

HOUSE BILL REPORT

HB 3153

As Reported by House Committee On:
Children & Family Services

Title: An act relating to retention of records regarding child abuse and neglect.

Brief Description: Concerning retention of records regarding child abuse and neglect.

Sponsors: Representatives Haler, Pettigrew, Roberts, Kagi and Kenney.

Brief History:

Committee Activity:

Children & Family Services: 2/1/06, 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Establishes a retention policy for records relating to child abuse and neglect referrals.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

Minority Report: Do not pass. Signed by 1 member: Representative Hinkle, Assistant Ranking Minority Member.

Staff: Sydney Forrester (786-7120).

Background:

Records Retention

The general rule for state agency records requires public records to be maintained for a minimum of six years. Agency-specific records retention schedules are submitted to the State Records Committee for approval. The records retention policy approved for the Department of Social and Health Services (DSHS) allows for destruction of records after seven years. State law prohibits the DSHS from retaining records regarding unfounded allegations of child abuse or neglect for longer than six years.

Unfounded, Inconclusive, and Founded Complaints

Upon receiving a referral of child abuse or neglect, the DSHS may investigate and make a determination regarding the allegation. After investigation, a finding regarding the allegation

is entered in the case file. Rules adopted by the DSHS define three categories of findings: founded, unfounded, and inconclusive.

Referrals are labeled *founded* when the evidence indicates that more likely than not, the abuse or neglect occurred. Referrals are labeled *unfounded* when the evidence indicates that more likely than not, the abuse or neglect did not occur. Referrals are labeled *inconclusive* when there is not enough evidence to make a determination that more likely than not the abuse did, or did not, occur.

Summary of Substitute Bill:

The DSHS must retain records regarding referrals of child abuse or neglect that result in a founded complaint or in an involuntary termination of parental rights. The records must be retained indefinitely, either electronically or in hard copy. The DSHS must use the information when making decisions related to child day-care, adoptions, and out-of-home placements.

Substitute Bill Compared to Original Bill:

The substitute bill removes reference to inconclusive findings and requires retention of only those records related to founded abuse or neglect and involuntary terminations of parental rights.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) This bill was based on issues raised during the fatality review of Tyler DeLeon. Had the state looked back far enough in its records of the *founded* complaints of abuse by Tyler's adoptive mother, Tyler wouldn't have died from abuse and neglect at her hands. A substitute bill will be prepared that narrows the scope to only founded complaints of abuse and neglect and those that result in an involuntary termination of parental rights.

Testimony Against: (Opposed to original bill) We already have a DSHS work group looking at our policies for expungement and retention of records. In Tyler's case, the founded complaints regarding his adoptive mother occurred before the system was automated so the information was not available electronically except for a slight reference to the issue. The paper records were not available because they had been destroyed.

Persons Testifying: (In support of original bill) Representative Haler, prime sponsor.

(Opposed to original bill) Cheryl Stephani, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.