

HOUSE BILL REPORT

ESB 5583

As Reported by House Committee On:
Children & Family Services

Title: An act relating to older children who are victims of abuse or neglect.

Brief Description: Requiring training of children's administration employees concerning older children who are victims of abuse or neglect.

Sponsors: Senators Regala, Hargrove, McAuliffe, Stevens, Carrell, Kline, Rasmussen and Kohl-Welles.

Brief History:

Committee Activity:

Children & Family Services: 3/24/05, 3/31/05 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Requires the Department of Social and Health Services to: develop a curriculum to train staff on how to screen and respond to referrals to Child Protective Services involving victims of abuse or neglect between the ages of 11 and 18; and incorporate the curriculum into existing staff training.
- Requires the Department of Social and Health Services to review a sampling of screening decisions by Child Protective Services related to children between the ages of 11 and 18.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

Staff: Cynthia Forland (786-7152).

Background:

The Department of Social and Health Services (DSHS) is required to investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an

imminent risk of serious harm. If the investigation reveals that a crime against a child may have been committed, the DSHS is required to notify the appropriate law enforcement agency.

Child Protective Services (CPS) within the Children's Administration (CA) of the DSHS provides 24-hour, seven-day-a-week intake, screening, and investigative services for reports of suspected child abuse and neglect. The CPS social workers investigate reports of child abuse and neglect to assess the safety and protection needs of children, and, when necessary, intervene by providing services designed to increase safety and protect children from further harm. When it appears that a child is in danger of being harmed or has already been seriously abused or neglected, the CPS, with a police officer or court order putting the child in protective custody, places the child with a relative or in foster care.

The Office of the Family and Children's Ombudsman (OFCO) was created in the Governor's Office for the purpose of: promoting public awareness and understanding of family and children services; identifying system issues and responses for the Governor and the Legislature to act upon; and monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children's services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. In its 2003 Annual Report, the OFCO included a recommendation concerning treatment of older children and adolescents by CPS. The OFCO recommended that the CA mandate that older children and adolescents receive appropriate child protective services and that they not be treated differently solely because of their age. In particular, referrals alleging physical abuse against an older child or adolescent should be investigated and not screened out on the premise that youths can more adequately protect themselves.

Summary of Amended Bill:

Curriculum

Within existing resources, the DSHS is required to develop a curriculum designed to train the staff of the CA who assess or provide services to adolescents on how to screen and respond to referrals to CPS when those referrals may involve victims of abuse or neglect between the ages of 11 and 18. At a minimum, the curriculum must include the following:

- review of relevant laws and regulations, including the requirement that the DSHS investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under 18;
- review of policies of the CA that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;
- explanation of safety assessment and risk assessment models;
- case studies of situations in which the DSHS has received reports of alleged abuse or neglect of older children and adolescents;
- discussion of best practices in screening and responding to referrals involving older children and adolescents; and

- discussion of how abuse and neglect referrals related to adolescents are investigated and when law enforcement must be notified.

As it develops the required curriculum, the DSHS must request that the OFCO review and comment on its proposed training materials. The DSHS is required to consider the comments and recommendations of the OFCO as it develops the curriculum

The DSHS is required to complete the curriculum materials no later than December 31, 2005.

Training

Within existing resources, the DSHS is required to incorporate training on the developed curriculum into existing training for CPS workers who screen intake calls, CA staff responsible for assessing or providing services to older children and adolescents, and all new employees of the CA responsible for assessing or providing services to older children and adolescents.

Case Reviews

The DSHS is required to review a sampling of the screening decisions by CPS related to children between the ages of 11 and 18 on a quarterly basis through June 30, 2007. The sampling must consist of not less than the proportionate share of the 2 and 1/2 percent of all screening decisions regularly reviewed by the DSHS that are related to children between the ages of 11 and 18. The sampling must be representative of the diversity of screening decisions related to children between the ages of 11 and 18.

The DSHS is required to use the results of the required quarterly reviews to improve practice and to improve the required curriculum. The DSHS is also required to report to the Governor and the appropriate committees of the Legislature on the quarterly reviews on August 1, 2006 and August 1, 2007.

Amended Bill Compared to Original Bill:

The DSHS is required to develop the required curriculum within existing resources. The DSHS is also required to incorporate training on the curriculum into existing training and to do so within existing resources. The DSHS is no longer required to complete training of staff on the curriculum by specified dates, and is no longer required to keep a record of all employees who have attended the required training.

The sampling of screening decisions to be reviewed is reduced from 30 percent to a sampling consisting of not less than the proportionate share of the 2 and 1/2 percent of all screening decisions regularly reviewed by the DSHS that are related to children between the ages of 11 and 18. The sampling must be representative of the diversity of screening decisions related to children between the ages of 11 and 18.

The DSHS is required to report to the Governor and the appropriate committees of the Legislature on the quarterly reviews on August 1, 2006 and August 1, 2007.

The emergency clause is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) Current law already includes all children, regardless of age, who might be potential victims of neglect or abuse. This bill came about because of a report that came from the OFCO that in fact there were cases in which children between ages 11 and 18 had been screened out because there was a belief that maybe they weren't really at risk, because of their age. The DSHS has been working on a plan to respond to the Ombudsman's recommendations. Hopefully this bill will help the DSHS, particularly in working with frontline workers, to ensure that children who are between the ages of 11 and 18 are not screened out because of an assumption that because of their age they are not really at risk.

Our child welfare system is clearly failing the adolescents that it is mandated to serve. This bill has a very modest and even common sensical focus, which is really meant to get at a much larger issue. The focus is to ensure that the professional staff within CPS have the basic training necessary to understand and appreciate the psycho-social developmental needs of adolescents. Additionally, the bill calls for the DSHS to review a sampling of screening decisions by CPS workers relating to adolescents in order to track those decisions so as to improve practice and the training curriculum. The bill asks for hard data behind how CPS handles cases involving adolescents. It is very troubling that we need a law to ensure that this basic training and system monitoring occurs, but indeed it is necessary. There is ample evidence that adolescents are being de-prioritized in the CPS investigation process. This bill begins a process of ensuring that workers in CPS receive a clear message that adolescents are to be valued and protected to the fullest extent of the law. One of the clearest ways to get at change in practice and policy is to bring attention to an issue through legislation.

A study by the Journal of the American Medical Association identified a wide range of serious adolescent risk behaviors associated with maltreatment, including increased risk of premature sexual activity, unintended pregnancy, emotional disorders, suicide attempts, eating disorders, alcohol and other drug abuse, and delinquent behavior. Incarcerated youth, homeless or runaway youth, and youth who victimize siblings or assault parents have been shown to have higher rates of prior maltreatment. There are very, very serious consequences to not addressing maltreatment that is associated with adolescents.

CPS is referring too many cases involving adolescents without investigation to Family Reconciliation Services (FRS), putting FRS in the position of making safety plans and placement decisions for the adolescent without crucial information about whether the abuse or neglect is a threat in the home. The federal Child and Family Services Review found that, even when the investigation is conducted, there are too many CPS investigations that result in inconclusive findings regarding abuse and neglect. Too many inconclusive findings likely result from inadequate investigations, which deprive the workers of the information that they

need to make safety decisions for adolescents. Inconclusive findings are exceptionally common for abuse reports involving adolescents. Problems are exacerbated by cursory reviews of past allegations and inadequate entry of information about past allegations that minimize the severity of the situation in the adolescent's home. All of these issues must be addressed. Without examining how these referrals are dealt with through a comprehensive screening, it is hard to understand how an effective solution will be instituted.

(With concerns) The main concern relates to the case reviews required in the bill. Approximately 2,600 cases would have to be reviewed each quarter, which would cause a significant workload impact. The CA has already put training in place to address these issues.

(Neutral) This bill came about as a response to an area of concern identified in the Ombudsman's 2003 Annual Report. The Ombudsman received complaints regarding adolescents coming into contact with CPS that at the intake level reports regarding older adolescents were screened out or not accepted for investigation or that reports were referred to FRS, meaning that they were screened in not for assessment of abuse or neglect or risk of harm to the child but rather accepted for voluntary services based on family conflict. In response to the Ombudsman's report, the CA began to take steps regarding training, assessments, and case reviews relating to these issues. These steps are mirrored in the text of the bill. This bill is a significant step in addressing the concerns identified by the Ombudsman.

Testimony Against: None.

Persons Testifying: (In support) Senator Regala, prime sponsor; Jim Theofelis, Mockingbird Society; Hyeok Kim, Children's Alliance; Laurie Lippold, Children's Home Society; and Bruce Neas, Columbia Legal Services.

(With concerns) David Del Villar Fox, Department of Social and Health Services, Children's Administration.

(Neutral) Patrick Dowd, Office of the Family and Children's Ombudsman.

Persons Signed In To Testify But Not Testifying: None.