
SECOND SUBSTITUTE HOUSE BILL 1334

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Hinkle and Walsh)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to documentation in child welfare proceedings;
2 adding a new section to chapter 13.34 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** Several tragic child fatalities in the state
5 over the past years have highlighted the need to look closely at
6 placement decisions for children in the care of the state. The courts
7 play a vital role in the placement decision making. In order to allow
8 courts to make the best decision for children, the courts must be
9 provided with accurate information.

10 In several of the reviews conducted following child fatality
11 identified situations, the caseworker provided summaries of relevant
12 material, rather than the documents themselves. These summaries were
13 relied upon and were later found to be inaccurate.

14 The legislature finds that in order to facilitate the court acting
15 in an oversight capacity, the caseworker must provide the court with
16 documentation supporting assertions or recommendations made by the
17 caseworker.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 In any proceeding under this chapter, if the department submits a
4 report to the court in which the department is recommending a child be
5 placed with a parent after the child was removed from the parent due to
6 abuse or neglect allegations, the department shall include the
7 documents listed in subsections (1) through (4) of this section to the
8 report. The department shall include only these relevant documents and
9 shall not attach the entire history of the parent or child.

10 (1) If the report contains a recommendation, opinion, or assertion
11 by the department relating to the parent's substance abuse treatment,
12 mental health treatment, anger management classes, or domestic violence
13 classes, the department shall attach the document upon which the
14 recommendation, opinion, or assertion was based. The documentation may
15 include the progress report or evaluation submitted by the provider,
16 but may not include the entire history with the provider.

17 (2) If the report contains a recommendation, opinion, or assertion
18 by the department relating to the parent's visitation with the child,
19 the department shall attach the document upon which the recommendation,
20 opinion, or assertion was based. The documentation may include the
21 most recent visitation report, a visitation report referencing a
22 specific incident alleged in the report, or summary of the visitation
23 prepared by the person who supervised the visitation. The
24 documentation attached to the report shall not include the entire
25 visitation history.

26 (3) If the report contains a recommendation, opinion, or assertion
27 by the department relating to the psychological status of the parent,
28 the department shall attach the document upon which the recommendation,
29 opinion, or assertion was based. The documentation may include the
30 progress report, evaluation, or summary submitted by the provider, but
31 shall not include the entire history of the parent.

32 (4) If the report contains a recommendation, opinion, or assertion
33 by the department relating to injuries to the child that occurred while
34 in the care of the parent, the department shall attach a summary of the
35 physician's report relating to the recommendation, opinion, or
36 assertion by the department.

1 NEW SECTION. **Sec. 3.** This act shall be known and cited as the
2 Raphael Gomez act.

3 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
4 act, referencing this act by bill or chapter number, is not provided by
5 June 30, 2007, in the omnibus appropriations act, this act is null and
6 void.

--- END ---