

HOUSE BILL REPORT

SSB 5984

As Reported by House Committee On:

State Government

Title: An act relating to public access to child dependency hearings and foster parent complaint information.

Brief Description: Changing provisions relating to public access to child dependency hearings and foster parent complaint information.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Deccio, Hewitt, Long and Franklin).

Brief History:

Committee Activity:

State Government: 3/26/01, 3/28/01 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Exempts unfounded complaints against foster parents from public inspection and copying.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

Staff: Jim Morishima (786-7191).

Background:

I. Foster Care

Foster care is the arrangement through which the state takes charge of a child without terminating the parental rights of the child's parents. Parents may place a child in foster care voluntarily, or may have the foster care involuntarily imposed on them by the state.

Complaints against foster parents are handled by the Department of Social and Health Services (DSHS). After investigation, the DSHS classifies complaints in three ways:

- Founded: Child abuse, more likely than not, has occurred.
- Unfounded: Child abuse, more likely than not, has not occurred.
- Inconclusive: A decision cannot be made that, more likely than not, child abuse did or did not occur.

The DSHS must maintain records of unfounded complaints for six years.

III. Public Disclosure

The Public Disclosure Act requires that all state agencies make all public records available for public inspection and copying unless they fall within certain statutory exceptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

Examples of statutory exceptions to the public records disclosure law include: a) personal information in agency files, the disclosure of which would violate an individual's right to privacy; b) records not available through pre-trial discovery that are relevant to a controversy to which an agency is a party; and c) specific intelligence information and investigative records compiled by law enforcement agencies the non-disclosure of which is essential to effective law enforcement or to protect any person's right to privacy.

Summary of Amended Bill:

Unfounded complaints against a foster parent are exempt from public inspection and copying. Persons with standing in a civil or criminal matter may receive the information pursuant to a court order upon a showing of good cause

Amended Bill Compared to Substitute Bill:

The original bill contained provisions allowing dependency proceedings to be open to the public if requested by the parents.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill) This bill will shed light upon how Child Protective Services handles things and is a small step in the right direction. Parents often feel alone in dependency hearings; dependency hearings should be open to the public so that parents can get support from friends and family. Having open hearings will also help keep social workers honest because there will be people in the audience with knowledge of the truth. Parents do not have a lot of choices or rights in dependency hearings. Assigned counsel in these hearings are often over-worked, and this bill would allow outside advocates to be let in. Getting things right is in the best interests of the child. The reality is that when parents walk into a dependency hearing, everyone in the room is against them.

Foster parents are hard to recruit. Allegations against foster parents are a common occurrence and most of these allegations turn out to be unfounded. Disclosure of unfounded complaint information makes it harder to recruit potential foster parents.

Testimony Against: (Original bill) Court proceedings in general are often closed when the court considers sensitive issues like child abuse and paternity. The main purpose of dependency hearings is to protect the best interests of the child, not the parents. Intimate details often come to light in these hearings and making them public could discourage children from coming forward. Making certain information about children public could jeopardize federal funding to the state. Whether a hearing should be open should not be left up to only one party in the proceedings. There should be a standard in place that addresses the concerns of all the parties.

This bill allows for uneven treatment as to whether different types of complaints to the DSHS are public. The public needs to know how the DSHS handles complaints against foster parents. For example, there could be a pattern in the non-investigation of complaints against foster parents that could be of legitimate interest to the public.

Testified: (In support) Senator Hargrove, prime sponsor; Edward D. Campbell, Dave Wood, Lori Jackson and Pete Garza, Families United; and Laurie Lippold, Children's Home Society.

(With concerns) Marianna Conner, Children's Administration, Department of Social and Health Services.

(Opposed, section 2) Judge R. D. Hicks on behalf of Washington State Superior Courts Judges.

(Opposed) Rowland Thompson, Allied Daily Newspapers.