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## Children & Family Services Committee

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### BILL ANALYSIS SSB 6558

**Title:** An act relating to citizen review of child abuse and neglect cases.

**Brief Description:** Creating citizen review panels to review child abuse and neglect cases.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Long, Stevens, Roach and Oke).

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**Meeting Date:** February 24, 1998.

**Bill Analysis Prepared by:** Doug Ruth (786-7134).

**Background:** Congress recently passed revisions to the federal child abuse prevention statutes. The act is known as the "Child Abuse Prevention and Treatment Act Amendments of 1996" and referred to as "CAPTA." The federal act requires the states to adopt changes to their child abuse and neglect statutes or risk losing federal funding.

One provision of the CAPTA amendments requires the states to create "citizen review panels" to examine the policies and procedures of the state and local agencies which implement the state's child abuse and neglect prevention programs. The stated purpose of Congress is to provide opportunities for citizens to play an integral role in ensuring that states meet their goals of protecting children from abuse and neglect. Congress gave the states flexibility in designing their panels. CAPTA neither prescribes the depth or breadth of review by the panels, nor the structure of the panels other than general membership requirements. A state may use existing entities to act as citizen review panels, as long as those entities meet the federal requirements for the panels.

**Summary of Bill:** Citizen review panels are created to examine the policies and procedures of agencies which deal with the prevention of child abuse and neglect. The panels may also review specific cases, although the cases must have been referred to them by a legislator, the ombudsman, or the Department of Social and Health Services (DSHS).

A minimum of six panels are created, one for each of the Department of Social and Health Services' regions. The panels consist of seven members each, three of which have professional or academic expertise in the prevention and treatment of child abuse and neglect. The remaining members are citizens who have no fiduciary interest in any health, education, social service, or criminal justice agency.

The Department of Community, Trade, and Economic Development (DCTED) must contract with a private nonprofit organization to serve as the appointing authority of the panels and to oversee their operation. These duties are transferred to the Office of the Family and Children's Ombudsman (OFCO) on January 1, 2001.

The panels will meet at least once every three months. The panels may employ investigative staff and are designated as "juvenile justice or care agencies" for the purposes of obtaining confidential information. Further dissemination of confidential information is prohibited unless criminal activity is discovered, or a civil infraction is found and a child has died, the person alleged to have abused a child has made public disclosures regarding the case, or law enforcement, DSHS, a court, or prosecutors have released a public report on the incident. Improper disclosure is punishable by up to a \$5,000 fine.

If a case reported to a citizen review panel results in a civil action, a successful plaintiff in the action may receive attorney fees, costs, triple damages, and punitive damages.

The panels may examine any of the activities listed in the state's federally required child abuse and neglect prevention plan. The panels will also examine child protection standards, risk assessment, child fatality and near fatality reports, the time required for child protection services (CPS) investigations, immunity for child abuse reporters, confidentiality, coordination between CPS and foster care and adoption programs, and cooperation between law enforcement, the courts, and DSHS in handling child protection cases.

The legislative children's oversight committee will review proposed rules for the citizen review panels.

***Appropriation:*** None.

***Fiscal Note:*** Available.

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

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