



STATE OF WASHINGTON
OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

6840 Fort Dent Way, Suite 125
TUKWILA, WA 98188
(206) 439-3870 (•800)571-7321 • FAX (206) 439-3877

TESTIMONY ON SB 5315
Implementing Recommendations of the Powell Child Fatality Review Committee

SENATE COMMITTEE ON HUMAN SERVICES and CORRECTIONS

Monday, February 4, 2013

Senate Hearing Room 1, J.A. Cherberg Building, 10:00a.m.

Good morning Chairman Carrell and members of the committee, my name is Mary Meinig and I am the director of the Family & Children's Ombudsman ("OFCO"). I also served as a member of the Powell Child Fatality Review Committee this past year and was involved in developing the fatality review committee's recommendations.

While OFCO remains neutral on specific proposed legislation, I support the intent of this legislation to implement the recommendations from this child fatality review in order to better protect children who are subject of a dependency proceeding.

As I'm sure you are all aware, this was a highly complex case, involving several law enforcement investigations, both in Washington State and in Utah. Criminal investigations from different jurisdictions as well as court orders limiting the release of certain information impeded the department's efforts to gather relevant information. This case also involved concerns regarding: the father's involvement in the disappearance of the children's mother; domestic violence; and pornography. Additionally, this father was actively involved in the case plan, participated in court ordered services, and demonstrated appropriate parenting during visits with his children. One year ago tomorrow, Mr. Powell killed his children and himself in a house fire.

Key Findings of the review committee included:

Available case information was sufficient to prompt additional inquiry into domestic violence by the father and related safety threats to the children. While the CA Practice Guide to Domestic Violence was distributed throughout the department, it had not been augmented with in-person or online training.

This bill addresses this issue by requiring that ongoing domestic violence training and consultation be provided to caseworkers, including how to use the children's administration's practice guide to domestic violence.

The department did not consult with law enforcement regarding the decision to move supervised visits. The committee concluded that consultation between the department and law enforcement about parent-child visits or contact may be beneficial and could assist the department obtain information affecting the duration, location and supervision of parent-child visits. Additionally, the committee noted that the father had been court ordered to undergo a psycho-sexual evaluation, and that given the intrusive nature of the evaluation, this factor should also have been taken into consideration when assessing child safety and determining appropriate visitation.

This bill addresses these concerns by:

1. Requiring the department to make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. The results of the consultation shall be communicated to the court. Efforts to consult with law enforcement must also be included in CA policies and protocols concerning parent-child visits.
2. Requiring the department to reassess visitation duration, supervision, and location when a psycho-sexual of a parent is court ordered. *[Proposed language in this bill gives the department the authority to alter the visitation plan, pending the outcome of the evaluation. Modifying an existing court order would likely require showing of a change in circumstances and further action by the court. An alternative approach might be to allow a hearing on shortened time to address visits in these circumstances.]*

Thank you for the opportunity to provide you with our testimony on this legislation