
**Children & Family Services
Committee**

SSB 5666

Brief Description: Regarding information sharing in child dependency cases.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, Delvin, Roach, Rasmussen and Kohl-Welles).

Brief Summary of Substitute Bill

- Requires records to be provided to the Department of Social and Health Services, the parents, court, guardians ad litem, or counsel if they relate to the placement decision for a dependent child.

Hearing Date: March 17, 2005.

Staff: Sonja Hallum (786-7092).

Background:

The Department of Social and Health Services (DSHS) has the responsibility to investigate allegations of child abuse or neglect. The investigation may include a review of records of the child that may relate to the child abuse or neglect investigation. The DSHS is entitled to have access to the relevant records of the child in the possession of any person who is a mandated reporter under the mandatory reporting statute.

There are several state and federal laws governing the release of records. Generally, the laws permit a release of records to be signed by the person with authority to consent to the release. If a release is signed, records may be released to any person authorized to receive the records by the release.

If a release is not signed, the release of the records is limited by state and federal law to certain circumstances. In a situation involving a child who is the subject of a dependency, there are some exceptions that permit records to be disclosed. Medical records are permitted to be released to the DSHS if a health care provider reasonably believes it is necessary to avoid or minimize an imminent danger to the health and safety of a patient. Additionally, records may be released if they are the subject of a subpoena issued by a court for their release.

Summary of Bill:

If a child has been removed from his or her home due to abuse or neglect, the following documents must be released when they relate to individuals involved in a placement decision:

- (a) Health care information regarding the child;
- (b) Substance abuse treatment records regarding the parent or the child that may be relevant to the placement decision, if treatment was ordered by the court or the subject of the record consents to the release, and the release is consistent with state and federal law;
- (c) Mental health treatment records of the parent or the child that may be relevant to the placement decision, if treatment was ordered by the court or the subject of the record consents to the release, and the release is consistent with state and federal law;
- (d) Other information or documents relevant to the placement decision.

The information must be released to any of the following persons prior to any review hearing or permanency planning hearing in which any party is recommending that a child be returned home:

- (a) Any caseworker assigned to the case;
- (b) Any supervisor of a caseworker assigned to the case;
- (c) Any court hearing a matter relating to the dependency of the child;
- (d) Any member of a child protection team reviewing the case;
- (e) Any guardian ad litem or legal counsel for the child;
- (f) A parent, guardian, or custodian of the child or to the parent's, guardian's, or custodian's counsel.

Appropriation: None.

Fiscal Note: Not requested.

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