

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5770**

55th Legislature  
1997 Regular Session

Passed by the Senate April 22, 1997  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House April 10, 1997  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5770** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5770**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens and Thibaudeau)

Read first time 03/05/97.

1       AN ACT Relating to the confidentiality of child welfare records;  
2 adding new sections to chapter 74.13 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       NEW SECTION. **Sec. 1.** The legislature finds unacceptable laws that  
5 bar legitimate and appropriate inquiries about the activities of public  
6 agencies in abuse and neglect cases, for they frustrate the ability of  
7 the legislature to set informed policy and act in appropriate oversight  
8 capacity; impair the ability of independent government agencies to  
9 determine the effectiveness of services, staff, and funding; corrode  
10 public trust; and undermine the right of the public to determine  
11 whether abused and neglected children are being adequately protected.

12       The legislature therefore finds a compelling need to reform the  
13 confidentiality laws and declares its intent, by enactment of this act,  
14 to increase the capacity for oversight and monitoring of the child  
15 welfare system, to increase information available to the public, and to  
16 increase accountability among the agencies involved in the system.

17       The legislature finds that the privacy of children and their  
18 families in child abuse and neglect cases must be safeguarded, but that  
19 the interests of children, their families, and the public are best

1 protected by increased knowledge and oversight concerning the system,  
2 and by greater accountability; and therefore declares that this privacy  
3 must be balanced with the appropriate release of information concerning  
4 these cases. When the child has died, the legislature finds that  
5 disclosure is strongly in the public interest.

6 NEW SECTION. **Sec. 2.** (1) Consistent with the provisions of chapter  
7 42.17 RCW and applicable federal law, the secretary, or the secretary's  
8 designee, shall disclose information regarding the abuse or neglect of  
9 a child, the investigation of the abuse or neglect, and any services  
10 related to the abuse or neglect of a child if any one of the following  
11 factors is present:

12 (a) The subject of the report has been charged in an accusatory  
13 instrument with committing a crime related to a report maintained by  
14 the department in its case and management information system;

15 (b) The investigation of the abuse or neglect of the child by the  
16 department or the provision of services by the department has been  
17 publicly disclosed in a report required to be disclosed in the course  
18 of their official duties, by a law enforcement agency or official, a  
19 prosecuting attorney, any other state or local investigative agency or  
20 official, or by a judge of the superior court;

21 (c) There has been a prior knowing, voluntary public disclosure by  
22 an individual concerning a report of child abuse or neglect in which  
23 such individual is named as the subject of the report; or

24 (d) The child named in the report has died and the child's death  
25 resulted from abuse or neglect or the child was in the care of, or  
26 receiving services from the department at the time of death or within  
27 twelve months before death.

28 (2) The secretary is not required to disclose information if the  
29 factors in subsection (1) of this section are present if he or she  
30 specifically determines the disclosure is contrary to the best  
31 interests of the child, the child's siblings, or other children in the  
32 household.

33 (3) Except for cases in subsection (1)(d) of this section, requests  
34 for information under this section shall specifically identify the case  
35 about which information is sought and the facts that support a  
36 determination that one of the factors specified in subsection (1) of  
37 this section is present.

1        NEW SECTION.    **Sec. 3.**    For purposes of section 2 of this act, the  
2 following information shall be disclosable:

3        (1) The name of the abused or neglected child;

4        (2) The determination made by the department of the referrals, if  
5 any, for abuse or neglect;

6        (3) Identification of child protective or other services provided  
7 or actions, if any, taken regarding the child named in the report and  
8 his or her family as a result of any such report or reports. These  
9 records include but are not limited to administrative reports of  
10 fatality, fatality review reports, case files, inspection reports, and  
11 reports relating to social work practice issues; and

12       (4) Any actions taken by the department in response to reports of  
13 abuse or neglect of the child.

14       NEW SECTION.    **Sec. 4.**    In determining under section 2 of this act  
15 whether disclosure will be contrary to the best interests of the child,  
16 the secretary, or the secretary's designee, must consider the effects  
17 which disclosure may have on efforts to reunite and provide services to  
18 the family.

19       NEW SECTION.    **Sec. 5.**    For purposes of section 2(1)(d) of this act,  
20 the secretary must make the fullest possible disclosure consistent with  
21 chapter 42.17 RCW and applicable federal law in cases of all fatalities  
22 of children who were in the care of, or receiving services from, the  
23 department at the time of their death or within the twelve months  
24 previous to their death.

25       If the secretary specifically determines that disclosure of the  
26 name of the deceased child is contrary to the best interests of the  
27 child's siblings or other children in the household, the secretary may  
28 remove personally identifying information.

29       For the purposes of this section, "personally identifying  
30 information" means the name, street address, social security number,  
31 and day of birth of the child who died and of private persons who are  
32 relatives of the child named in child welfare records. "Personally  
33 identifying information" shall not include the month or year of birth  
34 of the child who has died.    Once this personally identifying  
35 information is removed, the remainder of the records pertaining to a  
36 child who has died must be released regardless of whether the remaining

1 facts in the records are embarrassing to the unidentifiable other  
2 private parties or to identifiable public workers who handled the case.

3 NEW SECTION. **Sec. 6.** Except as it applies directly to the cause  
4 of the abuse or neglect of the child and any actions taken by the  
5 department in response to reports of abuse or neglect of the child,  
6 nothing in sections 2 through 5 of this act is deemed to authorize the  
7 release or disclosure of the substance or content of any psychological,  
8 psychiatric, therapeutic, clinical, or medical reports, evaluations, or  
9 like materials, or information pertaining to the child or the child's  
10 family.

11 NEW SECTION. **Sec. 7.** The department, when acting in good faith,  
12 is immune from any criminal or civil liability, except as provided  
13 under RCW 42.17.340, for any action taken under sections 1 through 6 of  
14 this act.

15 NEW SECTION. **Sec. 8.** If any part of this act is found to be in  
16 conflict with federal requirements that are a prescribed condition to  
17 the allocation of federal funds to the state, the conflicting part of  
18 this act is inoperative solely to the extent of the conflict and with  
19 respect to the agencies directly affected, and this finding does not  
20 affect the operation of the remainder of this act in its application to  
21 the agencies concerned. Rules adopted under this act must meet federal  
22 requirements that are a necessary condition to the receipt of federal  
23 funds by the state.

24 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act are each  
25 added to chapter 74.13 RCW.

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