

HOUSE BILL REPORT

HB 2556

As Reported By House Committee On:
Children & Family Services

Title: An act relating to amendments concerning the child abuse prevention and treatment act and the adoption and safe families act.

Brief Description: Making changes concerning the federal child abuse prevention and treatment act.

Sponsors: Representatives Cooke, Tokuda and O'Brien; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Children & Family Services: 1/29/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: Within the past year, Congress has amended two federal acts that govern child welfare law, The Child Abuse Act and the Social Security Act. Both of these acts provide grants to states to conduct programs relating to preventing and treating child abuse, neglect and family preservation. To be eligible for funding under these grant programs, states are required to establish systems for reporting and investigating child abuse and neglect and providing foster care and adoption assistance. As with the vast majority of similar federal grant programs, these systems must meet certain federal guidelines.

Both acts were recently amended. The amendments change the guidelines for state foster care, adoption assistance, and child abuse and neglect programs.

Summary of Substitute Bill: Changes are made in Washington's child abuse and dependency laws to conform with recent changes in federal law.

The policy goal of Washington's dependency chapter is altered to emphasize that in providing reasonable efforts— to reunify families, the paramount concern is the health and safety of the child.

If specified aggravating circumstances exist, dependency courts are not required to find that reasonable efforts have been made to eliminate the need to remove a child from the home. Two aggravated circumstances are added to the current list. First, the conviction of a parent of attempting, soliciting, or conspiring to commit any of the other circumstances listed. And second, the abandonment of a child three years old or younger.

A custodial agency caring for a child is relieved of the obligation to make reasonable efforts to reunify parent and child if such reunification efforts are inconsistent with the child's permanency plan created by the agency.

If reasonable efforts at reunification are not required, a dependency court must hold a permanency planning hearing within 30 days and reasonable efforts must be made to permanently place the child in a timely manner.

The foster parents, pre-adoptive parents, or relatives currently providing care to a dependent child must be given the opportunity to provide input to the judge who is overseeing implementation of a child's permanency plan. The court must notify the caretakers of all review hearings. This right to an opportunity to be heard and to receive notice do not create standing for these individuals.

The age of a child is eliminated as the determining factor for when a permanency planning hearing is required. Regardless of age, a court must hold a hearing if a child has remained out-of-home for at least nine months and neither an adoption decree or guardianship order is pending. The hearing must be held no longer than 12 months after the date of the child's removal from the home.

An additional basis for termination of a parent's rights is created. A court may terminate parental rights if it is proved beyond a reasonable doubt that a child is dependent, and that the parent has attempted, conspired, or committed first or second degree murder or first or second degree manslaughter of the parent's child, or committed first or second degree assault against the child, or another child.

Licensing and employment decisions by the department may not be based on unfounded child abuse or neglect reports.

All persons named in founded reports of child abuse or neglect have the right to seek review of the finding, not just those seeking employment. A review procedure is created. The person may request the department review finding within 20 days of receiving notice of the report. The request must be written. Management level staff in

the Children's Administration shall conduct the review. If appropriate, the finding may be changed. The outcome of the review is sent to the requestor. Within 30 days of receiving the notice, the person may request an adjudicative hearing. No standard of proof is given. Any review or hearing is confidential. If the requestor does not meet the time lines or procedures described, he or she loses all rights to challenge the finding.

Notification of allegations of abuse or neglect is made by certified mail, return receipt requested.

For the purpose of defining the department's authority to investigate child abuse and neglect reports, the definition of child abuse and neglect is changed. The language is changed to conform with federal law.

Substitute Bill Compared to Original Bill: The language relieving the court of any obligation to require reasonable efforts at reunification if aggravated circumstances exist was removed.

The age at which abandonment becomes an aggravating circumstance was increased from two to three.

Subjects of abuse or neglect reports will be notified that a founded report *may* be considered in licensing decisions.

A subsection permitting the department to conduct family assessments in lieu of an investigation was eliminated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed, except that Section 9 of this act takes effect October 1, 1998.

Testimony For: These changes are needed to conform our state laws with federal law. The changes are intended to speed up permanent placement of dependent children.

Testimony Against: None.

Testified: Jennifer Strus, Director, Division for Program & Policy, Department of Social and Health Services (pro); and Laurie Lippold, Children's Home Society (pro).