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WRITTEN TESTIMONY ON SB 6730

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Senate Human Services and Corrections Committee
Senate Hearing Rm 1
J.A. Cherberg Building
Olympia, WA

Good afternoon Chairman Hargrove and Members of the Committee. My name is Mary Meinig and I am the Director of the Office of the Family and Children's Ombudsman.

While the Ombudsman does not support or oppose proposed legislation, we support the intent of SB 6730, which acknowledges several OFCO findings and significantly implements some of the recommendations from our 2009 Colville DCFS Investigative Report. Specifically, this legislation aims to improve communication between the department and parents and care providers; strengthen relative placements; clarify the duties of a guardian ad litem; and enhance the use of child protection teams. My following comments focus on these topics:

Notice to Child's Care Provider-

Section 4 of this bill would require the department to provide five days advance written notice to the child's care provider, advising them of a decision to remove the child from their care and explaining the reasons for such decision. If the care provider is the subject of a child abuse or neglect referral, the department must meet in person with the care provider, explain the nature of the allegations and provide a reasonable opportunity to respond.

In some circumstances, the five day advance notice requirement might jeopardize an investigation into the allegations. I therefore suggest language that would permit less than five days notice when the investigation of child abuse and neglect or the safety or protection of the child could otherwise be compromised.

Increased Stability of Relative Placements-

Section 4 of this bill also prohibits the department from removing a child from a relative care provider unless the department has made a finding that the relative has abused or neglected the child, violated a court order, or when the child is at imminent risk of harm.

This will increase the stability of relative placements by preventing the arbitrary removal of children from relative care due to a perceived conflict between the department social worker and the relative care provider. This section should be slightly modified to recognize that placement is contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child. Furthermore, this section does not apply to situations where a child is being returned to a parent's care.

Clarification of the GAL/CASA's Role-

Section 6 of this bill clarifies that duties of the guardian ad litem do not include investigating allegations of child abuse or neglect that run parallel to the department's abuse or neglect investigations.

This is not intended to restrict a GAL/CASA from conducting an investigation regarding the best interest of the child. Instead, this section helps distinguish the duties of a GAL/CASA and the purpose of a Child Protective Services and or law enforcement investigation. For example a dependent child's spontaneous statement to a GAL/CASA alleging abuse or neglect would generate a CPS referral, as the GAL/CASA is a mandated reporter. The GAL/CASA would step back, just as CWS would do, as CPS and/or law enforcement investigate the referral.

Enhanced Use of Child Protection Teams-

Section 7 requires that Child Protection Teams be culturally diverse and instructs the department to invite professionals who play a significant role with the family. In addition to specifying circumstances that would require a CPT staffing, the bill also directs the department to develop a process for both department staff and community professionals to refer a case to a CPT.

Case plans will better address the family's and child's needs if CPT's include professionals involved with the family and are culturally diverse reflecting the children and families served by the department.

Conclusion

Thank you for the opportunity to comment on SB 6730.