

HOUSE BILL REPORT

HB 1858

As Reported By House Committee On:

Children & Family Services

Title: An act relating to information about parents' rights.

Brief Description: Requiring parents who are the subject of an abuse or neglect allegation to be notified of their rights.

Sponsors: Representatives Boldt, Cooke, Dickerson and Mulliken.

Brief History:

Committee Activity:

Children & Family Services: 2/21/97, 3/4/97 [DPS].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Kastama, Assistant Ranking Minority Member; Carrell and McDonald.

Minority Report: Do not pass. Signed by 5 members: Representatives Tokuda, Ranking Minority Member; Ballasiotes; Dickerson; Gombosky and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: The Department of Social and Health Services and law enforcement agencies are required to investigate reports of child abuse or neglect. As part of an investigation, the department and law enforcement agencies may interview children, make home visits, contact witnesses, and review educational, medical and substance abuse records. The abuse reports and the information gathered during the investigation are recorded on a computer database.

If an investigation reveals that the risk of leaving a child at home is great, a caseworker may request a court order for temporary out-of-home placement. Law enforcement personnel may also remove a child from a home and transfer custody of the child to Child Protective Services (CPS) personnel. Within 24 hours of taking a child into custody, the department must notify the parents of the child of their legal rights and the

reasons for the child's removal. If the child has a non-custodial parent, the department must also advise that parent.

Summary of Substitute Bill: The notice requirements for child abuse investigations are expanded. When conducting an investigation of child abuse or neglect, the department or a law enforcement agency must notify the parents and child of their basic rights and any other information required by the child abuse chapter. However, notice is not required if clear evidence indicates that notice would result in harm to the child.

When a child is taken into custody, the department must notify the child's parents within 12 hours. The notice must be in written and oral form. Within 48 hours, the department must inform the parents of the case plan for the child, as long as the notice does not place the child in danger or reveal any person's identity. The department must inform the parents of changes in the plan within 24 hours of any change.

An individual whose information is placed in the department's child abuse and neglect database must receive notice of that fact. The notice must include a description of the department's complaint policies and the findings of the investigation.

Substitute Bill Compared to Original Bill: The substitute bill adds an exception to the notice requirement for cases in which notice would place a child at risk.

The substitute bill also adds requirements to the notice of custody. The deadline for that notice is shortened from 24 to 12 hours, and the notice is to be both written and oral. The department is required to notify the parents of the department's case plan and of the addition of their names to the child abuse database.

Appropriation: None.

Fiscal Note: None requested.

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

Testimony For: Parents who are being investigated do not know what rights and options they have for responding to the allegations of abuse. Notice helps protect victims of false reports.

Testimony Against: None.

Testified: Representative Marc Boldt, prime sponsor; and Jamaica J. Filgo, Washington Families (pro).