

SENATE BILL REPORT

SB 5412

As of January 29, 1997

Title: An act relating to the confidentiality of child welfare records.

Brief Description: Protecting child records.

Sponsors: Senators Thibaudeau and Kohl; by request of Governor Lowry.

Brief History:

Committee Activity: Human Services & Corrections: 1/30/97.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Richard Rodger (786-7461)

Background: Under current law most information concerning reports and investigations of child abuse and neglect is considered confidential. Recent changes to federal law have given the states greater authority to release such information to the public when the release is pursuant to a legitimate state purpose.

The state of New York has recently adopted a new law that allows for the greater release of records under specified circumstances. It has been suggested that the Washington laws be amended to allow the Department of Social and Health Services (DSHS) to disclose more information than currently allowed.

Summary of Bill: The confidentiality laws covering child welfare records are modified to allow greater disclosure of information.

Under specified circumstances the Secretary of DSHS may disclose information regarding: (1) the abuse or neglect of a child, (2) the investigation of the abuse or neglect, and (3) any services related to the abuse or neglect of a child, if he or she determines that the disclosure is not contrary to the best interests of the child, the child's siblings, or other children in the household.

The information may be released if: (1) the subject of the report has been charged with a crime related to a report maintained by the department; (2) the investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed by law enforcement, a prosecuting attorney, or a judge in the course of their official duties; (3) there has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which the individual is named as the subject of the report; or (4) the child named in the report has died.

If the release of information is authorized, the following information may be disclosed: (1) the name of the abused or neglected child; (2) the determination made by the department for abuse or neglect referrals; (3) identification of services provided or actions taken as a result

of any reports; (4) any actions taken by the department in response to reports of abuse or neglect; or (5) any extraordinary or pertinent information when the secretary determines the disclosure is consistent with the public interest.

Appropriation: None.

Fiscal Note: Requested on January 28, 1997.

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