed by 5 members: Representatives Tokuda, Ranking Minority Member; Ballasiotes; Dickerson; Gombosky and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: The Department of Social and Health Services and law enforcement agencies are required to investigate reports of child abuse or neglect. As part of an investigation, the department and law enforcement agencies may interview children, make home visits, contact witnesses, and review educational, medical and substance abuse records. The abuse reports and the information gathered during the investigation are recorded on a computer database.

If an investigation reveals that the risk of leaving a child at home is great, a caseworker may request a court order for temporary out-of-home placement. Law enforcement personnel may also remove a child from a home and transfer custody of the child to

Child Protective Services (CPS) personnel. Within 24 hours of taking a child into custody, the department must notify the parents of the child of their legal rights and the reasons for the child's removal. If the child has a non-custodial parent, the department must also advise that parent.

Summary of Bill: The notice requirements for child abuse investigations are expanded. When conducting an investigation of child abuse or neglect, the department or a law enforcement agency must notify the parents and child of their basic rights and any other information required by the child abuse chapter. However, notice is not required if clear evidence indicates that notice would result in harm to the child.

When a child is taken into custody, the department must notify the child's parents within 12 hours. The notice must be in written and oral form. Within 48 hours, the department must inform the parents of the case plan for the child, as long as the notice does not place the child in danger or reveal any person's identity. The department must inform the parents of changes in the plan within 24 hours of any change.

An individual whose information is placed in the department's child abuse and neglect database must receive notice of that fact. The notice must include a description of the department's complaint policies and the findings of the investigation.

Appropriation: None.

Fiscal Note: None requested.

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

Testimony For: Parents who are being investigated do not know what rights and options they have for responding to the allegations of abuse. Notice helps protect victims of false reports.

Testimony Against: None.

Testified: Representative Marc Boldt, prime sponsor; and Jamaica J. Filgo, Washington Families (pro).