

# HOUSE BILL REPORT

## HB 2684

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### As Amended by the Senate

**Title:** An act relating to records that are accessible by the department of social and health services.

**Brief Description:** Clarifying what records are available to the department of social and health services.

**Sponsors:** Representatives D. Sommers and Tokuda; by request of Department of Social and Health Services.

### Brief History:

#### Committee Activity:

Children & Family Services: 1/27/00, 1/31/00 [DP].

#### Floor Activity:

Passed House: 2/9/00, 94-3.

Senate Amended.

Passed Senate: 2/29/00, 45-0.

### Brief Summary of Bill

- Allows the Department of Social and Health Services' (DSHS) access to a child's records equal to that of the parent for placements due to dependency proceedings, proceedings under the Family Reconciliation Act, or under a voluntary placement agreement.
- Allows the DSHS, investigating allegations of abuse or neglect, access to all of a child's records in the possession of mandated reporters and their employees.

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HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** Do pass. Signed by 8 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Boldt, Republican Vice Chair.

**Staff:** Tracey Taylor (786-7196).

**Background:**

The DSHS has requested legislation to allow it to obtain records, which would assist them in handling and investigating cases involving children and dependent adults.

In a dependency proceeding, a proceeding under the Family Reconciliation Act, or under a voluntary placement agreement, a child may be placed temporarily outside his or her home. If so placed, the department must oversee the child's care and supervision.

In cases involving allegations of abuse or neglect, an investigation will take place, requiring the access to the child's relevant records.

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**Summary of Bill:**

In placements due to dependency proceedings, proceedings under the Family Reconciliation Act, and voluntary placement agreements, the department is responsible for case planning and obtaining health care for a child. In such cases, the department shall have access to the child's records equal to that of the child's parent or guardian. This includes all medical, mental health, counseling, and educational records for the child, from birth to present. The health care providers are not required to get the minor's authorization to release the medical records to the department, the court, or the minor's court-appointed guardian ad litem. Also, if the child is receiving mental health care, confidential information may be disclosed to the department, the court, or the minor's guardian ad litem. Providers are given immunity for disclosure of the information by the department.

When allegations of abuse are being investigated, the department or law enforcement agency shall have access to all of the child's records, from birth to present, in the possession of mandatory reporters, such as physicians.

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**EFFECT OF SENATE AMENDMENT(S):** Limits the Department of Social and Health Services' access to a child's educational records only. Requires that the

department obtain the written consent of the parent or student to disclose the contents of the records to another entity or person, except if releasing the documents to an individual or entity providing residential care for the student. Includes educational records as part of the child's "passport." Requires the department to hold the provider harmless for any unauthorized disclosures caused by the department.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Currently, the department is forced to go to court to get a child's records. This is difficult and there is a great deal of confusion about which records may be released. Also, this adds to the already clogged court calendars. The department needs the same information as a parent would to make decisions about a child's needs. Foster parents are given a child with little insight. A child may arrive while on a variety of medications, but the foster parents do not know why a medication is prescribed.

**Testimony Against:** None.

**Testified:** Jacob Romo, Department of Social and Health Services; and Laurie Lippold, Children's Home Society.