

HOUSE BILL REPORT

SHB 1697

As Amended by the Senate

Title: An act relating to unannounced monthly visits to persons providing care to children in the dependency system.

Brief Description: Providing for unannounced visits to homes with dependent children.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Seaquist, Goodman, Orwall, Dickerson and Kenney).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/11/11, 2/17/11 [DPS].

Floor Activity:

Passed House: 3/1/11, 82-15.

Senate Amended.

Passed Senate: 4/7/11, 49-0.

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services (DSHS) and supervising agencies to randomly select at least 10 percent of caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year.
- Restricts unannounced visits to caregivers through the random selection process to one unannounced visit every two years.
- Clarifies that otherwise authorized unannounced visits are not restricted by the random selection process.
- Allows the caseworker, under some circumstances, to waive the requirement to conduct an unannounced visit.
- Encourages the DSHS and supervising agencies to group monthly visits to caregivers by geographic area as an efficiency measure.
- Requires case workers to document their reasons for conducting any unannounced visit.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN 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; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson and Orwall.

Minority Report: Do not pass. Signed by 1 member: Representative Overstreet.

Staff: Megan Palchak (786-7120).

Background:

The Department of Social and Health Services, Children's Administration (CA) is required to monitor children who are placed in out-of-home care or who reside with their parents on in-home dependencies. Case workers conduct visits with children to ensure they are safe and receive quality care. Currently, case workers are required to conduct private, face-to-face visits with children on a monthly basis. Case workers are currently authorized to conduct unannounced visits.

Supervising agencies were established by the Legislature in 2009 as part of a two-phase process to reform child welfare services. A supervising agency is defined as an agency licensed by the state or a federally recognized Indian tribe that has entered into a performance-based contract with the CA to provide case management for the delivery of child welfare services. During phase one of the process, the CA is required to consolidate and convert contracts to performance-based contracts. In phase two, supervising agencies will perform case management in selected demonstration sites. Currently, the CA is in phase one of the reform process.

Summary of Substitute Bill:

The CA and supervising agencies must randomly select no less than 10 percent of the caregivers currently providing care (both out-of-home placements and in-home dependencies) to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit for two consecutive years. The random selection process does not restrict otherwise authorized unannounced visits. Case workers are required to document the rationale for any unannounced visit. If the caseworker makes a good faith effort to conduct the randomly selected unannounced visit and is unable to do so, that month's visit to the caregiver need not be unannounced. The CA and the supervising agencies are encouraged to group visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits located in that vicinity.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- adds a section which expresses the Legislature's intent with regard to unannounced visits;

- requires the Department of Social and Health Services (DSHS) to use a method of random selection that does not cause fiscal impact to the DSHS;
- removes clarification that randomly selected unannounced visits do not preclude case workers from conducting otherwise authorized unannounced visits; and
- removes the provision that case workers shall document his or her reasons for conducting any unannounced visit.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is predicated on the idea that child and adolescent safety is our paramount duty. The idea of requiring random unannounced visits has come up for the last five years in Mockingbird Youth Summits. The CA can conduct unannounced visits now, but they do it on a red-flag basis. This is a system best practice. Adding the provision of random selection creates equity. This is about honoring and protecting youth in the system. Not all, but some, youth have been harmed in state care. Foster children are sometimes coerced into saying scripted things during planned visits. Some caregivers make sure everything seems fine when the caseworker comes, when in fact it is not. Unannounced visits might have helped some foster youth get out of bad situations swiftly. Caseworkers might have picked up on inconsistent stories about bruises sooner. It is not fair for a child who has been removed from loving family members to be placed in a foster home only to experience the same problems that caused the removal from family; this bill could help ensure that does not happen. Requiring unannounced visits will help youth have hope and know that adults care. It will help children feel like the government cares and is trying to protect them. All people involved in the system have to deal with bureaucracy; youth should not have to carry any of the burden for adults who do not want to deal with bureaucracy. This bill is not an effort to target foster parents.

(Neutral) Unfortunately, we know that there have been bad outcomes regarding the safety and welfare of dependent children in state care. Some of these situations might have been prevented through an unannounced home visit. Perhaps most importantly, foster youth tell us they would be safer if case workers conducted unannounced visits. Unannounced visits will strengthen oversight. This bill applies to all placements.

(With concerns) Without diminishing child safety, there are concerns that unannounced visits could be used to harass foster parents. If a foster parent was heading out and could not deal with the unscheduled visit, would that be used against the foster parent in court? This could be a problem since foster parents do not have a voice in the court process. Also, it is not clear who is selecting the homes that will get random visits. There should be specificity.

(Opposed) Conducting unannounced visits does not need to be written into law. Foster parents could regulate themselves via foster parent in-service trainings that used to occur.

Persons Testifying: (In support) Representative Roberts, prime sponsor; Jim Theofelis, Cameron Williams, Deanate Cruz, Amanda Bevington, Chris Bauer, Janessa Thomas, and Georgina Ramirez, Mockingbird Society; and Delilah Bruskas.

(Neutral) Mary Meinig, Office of the Family and Children's Ombudsman.

(With concerns) Gary Malkasian, Foster Care Justice Alliance.

(Opposed) Mike Canfield, Foster Parent Association of Washington State.

Persons Signed In To Testify But Not Testifying: None.