

# SENATE BILL REPORT

## SHB 2556

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As Reported By Senate Committee On:  
Human Services & Corrections, February 19, 1998  
Ways & Means, February 25, 1998

**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:** House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Tokuda and O'Brien; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/18/98, 2/19/98 [DPA-WM].  
Ways & Means: 2/25/98 [DPA (HSC)].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

**Staff:** Richard Rodger (786-7461)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Human Services & Corrections.  
Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Long, McDonald, B. Sheldon, Spanel, Swecker, Thibaudeau and Winsley.

**Staff:** Karen Barrett (786-7711)

**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 require 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.

Consistent with the requirements of the CAPTA legislation, the Family Policy Council assists in coordinating the state's efforts in providing services to children and families. The council's membership includes the chief administrator of the Superintendent of Public Instruction, the Department of Health, the Department of Social and Health Services, the Employment Security Department, the Department of Community, Trade, and Economic Development, and one legislator from each caucus of the House of Representatives and the Senate.

The council's duties were expanded in 1994 to include the implementation and oversight of the Community Public Health and Safety Networks (networks). The networks were created to empower citizens to exercise their influence over local policy and programs dealing with children and families. The network consist of 23 members, 13 of which must be citizens with no fiduciary interest in any organization concerning health, education, social service, or criminal justice. The networks' expenditures for planning and administrative duties are limited to 10 percent of available state funds.

**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.

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. Notwithstanding the existence of aggravating circumstances, reasonable efforts may be required if in the child's best interest. One aggravated circumstance is added to the current list: The conviction of a parent of attempting, soliciting, or conspiring to commit any of the other circumstances listed.

The filing of an expedited petition for the termination of the parent and child relationship is mandated when an infant, three years old or younger, is abandoned. Expedited— is defined as occurring five months after the infant has been found to be abandoned. The department must concurrently proceed with efforts to adopt an abandoned infant.

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 supervising agency must notify the caretakers of all review hearings. This right to an opportunity to be heard and to receive notice does 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.

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.

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

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.

The Family Policy Council's membership is expanded to include two legislators from each caucus of the House of Representatives and the Senate. Each of the 23 community network members must sign an affidavit, or a declaration under penalty of perjury, indicating whether they have a fiduciary interest in any health, education, social service, or criminal justice agency. The council may adjust the expenditures allowed for planning and administrative duties depending on the size of the of the budget for each network.

**Amended Bill Compared to Substitute Bill:** The striking amendment allows for reasonable efforts to reunify a family, notwithstanding the existence of aggravating circumstances, when the efforts are in the child's best interest. A petition for termination of parental rights must be filed when a child, under age three, has been abandoned.

The striking amendment also expands the membership of the Family Policy Council, requires the community network members to sign an affidavit or declaration regarding fiduciary interests, and modifies the limit on planning and administrative expenditures.

**Appropriation:** None.

**Fiscal Note:** Available on companion bill SSB 6201.

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

**Testimony For:** This bill is necessary to meet the new federal requirements. Federal rules have not yet been adopted, but the states must make reasonable efforts to implement the acts. The state has \$52 million at risk if the federal requirements are not met.

**Testimony Against:** This bill needs to be fully funded to meet the local government cost of implementing these provisions. We have asked DCTED to re-examine the fiscal note for the local governments as we do not believe it accurately reflects the cost of implementing this bill.

**Testified:** Representative Cooke, original prime sponsor (pro); Martha Harden, Superior Court Judges Association (pro w/concerns); George Walk, Pierce County (concerns); Jennifer Strus, DSHS (pro); Laurie Lippold, Children's Home Society (pro); Michael Shaw, WSAC (concerns).