

HOUSE BILL REPORT

SSB 6201

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: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Winsley; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Children & Family Services: 2/20/98, 2/24/98 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. 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: Congress recently passed two acts relating to child abuse and adoption. The acts are known as the "Child Abuse Prevention and Treatment Act Amendments of 1996" and the "Adoption and Safe Families Act of 1997." The federal acts requires the states to adopt changes to their child abuse and neglect statutes or risk the loss of federal funding. The statutory changes are required to be in effect by October 1, 1998.

The Department of Social and Health Services (DSHS) and the Office of the Attorney General reviewed the federal mandates and suggested changes to meet the federal requirements.

Summary of Amended Bill: When the department makes reasonable efforts to reunify an abused or neglected child with his or her parents, the department must ensure that the child's health and safety are the paramount concern. Reasonable efforts to prevent the

removal of a child, or to facilitate the return of a child, to his or her home must be discontinued when those efforts are inconsistent with the permanency plan for the child.

Reasonable efforts to reunify a parent are not required when the parent has been found guilty of committing or attempting to commit specified criminal acts, but may be provided if the DSHS or supervising agency believes it is in the child's best interest. When reasonable efforts are not required because of "aggravated circumstances," a permanency planning hearing must be held within 30 days. Additionally, a conviction for one of the specified crimes, when established beyond a reasonable doubt, may be used as grounds for an expedited termination of the parental rights. Abandonment of a child under three years of age is added as an act which warrants expedited termination or the suspension of reasonable reunification efforts.

A permanency planning hearing for a child who has been removed from his or her home must occur within 12 months from the date of removal. Foster parents, pre-adoptive parents and relatives, who are providing care to a child, must receive notice of review hearings and be provided an opportunity to speak at the hearings.

The department must *clearly* offer reasonable reunification services to parents before a court may order termination of parental rights.

A person named as an alleged perpetrator of child abuse or neglect, in a founded report, may request an administrative review of the finding. If, after the review, the department maintains its finding, the person may request a hearing under the Administrative Procedure Act. A founded report of abuse or neglect may be considered when a person seeks a license, or authorization, to care for children. An unfounded report of abuse or neglect may not be used to deny a license or employment.

The department must investigate complaints of any recent act or failure to act that results in death, serious physical harm or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of harm. The department must notify law enforcement if an investigation reveals that a crime may have been committed against a child.

Amended Bill Compared to Substitute Bill: Abandonment of a child under the age of three is an automatic basis for expedited termination. The department is not required to concurrently seek and proceed with an adoption when filing a petition of termination for abandonment.

The department must *clearly* provide reasonable reunification services to the parents of a dependent child.

The department is required to notify alleged perpetrators of abuse that found reports *may* be used in licensing and employment decisions, not that they *must* be used.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed, except for section 11, which takes effect October 1, 1998.

Testimony For: The federal law is broadly written. The minimum amount of time needed for termination of parental rights is six months. Tying expedited termination for abandonment to adoption proceedings extends that minimum time period to eight months. The purpose of the federal law was to shorten the time needed to finalize a permanent placement of a dependent child.

Testimony Against: None.

Testified: Jennifer Strus, Director, Division of Program and Policy, Department of Social and Health Services (pro).