

SENATE BILL REPORT

2SHB 3115

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 2006
Ways & Means, February 27, 2006

Title: An act relating to establishing a foster parent critical support and retention program.

Brief Description: Establishing a foster parent critical support and retention program.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts).

Brief History: Passed House: 2/09/06, 98-0.

Committee Activity: Human Services & Corrections: 2/16/06, 2/23/06 [DPA-WM].
Ways & Means: 2/27/06 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Indu Thomas (786-7536)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Elaine Deschamps (786-7441)

Background: Foster Parent Critical Support

Foster homes provide twenty-four hour care for children of all ages who need temporary or extended out-of-home placement due to child abuse, neglect, or family conflict. Foster care is provided by licensed foster parents. Foster care services are also available with licensed foster parents through community child placing agencies.

Currently, foster parent support and training services are provided to licensed foster parents by the Children's Administration. Prospective foster parents must attend an orientation and participate in 30 hours of training prior to becoming licensed. Foster parents must also participate in 36 hours of training every three years to maintain their licenses. Prior to certification to care for sexually aggressive or physically aggressive children, an additional six-hour course and an examination are required. Training may be completed in person or

through on-line courses. Each child in foster care is assigned a social worker, and each foster parent works with a licensor.

In June 2005, the Foster Parent & Caregiver Support Line was established. This support line is available 4:30 p.m.– 8:00 a.m. Monday through Friday, and throughout weekends and holidays. Foster parents are encouraged to contact the licensor or social worker assigned to them or the children in their care during business hours. The professionals who staff this line provide verbal assistance in crisis situations and will contact a local after-hours social worker to visit the home if the situation requires direct attention

Unfounded Referrals of Abuse and Neglect

The Department of Social & Health Services (DSHS) is required to investigate allegations of child abuse or neglect. A "founded" report means that, based upon available information, it is more likely than not that child abuse or neglect did occur. An alleged perpetrator in a founded report of child abuse or neglect has the right to seek review of the finding.

An "unfounded" report means that, based upon available information, it is more likely than not that child abuse or neglect did not occur. Current law requires the DSHS to purge information related to unfounded referrals in files or reports of child abuse or neglect, over 6 years old, unless an additional report has been received in the intervening period.

Summary of Amended Bill: The Division of Children and Family Services Division within the DSHS is directed to establish a critical support and retention program for foster parents who care for children who are sexually aggressive youth, are physically assaultive, or who have other high-risk behaviors. The program will be implemented under the Division's contract and supervision area. Contractors must demonstrate experience providing in-home case management.

Screened-out, inconclusive, unfounded, and founded reports of child abuse and neglect are defined. At the completion of an investigation, the DSHS must make a finding that the report was unfounded, founded, or inconclusive.

Time frames are established for the expungement of records depending on the classification of the report: 30 days for screened-out reports, one year for unfounded reports, and six years for inconclusive reports. The DSHS is further required to set up a process for a person to request expungement of inconclusive records prior to the schedule date (6 years). A person who is the subject of an unfounded report of child abuse prior to the effective date of the act may request expungement from the DSHS after one year from completion of the investigation.

A person who is a party to a report of child abuse or neglect may seek relief from the court if the information is not expunged as required by law. If information is improperly disclosed, the court may award a penalty up to \$1,000.

The department must disclose to a foster parent any behavioral and emotional problems of the child and whether the child is a sexually aggressive youth. A foster parent may not be found to have abused or neglected a child or be denied a foster care license if the child was not within the reasonable control of the foster parent at the time of the incident or, under certain circumstances, if prior conduct of the child was not disclosed to the foster parent.

The provisions related to expungement, disclosure, and retention of records relating to reports of child abuse or neglect do not take effect until January 1, 2007.

Ways and Means Amended Bill Compared to Human Services and Corrections Amended Bill: Requires that the department destroy all electronic records rather than all records regarding reports of child abuse and neglect. Eliminates the provision that permitted individuals subject to unfounded reports made prior to the effective date of the bill to request destruction of all records related to that report.

Human Services and Corrections Amended Bill Compared to Original Bill: All references to "sexually reactive children" are changed to "sexually aggressive youth." Services are required to consist of short-term therapeutic and educational interventions that are coordinated with the children's administration social worker. Children's administration is permitted to contract with entities that have experience with providing in-home case management and with working with caregivers of children with significant behavioral issues.

Screened-out, inconclusive, and founded reports of child abuse and neglect are defined and expungement periods are specified. A person who is the subject of an unfounded report of child abuse prior to the effective date of the Act may request expungement from the DSHS after one year from completion of the investigation.

The department must disclose to a foster parent any behavioral and emotional problems of the child and whether the child is a sexually aggressive youth. A foster parent may not be found to have abused or neglected a child or be denied a foster care license if the child was not within the reasonable control of the foster parent at the time of the incident or, under certain circumstances, if prior conduct of the child was not disclosed to the foster parent.

Appropriation: None.

Fiscal Note: Available for original bill.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Human Services & Corrections): The Metropolitan Development Council (MDC) has had success in addressing the behaviors of children who act out sexually in foster care. These are children who experience multiple foster home placements, due to the inability to manage the child's behavior, and who suffer negative outcomes. This program is not evidence based; however, it has been a very effective program in the Pierce county area. This is a concrete service that is consistent with the Braam settlement. The MDC is willing to work collaboratively with the Department to develop an appropriate model to expand this service to serve foster parents statewide. The intent of the program is to serve children who are sexually reactive in the hopes that they will not become sexually aggressive youth.

Testimony Against (Human Services & Corrections): The language regarding the qualifications of contractors is too prescriptive. The Department has had discussions with Metropolitan Development Council regarding moving towards evidence based contracts. There are currently 50 foster parent support groups that are available and managed by the Department. The bill does not clearly identify the responsibility of the contractor to provide

short term therapeutic and educational interventions to support the stability of the placement nor does it require coordination with the Children's Administration. This additional funding was not included in the Governor's budget.

Who Testified (Human Services & Corrections): PRO: Representative Darneille, prime sponsor, Laurie Lippold, Children's Home Society, Chris Baglio, Metropolitan Development Council.

CON: Chris Robinson, DSHS Children's Administration.

Testimony For (Ways & Means): This bill will help prevent these children from showing up later in our juvenile justice or corrections system for crimes against other children. In a year where we are putting a great deal of money into sex offender policy, this is a policy where the money is being put toward prevention.

Testimony Against (Ways & Means): The language in Sections 4 through 11, which require the department to purge unfounded records could cost as much as 18 million if they are required to purge hard copies for 2002 through 2005.

Testimony Other (Ways & Means): In support the bill as passed the House but not as amended by the Human Services and Corrections committee. The requirement to purge records hinders child safety.

Who Testified (Ways & Means): PRO: Representative Darnielle, prime sponsor, Representative Talcott

CON: David Del Villar Fox, DSHS Children's Administration

OTHER: Rose Stidham, Metropolitan Development Council, Seth Dawson, Washington State Association of Children's Advocacy