

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5770**

Chapter 305, Laws of 1997  
(partial veto)

55th Legislature  
1997 Regular Session

CONFIDENTIALITY OF CHILD WELFARE RECORDS--DISCLOSURE OF  
INFORMATION

EFFECTIVE DATE: 7/27/97

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

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

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

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved May 9, 1997 with the exception  
of section 1, which is vetoed.

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

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.

MIKE O'CONNELL

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**Secretary**

FILED

May 9, 1997 - 1:52 p.m.

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

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

18            *The legislature finds that the privacy of children and their*  
19 *families in child abuse and neglect cases must be safeguarded, but that*

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

7 \*Sec. 1 was vetoed. See message at end of chapter.

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

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

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

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

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

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

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

1 determination that one of the factors specified in subsection (1) of  
2 this section is present.

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

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

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

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

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

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

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

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

31 For the purposes of this section, "personally identifying  
32 information" means the name, street address, social security number,  
33 and day of birth of the child who died and of private persons who are  
34 relatives of the child named in child welfare records. "Personally  
35 identifying information" shall not include the month or year of birth  
36 of the child who has died. Once this personally identifying

1 information is removed, the remainder of the records pertaining to a  
2 child who has died must be released regardless of whether the remaining  
3 facts in the records are embarrassing to the unidentifiable other  
4 private parties or to identifiable public workers who handled the case.

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

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

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

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

Passed the Senate April 22, 1997.

Passed the House April 10, 1997.

Approved by the Governor May 9, 1997, with the exception of certain  
items that were vetoed.

Filed in Office of Secretary of State May 9, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1,  
3 Substitute Senate Bill No. 5770 entitled:

4 "AN ACT Relating to the confidentiality of child welfare records;"

1       Substitute Senate Bill No. 5770 modifies the confidentiality laws  
2 covering child welfare records to require greater disclosure of  
3 information. It is similar to my original executive request  
4 legislation, which was intended to aid in the investigation of child  
5 deaths in Washington.

6       Section 1 of SSB 5770, the intent section, makes strong statements  
7 beyond the scope of the bill, and beyond my original intent. I am  
8 concerned that it may lead to unintended invasions of privacy in deeply  
9 personal and sensitive matters.

10       For this reason, I have vetoed section 1 of Substitute Senate Bill  
11 No. 5770.

12       With the exception of section 1, I am approving Substitute Senate  
13 Bill No. 5770."