

SENATE BILL REPORT

SB 5922

As Reported By Senate Committee On:
Human Services & Corrections, February 24, 2005

Title: An act relating to investigations of child abuse or neglect.

Brief Description: Changing procedures for investigations of child abuse or neglect.

Sponsors: Senators Stevens, Hargrove, Roach, Schmidt, Zarelli, Carrell and Finkbeiner.

Brief History:

Committee Activity: Human Services & Corrections: 2/21/05, 2/24/05 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe.

Staff: Kiki Keizer (786-7430)

Background: Current law requires certain persons to report suspected child abuse and neglect to law enforcement officials or to the Department of Social and Health Services (DSHS).

The law also provides that all citizens, including parents, must be afforded due process when agencies are investigating allegations of child abuse and neglect. The legislature has found that the protection of children remains the priority of the legislature and that this protection includes protecting the family unit from unnecessary disruption. For this reason, at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process, the alleged perpetrator of child abuse and neglect must be notified of the allegations of abuse or neglect against him or her.

Current law allows the DSHS or law enforcement to take a child into custody without a court order, based upon probable cause to believe that the child has been abused or neglected and would either be injured or could not be taken into custody if it was necessary to get a court order.

When the DSHS completes an investigation of a child abuse or neglect report, it must notify the alleged perpetrator of the report and the department's investigative findings. In cases involving founded allegations of child abuse or neglect, the notice must include additional information, such as how to appeal the DSHS's findings.

Summary of Substitute Bill: If a parent is the subject of an abuse and neglect investigation, then the personnel of the DSHS or law enforcement must notify him or her, at the initial point of contact, of complaints and allegations against him or her. At the initial contact, the parent

must be advised of the name of the investigator, who the investigator represents, and specific complaints or allegations made against him or her.

The form of written notice to parents that a child has been taken into custody by Child Protective Services is amended to include notice of the right to know of complaints or allegations made against the parent.

Substitute Bill Compared to Original Bill: If a parent is the subject of an abuse and neglect investigation, then the personnel of the DSHS or law enforcement must notify him or her, at the initial point of contact, of complaints and allegations against him or her. The original bill required this notice to be given at the initial point of contact to any person subject to investigation for abuse or neglect. At the initial contact, the parent must be advised of the name of the investigator, who the investigator represents, and specific complaints or allegations made against him or her.

The form of written notice to parents that a child has been taken into custody by Child Protective Services is amended to include notice of the right to know of complaints or allegations made against the parent.

Certain sections of the bill were eliminated, including provisions requiring workers at Child Protective Services to be trained on the Fourth Amendment to the Constitution of the United States and parents' legal rights in abuse and neglect cases.

The provisions referring to persons' rights to be advised of their basic statutory and constitutional rights were eliminated.

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 intended to implement provisions of federal law. There have been cases where parents have not been informed of abuse and neglect allegations against them at the initial point of contact. Social service workers should be trained to protect parents' Fourth Amendment rights.

Testimony Against: None.

Who Testified: PRO: DiAnna Brannan, Christian Home School Network.