

# SENATE BILL REPORT

## 2SHB 1334

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As Reported By Senate Committee On:  
Human Services & Corrections, March 29, 2007  
Ways & Means, April 2, 2007

**Title:** An act relating to documentation in child welfare proceedings.

**Brief Description:** Requiring the petitioner in a child welfare case to provide the court with relevant documentation.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Hinkle and Walsh).

**Brief History:** Passed House: 3/06/07, 96-0.

**Committee Activity:** Human Services & Corrections: 3/22/07, 3/29/07 [DPA-WM].  
Ways & Means: 4/02/07 [DPA(HSC)].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

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

**Staff:** Kiki Keizer (786-7430)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Human Services & Corrections.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Staff:** Paula Moore (786-7449)

**Background:** Washington law requires the Department of Social and Health Services (DSHS) to facilitate the communication of information needed to serve the best interest of any child who is the subject of a dependency case. The law requires the DSHS to facilitate this communication, among divisions of DSHS, contracted service providers, the courts, families, caregivers, caseworkers, and others, by establishing guidelines, consistent with state and federal law governing the release of confidential information.

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*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.*

Rafael Gomez was a child who was removed from his home because of allegations of child abuse. Six months after he was returned to the care of his biological parents, he died as a result of "blunt-force trauma" to his head. The review that was conducted after that death concluded, among other things, that the social worker assigned to the case provided information to the court that tended to emphasize the parents' progress and minimize their deficiencies.

**Summary of Second Substitute Bill:** The DSHS must provide relevant original supporting documents to the court in dependency proceedings. For example, the DSHS must provide progress reports or evaluations from providers of substance abuse or mental health treatment, anger management or domestic violence classes; visitation reports; psychological reports regarding the parent; or physician's reports relevant to injuries that allegedly occurred when a child was in the parent's care.

The act is null and void if specific funding for its implementation are not included in the budget.

The act must be cited as the "Raphael Gomez Act."

**EFFECT OF CHANGES MADE BY RECOMMENDED STRIKING AMENDMENT(S) AS PASSED COMMITTEE (Human Services & Corrections):** Simplifies legislative findings.

Ensures that provisions requiring further documentation apply to all DSHS placement recommendations in dependency cases, rather than just cases in which the child is being returned to the biological parent.

Adds a provision requiring original documentation supporting assertions regarding the appropriateness and qualifications of a proposed placement, including a home study or criminal background check information.

Ensures that documentation regarding a child's injuries not be limited to injuries occurring while in the care of the parent.

Eliminates specific references to the parent in the context of the various classes of documents that must be provided.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Ways & Means):** DoubleClickHereAndTypeText.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony (Human Services & Corrections):** PRO: The results of some cases involving child fatalities could have been different if there had been better information-sharing between social workers and the courts at the time. Summaries by caseworkers, who might be biased or who may not understand all the medical terms that they

are summarizing, should be avoided. Documentation should be provided to a court to support agency decisions.

OTHER: The documents required by the bill only cover the period when the child is returned home. There may be problems in an out-of-home placement, and that information might be just as helpful to a judge as the information concerning the biological parents. The judge should have the information available at every juncture in the case.

A report from foster parents could also be required.

**Persons Testifying (Human Services & Corrections):** PRO: Representative Hinkle, prime sponsor; Gary M., foster parent; Laurie Lippold, Children's Home Society of Washington; Char Wellner, citizen; Deborah Boudreau, citizen.

OTHER: Stella Farias, Washington Families United; Joanne Moore, Office of Public Defense.

**Staff Summary of Public Testimony (Ways & Means):** PRO: The court needs all of the documentation required in this bill before making a decision changing the life of a child. This bill could have changed the outcomes for Rafael Gomez and Sirita Sotello.

**Persons Testifying (Ways & Means):** PRO: Gary Malkasian, foster parent.