

# SENATE BILL REPORT

## SB 5633

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As Reported By Senate Committee On:  
Human Services & Corrections, February 21, 2005

**Title:** An act relating to retention of information concerning unfounded allegations of child abuse or neglect.

**Brief Description:** Revising provisions relating to retention of information concerning unfounded allegations of child abuse or neglect.

**Sponsors:** Senators Carrell, Rasmussen, Rockefeller, Shin, Stevens, Hargrove, Mulliken and McAuliffe.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/8/05, 2/21/05 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Edith Rice (786-7444)

**Background:** Child Protective Services (CPS) is required to investigate allegations of child abuse or neglect. A "founded" report of child abuse or neglect, 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.

Founded reports of child abuse and neglect may be considered by the department in licensing child care providers, considering employees by a licensed child care agency, or otherwise authorized by the department to care for children.

An "unfounded" allegation of child abuse or neglect, means that based upon available information it is more likely than not that child abuse or neglect did not occur.

Current law requires CPS 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 Substitute Bill:** The Department of Social and Health Services will convene a work group to make recommendations regarding information used when there are allegations of child abuse or neglect. The work group will make recommendations regarding definitions of categories of information, record access, retention, purging of information, compliance with

the law, enforcement and consequences for non-compliance. Recommendations are due to the legislature by December 1, 2005.

**Substitute Bill Compared to Original Bill:** A DSHS work group is convened to make recommendations regarding information used when there are allegations of child abuse or neglect, instead of changing the retention period for unfounded allegations of child abuse or neglect.

**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:** None.

**Testimony Against:** Children must be our first concern. There are different kinds of abuse, some of which take place over a period of time. Patterns of complaints over time are a valuable tool for caseworkers. Although the current system doesn't work well, this is something the department is working on and plans to come back to the legislature with a proposal next year.

**Who Testified:** CON: Suzanne Brown-McBride, Washington Coalition of Sexual Assault Programs, Judge Diane Wodard, Superior Court Judges Association; Uma Ahluwalia, Assistant Secretary, Children's Administration, DSHS; Seth Dawson, Washington State Association of Children's Advocacy Centers.