

SENATE BILL REPORT

SSB 5882

As Passed Senate, March 6, 2009

Title: An act relating to an evaluation of two recommendations made by the racial disproportionality advisory committee.

Brief Description: Remediating racial disproportionality in child welfare practices.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, McAuliffe, Regala, Shin and Kline).

Brief History:

Committee Activity: Human Services & Corrections: 2/19/09, 2/23/09 [DPS].
Passed Senate: 3/06/09, 45-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass.

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

Staff: Jennifer Strus (786-7316)

Background: Advisory Committee. Substitute House Bill 1472, passed during the 2007 Legislative Session, directed the Secretary of the Department of Social and Health Services (DSHS) to convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in the Washington State child welfare system.

The committee, established in August 2007, was directed to investigate whether racial disproportionality exists in Washington's child welfare system and, if so, to identify those decision points in the system where disproportionality occurs. The legislation also directed the Washington State Institute for Public Policy (WSIPP) to provide technical assistance to the committee. By June 2008 the committee was to have prepared a report for the Secretary of the DSHS on the prevalence of disproportionality.

WSIPP Report. In 2004, the focus year for the analysis, WSIPP identified 58,005 children referred to Child Protective Services (CPS). These children were followed through

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

November 2007. WSIPP examined the proportions of children from various racial groups at different points in the child welfare system to determine whether disproportionality exists in the system. Statewide findings indicate the following:

Referral to CPS. Patterns of disproportionality are evident at the time of reports to CPS alleging child abuse or neglect. Compared with white children:

- American Indian children were three times as likely to be referred to CPS.
- Black children were nearly twice as likely to be referred to CPS.
- Hispanic children were 1.3 times as likely to be referred to CPS.
- Asian children were less likely to be referred to CPS.

Persons required by law to report suspected abuse and neglect (mandated reporters) accounted for about 60 percent of initial referrals to CPS for Indian, black, Hispanic, and white children; 72 percent of referred Asian children were referred by mandated reporters.

Decisions After Referral. As WSIPP followed children after a CPS referral, it calculated the disproportionality that occurred within the child welfare system. WSIPP found that patterns of disproportionality varied by race. Compared with white children referred to CPS, after referral:

- Indian children were 1.6 times as likely to be removed from home and twice as likely to remain in foster care for over two years.
- Black children were 1.2 times more likely to be removed from home and 1.5 times more likely to remain in care for over two years.
- Hispanic children were no more likely to be removed from home or to remain in care for over two years.
- Asian children were no more likely to be removed from home and less likely to remain in care for over two years.

Structured Decision-making (SDM). SDM is a case management model that includes 18 specific questions with detailed definitions. The resulting score can then be used to determine which families will receive services. The primary goal of SDM is to reduce subsequent harm to children. SDM must be used in conjunction with other assessments that specifically consider safety and family functioning. SDM risk assessment is used in combination with a safety assessment to assess immediate danger to children to inform the decision whether Children's Administration should provide and monitor ongoing services to a family following investigation of child abuse or neglect allegations. The purpose of the risk assessment is to identify families who are most likely to experience a future event of child abuse or neglect.

Family Team Decision-making Model (FTDM). FTDMs are meetings that occur whenever a placement decision needs to be made. Typical FTDM participants include the parents, the child (if appropriate), relatives, family friends, neighbors, caregivers, community members, and service providers along with the assigned social worker and the social worker's supervisor. Generally, FTDMs occur when there is an imminent risk of placement, when a child has been placed on an emergency basis, or when a child's placement may be changing.

Summary of Substitute Bill: The WSIPP is to evaluate DSHS's use of structured decision-making practices and the implementation of the family team decision-making model to determine whether and how those efforts result in reducing disproportionate representation of

African-American, Native American, and Latino children in the state's child welfare system. WSIPP is to analyze the points in the system at which current data reflect the greatest levels of disproportionality. WSIPP is to report its findings to the Legislature and DSHS by September 1, 2010.

The WSIPP evaluation is to be paid for either through current funds appropriated to complete the evaluation or within funding made available by private grant or contribution. If neither public nor private funding is available to simultaneously study both the structured decision making practices and the family team decision-making model, WSIPP is to evaluate the family team decision-making model first.

DSHS and WSIPP are to execute a data sharing agreement to comply with DSHS's confidentiality requirements and to provide WSIPP with data it will need to conduct the evaluation. DSHS and WSIPP are to jointly identify potential sources of private funding to supplement any state funds appropriated for the evaluation.

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.

Staff Summary of Public Testimony: PRO: This bill is an important step in fulfilling the state's commitment to reduce racial disproportionality and improve outcomes for children of color in the foster care system. It is important to know whether the efforts used by DSHS to deal with racial disproportionality really do work to improve child welfare practices and reduce racial disproportionality.

OTHER: According to WSIPP, both studies referred to in the report are feasible.

Persons Testifying: PRO: Laurie Lippold, Children's Home Society; Teresa Mosqueda, Children's Alliance; Tera Bianchi, Mockingbird Society.

OTHER: Marna Miller, Washington State Institute for Public Policy.