

SENATE BILL REPORT

ESB 5583

As Passed Senate, March 14, 2005

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: Human Services & Corrections: 2/3/05, 2/14/05 [DP].

Passed Senate: 3/14/05, 49-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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

Staff: Kiki Keizer (786-7430)

Background: The Legal Requirement that the Department of Social and Health Services Investigate and Report Abuse and Neglect of Children Aged 18 and Under. The law requires the Department of Social and Health Services (DSHS) to 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 a person under 18. If the harm arises under circumstances which indicate that the child's health, welfare, and safety are harmed, then the DSHS has a statutory responsibility to report that harm to law enforcement authorities, unless it was the result of reasonable and moderate physical discipline. When determining whether the physical punishment was reasonable and moderate, the DSHS must consider factors such as the age, size, and condition of the child and the location of the injury.

The Role of the Office of Family and Children's Ombudsman. The Office of Family and Children's Ombudsman (OFCO) is required by law to monitor procedures established by the DSHS with a view toward appropriate preservation of families and ensuring children's health and safety. The OFCO is also authorized to investigate specific complaints involving violations of laws, rules, and policies.

The OFCO must recommend changes in the procedures for addressing the needs of families and children. The OFCO is required to submit an annual report to the Governor and the Legislative Children's Oversight Committee, analyzing OFCO's work and making recommendations.

Findings Made by the Office of Family and Children's Ombudsman Concerning Allegations of Abuse and Neglect of Older Children and Adolescents. The OFCO's 2003 annual report stated that the OFCO had received complaints that referrals to Children's Protective Services (CPS) are often screened out or assigned for a lower standard of investigation, based on children's ages, on the assumption that an adolescent is able to protect himself, or herself, from abuse or neglect. The report further stated that, in some cases, referrals alleging maltreatment are referred to Family Reconciliation Services and characterized as a "family in conflict," based on children's ages, even though allegations of child abuse or neglect are present.

Summary of Bill: The DSHS is required to develop a curriculum designed to train staff members of the DSHS's Children's Administration on how to screen and respond to referrals to child protective services when those referrals may involve victims of abuse or neglect between the ages of eleven and eighteen. The curriculum must include certain elements, such as a review of relevant laws and policies, and an explanation of safety assessment and risk assessment models. The DSHS is required to request that the OFCO review and comment on its proposed training materials on this matter.

The DSHS must use the curriculum to train all child protective services workers who screen intake calls by December 31, 2005. The DSHS must train all Children's Administration staff responsible for assessing or providing services to older children and adolescents by April 30, 2006. The DSHS must train new staff on this matter. The DSHS must keep a record of all of the employees who have attended the training.

The DSHS must conduct a quarterly review through June 30, 2007 of all screening decisions by child protective services related to children between the ages of eleven and eighteen. The quarterly reviews must be used to improve practice and to improve the curriculum on this matter.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The bill is a substantial step toward addressing a problem identified in the OFCO's annual report, namely, that certain abuse and neglect referrals to the DSHS are inappropriately screened as not needing an investigation by Children's Protective Services (CPS) and are improperly referred to a voluntary program, such as Family Reconciliation Services. Training, oversight, and accountability would go a long way toward solving this problem. If complaints involving children aged 14 to 18 are not adequately addressed at an early stage, then more children and young adults will end up on the streets and in other dangerous situations, needing more intensive and costly services.

Testimony Against: There is no need to pass a statute, requiring the DSHS to design and implement a program addressing the issue of inappropriate screening of abuse and neglect complaints involving older children. The DSHS wants the opportunity to work with advocates and to demonstrate results.

Who Testified: PRO: Kevin Glackin-Coley. OTHER: Patrick Dowd, Office of the Family & Children's Ombudsman.

CON: Uma Ahluwalia, Children's Administration.

House Amendment(s): The curriculum required by the bill must be developed within the DSHS's existing resources. In addition, within the DSHS's existing resources, the training must be incorporated into existing training for Child Protective Services (CPS) workers who screen intake calls, Children's Administration (CA) staff who are 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.

The sampling of screening decisions by the CPS that must be reviewed each quarter is reduced to a sampling of not less than the proportionate share of the two and one-half 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 must report to the Governor and the appropriate committees of the Legislature on its quarterly reviews on August 1, 2006, and August 1, 2007.

The emergency clause is eliminated.

Passed House: 96-0.