

SENATE BILL REPORT

SHB 1858

As Reported By Senate Committee On:
Human Services & Corrections, February 26, 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: House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Cooke, Dickerson and Mulliken).

Brief History:

Committee Activity: Human Services & Corrections: 2/25/98, 2/26/98 [DPA, DNPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Long, Chair; Franklin, Hargrove and Stevens.

Minority Report: Do not pass as amended.

Signed by Senator Zarelli, Vice Chair.

Staff: Richard Rodger (786-7461)

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 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 Amended Bill: The notice requirements for child abuse investigations are expanded. When conducting an investigation of child abuse or neglect, the department must notify the parents of their rights under the child abuse chapter. However, notice is not required if it would jeopardize the child's welfare or the investigation.

When a child is taken into custody, the department must orally notify the child's parents within 12 hours. Written notice must be provided within 24 hours. The department must inform the parents of the case plan for the child 10 days prior to the fact-finding hearing.

Amended Bill Compared to Substitute Bill: The striking amendment: (1) removes the DSHS requirement of notifying parents when law enforcement does an investigation of child abuse or neglect; (2) provides exemption for notification requirement for "reasonable belief of harm to child's welfare or harm to investigation"; (3) requires oral notice of parent's rights within 12 hours of a child being taken into custody and written notice within 24 hours; (4) requires DSHS to provide a case plan 10 days prior to the fact-finding hearing; and (5) removes the requirement that DSHS send notice to any person, alleged to have committed abuse, whose name appears in any filing system.

Appropriation: None.

Fiscal Note: Requested on February 18, 1998.

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

Testimony For: This bill is intended to provide parents with greater notice of their rights when there are allegations of child abuse or neglect.

Testimony Against: DSHS is not able to notify parents of investigations conducted by law enforcement because the agency is not always involved or aware of the actions by police officers. DSHS could provide oral notice of parents' rights within 12 hours, but needs 24 hours to provide written notice. The case plan cannot be served on the parents within 48 hours; the hearing on the case plan doesn't occur for at least 75 days. The CAPTA changes deal with the notice and rights of persons alleged to have committed abuse.

Testified: Rep. Marc Boldt, prime sponsor; Jennifer Strus, DSHS (concerns).