



TO: The Honorable Members of the Senate Committee on Universities, Technical Colleges,
Children and Families

FROM: Emily Coddington, Associate Director

DATE: January 22, 2020

RE: **SB 610 – Prohibiting the disclosure of certain child abuse and neglect reports**

Thank you for the opportunity to provide testimony on Senate Bill 610, which seeks to prohibit the disclosure of specific child abuse and neglect records to individuals and agencies responsible for making licensing determinations and/or employment decisions. While disclosing such information may be viewed as a barrier to licensure or employment, in many circumstances this information is necessary to ensure the safety of children or other vulnerable individuals, which is of paramount concern.

WAFCA is a statewide association that represents over forty child and family serving agencies, and advocates for the more than 225,000 individuals and families they serve each year. Our members' services include foster care and adoption programs; shelter care facilities, group homes, and residential care centers; crisis intervention; outpatient mental health therapy; and individual, family and group counseling, among others. In all program areas, our members are responsible for the safety of the individuals they serve. When licensing foster and adoptive parents, or employing caregivers in licensed facilities, the level of responsibility is even greater, as the substantial majority of the children being cared for by these individuals have already experienced abuse or neglect severe enough to result in removal from their home. Preventing further trauma to children is the ultimate goal of any agency responsible for the care and placement of a child, and is necessary in order for children to heal.

When licensing a foster or adoptive parent, or employing an individual to work as a caregiver in a licensed facility, an agency has a responsibility to make a determination that the individual seeking licensure or employment is "fit and qualified", in addition to assessing for risks to child safety. Extensive background checks, including reports made to Child Protective Services, aid in making these determinations, and the individuals conducting assessments are trained in how to mitigate any concerns related to past allegations determined to be unsubstantiated or unlikely to occur. In the event an individual is denied licensure, appeal avenues exist and should be utilized. There are even opportunities for rehabilitation for individuals with substantiations on their records.

It is not uncommon for individuals serving traumatized children to have allegations made against them. In fact, when licensing foster and adoptive parents, most agencies prepare them for just that. When a report is made, it is very important that the licensor/employer understand the circumstances surrounding a report of maltreatment for a variety of reasons including: determining which children may or may not be a good

match with a particular family; identifying individuals other than caregivers in the home who may be struggling with the caregiver's decision to become licensed; identifying additional support needed by the caregiver from the licensing agency or employer, especially in the event another allegation is made; working with a family or individual to develop ways to better protect themselves from future allegations; and discovering potential triggers or additional treatment needs of children in care. Information contained in reports can also reveal areas for additional coaching or training, inform scheduling decisions, and help agencies make determinations regarding the placement of additional children in the home or facility.

Finally, it is crucial to note that just because an allegation was unsubstantiated or determined to be unlikely to occur, does not mean it did not happen. Settlement agreements can be entered into, decisions can be overturned upon appeal, etc. A pattern of reports, especially if those reports have been made about the same caregiver on behalf of different children, increases the level of risk to not only the licensing agency or employer, but most importantly to a child receiving care. The totality of the circumstances should be considered when the health, safety and well-being of a child is at stake, not just the final outcome. Reports indicate an area of struggle, at minimum. Trained professionals need to know about all areas of struggle in order to be effective in supporting children and caregivers alike.

We hope this information is helpful to the committee and again express appreciation for the opportunity to testify and share our perspective. If additional information is desired, WAFCA and its member agencies would welcome the opportunity to work with bill authors on this legislation moving forward.