

HOUSE BILL REPORT

HB 3061

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to creation of a department to elevate the importance of child well-being as an essential outcome of an effective child welfare system.

Brief Description: Creating a department to elevate the importance of child well-being as an essential outcome of an effective child welfare system.

Sponsors: Representatives Schual-Berke, Darneille, Appleton, Moeller and Hasegawa.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/1/08, 2/5/08 [DP].

Brief Summary of Bill

- Establishes a panel to develop a plan for implementing an executive branch children's department.
- Declares legislative intent to implement an executive branch children's department by July 1, 2012.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 5 members: Representatives Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Goodman, Hinkle and Pettigrew.

Minority Report: Do not pass. Signed by 2 members: Representatives Kagi, Chair; Haler, Ranking Minority Member.

Staff: Sydney Forrester (786-7120).

Background:

The Department of Social and Health Services (DSHS) is led by a secretary appointed by the Governor and is comprised of five separate administrations. Each of the administrations is led

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by an assistant secretary who reports directly to the Secretary of the DSHS. The scope of programs and services administered by the DSHS include:

- (1) Health and Recover Services, including alcohol and substance abuse; mental health and healthcare services;
- (2) Economic Services, including employment and assistance programs such as Temporary Assistance for Needy Families; child support enforcement; and refugee and immigrant assistance;
- (3) Children's Services, including child protection and child welfare services;
- (4) Aging and Disability Services, including developmental disabilities services; home and community services; and residential care services; and
- (5) Juvenile Rehabilitation Services, including institutional and community programs; and treatment and intergovernmental programs.

Summary of Bill:

Legislative intent to create a separate executive branch children's department is expressed. The new department would become operational by July 1, 2012, and would be designed to promote child well-being as a core outcome of child welfare services. The new department would operate with budget autonomy, including reinvestment authority for unspent allocations, and be directed by an experienced and successful leader with expertise in child protection and child welfare programs and services.

A design panel is established for the purpose of creating a transition plan and a fiscal projection for implementation of the new department. The design panel would be composed of seven independent experts with extensive backgrounds in child welfare, child protection, child development, mental health, and related fields. Appointment of the design panel would be the shared responsibility of the Legislature and the Governor, with the Governor appointing three members and each chamber of the Legislature appointing two members. Appointments must be completed by June 1, 2008. Staff support to the design panel would be provided by the Daniel J. Evans School of Public Affairs at the University of Washington.

The design panel would create a transition plan and fiscal projection by consensus, with the intent that both deliverables would constitute a cohesive roadmap for implementation of the new department by July 1, 2012. The panel is directed to use the best available data and research and to examine existing state and federal funding streams for possible consolidation or leveraging for attracting more resources.

The transition plan must include research-based policy reforms and performance measures focused on child safety, permanency, and well-being, consistent with federal requirements and with the terms of any legal settlements to which the state is party. The design panel must define the degree to which the new department should be primarily regulatory; the degree of privatization or contracting out recommended; means of increasing administrative efficiencies; a process for expanding the mission of the department to include prevention, early intervention, and treatment of child abuse and neglect; whether children's mental health

should be a function of the new agency; which functions and programs from existing agencies should be incorporated into the new department; and performance outcome measures that will result in more relevant child welfare outcomes.

The new department must be structured to achieve:

- (1) a heightened focus on assessing and promoting child well-being in the development and delivery of child welfare programs and services;
- (2) greater effectiveness in preventing and responding early to child maltreatment through the use of evidence and research-based practices;
- (3) qualitative change in social work practice and service delivery that is supported by policy-based resource allocations;
- (4) improvements in organizational structure for the delivery, coordination, and contracting of child welfare services;
- (5) a more stable balance between state control of children's services and local flexibility to deliver effective services that respond to community needs and enhance community strengths; and
- (6) development of more collaborative partnerships with public and private entities focused on meeting a common core set of visible, cohesive, and consistent child-oriented performance measures.

The broader goals to be achieved by the new agency include improved intra-organizational and extra-organizational relationships; a new balance of central versus local control; and stronger relationships promoting a culture of respect.

The design panel will submit a preliminary report in September 2009, with the final transition plan and fiscal projection due July 1, 2010. The design panel must include in its preliminary report recommendations regarding criteria for selection of an interim director to oversee the transition from the current structure to the new department. Criteria for appointment of the department director would be included in the design panel's final report.

By September 1, 2010, the Governor will appoint an interim director to lead implementation of the transition plan, including any revisions made to the plan. Legislative staff are directed to utilize the transition plan and fiscal projection to develop, by December 1, 2010, proposed legislation to implement the new department. Not later than July 1, 2012, the Governor must appoint a director to lead the department following full implementation of the transition plan.

Appropriation: None.

Fiscal Note: Requested on February 5, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 4, relating to establishing the design panel, which contains an emergency clause and takes effect immediately. However, the bill is null and void if not funded in the budget.

Staff Summary of Public Testimony:

(In support) The Governor and the Legislature have done much to try and improve the delivery of services to children and families. For the past 25 years there has been an ongoing discussion about lifting child welfare and child protection out of the Department of Social and Health Services (DSHS). Many folks, who in the past were not supportive, have come to realize that the target of change is a dysfunctional system, and not the people who do the work.

There is an ever-increasing climate of fear within the agency and a growing disconnect between management and the front line workers. The result has been a loss transparency and a loss of focus on child safety. The majority of members serving on the recent task force studying the administrative structure of services to children and families recommended the Children's Administration (CA) be made into a cabinet-level agency with budget autonomy and greater accountability. Others wanted to wait and give the CA additional time to move forward, but over the past few years we have seen more devastating system failures where children have been hurt.

In 1970 the DSHS was created. By 1990 there was a growing realization the system for serving children and families was not working. In 1996, when the problems were still present, the management improvement project was initiated. In 1998 there was a proposal for creating a separate agency, but many believed that with the right efforts and a little more time we could get it right. Here it is, 10 years later, and we are still struggling with numerous problems. Something needs to be done differently. This bill establishes a thoughtful approach to creating a new structure for child welfare.

Piecemeal change is not working because the problems are systemic across the state. Reading through the years and years of quarterly child fatality reports paints a picture of chronic and repeated failures. This bill is an important step toward addressing deeply embedded problems by restructuring child welfare through a careful and thoughtful analysis by a panel of experts from various disciplines.

Creation of a smaller, stand-alone, executive branch agency would provide direct access to the Governor, put strong leaders in better positions to advance the priorities of child welfare and protection, make it easier to hold people accountable, and begin to address the failures that have mounted in the current organizational structure. Perhaps most importantly, developing a better structure for child welfare will offer hope to the CA staff. Some of the most compelling testimony to support the need for a stand-alone agency came from current employees of the CA.

In all the discussions about how to make the necessary changes in our child welfare and child protection programs, no one is saying that the reason we should not move forward is because we have a good system. The need to refocus our efforts on child well-being is long overdue.

The bill represents reform and innovation at its best. The process relies on a team of experts, and does not ask the existing administration to do the work of planning the transition to a

stand-alone agency. In many other respects, Washington has shown itself to be a leader. It is now time to become a leader in reforming child welfare.

(Neutral) The CA social workers and other staff have the hardest job in the world – keeping vulnerable children safe, caring for them, finding better ways to improve their lives, and working to reunify families faced with challenges. This mission is made harder by the current organizational structure of the CA and the culture that has evolved over the years to support it.

(Opposed) None.

Persons Testifying: Representative Schual-Berke, Prime Sponsor; Wayne R. Roomseville, Children's Home Society of Washington; Bob Adams; Heidi Nagel; Margo Logan, Washington Parents for Safe Child Care; Steve Baxter, Foster Parent Association of Washington State; Bruce Knutson, Joint Task Force on Administration of Services to Children and Families; and Jim Theofelis, Mockingbird Society.

(Neutral) Mary Meinig, Office of Family and Children's Ombudsman.

Persons Signed In To Testify But Not Testifying: None.