

SENATE BILL REPORT

SB 6201

As Reported By Senate Committee On:
Human Services & Corrections, February 5, 1998
Ways & Means, February 10, 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: Senators Long, Hargrove and Winsley; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 1/14/98, 2/5/98 [DPS-WM].
Ways & Means: 2/9/98, 2/10/98 [DPS (HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6201 be substituted therefor, and the substitute bill do pass 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)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6201 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, B. Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

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 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 Substitute 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. Additionally, the conviction, when established beyond a reasonable doubt, may be used as grounds for an expedited termination of the parental rights. When reasonable efforts are not required because of aggravated circumstances, a permanency planning hearing must be held within 30 days.

A petition for termination of parental rights must be filed for abandoned infants. DSHS must also pursue adoption of the child with specified limitations.

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, preadoptive 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.

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 must 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.

Substitute Bill Compared to Original Bill: The bill is narrowed to the minimum requirements mandated by federal law.

Appropriation: None.

Fiscal Note: Available.

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: The department will lose approximately \$52 million if these amendments are not adopted. Federal rules have not yet been adopted, but the states must make reasonable efforts to implement the acts.

Testimony Against: None.

Testified: Jennifer Strus, DSHS (pro); Laurie Lippold, Children's Home Society of Washington (pro).