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To: Legislative Task Force on Child Protection

From: Joan White, Senate Counsel (651/296-3814)

Re: Brief Overview of the Child Protection Provisions Passed in the 2015 Legislative Session

Date: August 10, 2015

Below is a brief overview of the child protection provisions passed in the 2015 legislative session.

Background studies:

-requires background studies on county employees hired on or after 7/1/15, who perform child protection duties, and current employees who are assigned new child protections duties on or after 7/1/15. (Sections 4, 5, 7, and 100)

Grant programs:

-\$3M for grants to address racial disparities in the child welfare system. The commissioner, in partnership with the legislative task force and others listed in this section, must develop and implement a comprehensive coordinated plan to award funds, and consult with the same when establishing measurable outcomes. The commissioner is required to conduct a biennial evaluation of the grant program and submit a biennial report, and consult with the task force during the evaluation process. Tribes delivering child welfare services are awarded \$75,000. (Section 12)

-\$22M for grants to address county staffing and expand child protection services. The establishment of the grant program includes an allocation formula, a 20% withhold for performance, and requires the commissioner to work with stakeholders and the Human Services Performance Council to develop specific outcome measures, and determine whether the performance measures should be modified or phased out. Recommendations are due 1/1/18. (Section 46)

Modification to the maltreatment of minors act by:

-making the health and safety of the child the paramount concern in the public policy statement. (Section 88)

-clarifying and modifying definitions. (Section 89)

- requiring the agency to consider previous history, if relevant, including screened out reports, when determining if a new report of maltreatment will be screened in or out. A person mandated to report shall receive a summary of the disposition of a report, and a person who is not mandated to report may request and shall receive a concise summary of the disposition of the report, unless sending the report is detrimental to the best interests of the child. (Section 92)
- requiring county staff to follow the screening guidelines, and prohibiting the modification of guidelines unless preapproved by the commissioner. (Section 93)
- clarifying the dual reporting requirements between county or tribal agencies and law enforcement. (Section 94)
- requiring the agency to provide relevant private data to a mandated reporter who made the report and who has an ongoing responsibility for the health, education, or welfare of the child. The agency may provide the data to other mandated reporters with an ongoing responsibility related to the child. A reporter who receives private data must treat the data as private. (Section 96)
- requiring the agency to consult with the county attorney, under certain circumstances, to determine if a CHIPS petition should be filed. (Section 97)
- requiring that all reports alleging child maltreatment be maintained for five years, instead of 365 days for screened out and four years for screened-in reports. (Section 98)

Commissioner's duties:

- develop a plan to perform quality assurance reviews of agency screening practices and decisions, and provide oversight to ensure consistent application of guidelines, appropriate screening decisions, and correct maintenance of reports. The reviews must begin 9/30/15. The commissioner shall annually report summary results of the reviews to legislative committees with jurisdiction over child protection issues. (Section 99)
- update the guidelines no later than 10/1/15, and publish the new guidelines no later than 11/1/15. Agency staff must implement by 1/1/16. (Section 122)
- establish requirements for competency-based initial training, support, and education for child protection supervisors. (Section 123)
- evaluate formulas for staffing and expanded services, and recommend and updated equitable distribution formula beginning in FY 2018, and report by 12/15/16. (Section 124)
- the establishment of the DHS child fatality and near fatality review team requires the DHS team to conduct onsite comprehensive reviews of local county and tribal child welfare agency practices when a fatality or near fatality occurs due to child maltreatment in licensed facilities. (Section 8)

Legislative Task Force:

- establishes the Legislative Task Force on Child Protection, which provides the purpose and composition of the task force, and allows the task force to provide oversight and monitoring of state agency efforts, primarily DHS, to improve the child protection system. A report is due 2/1/16. (Section 125)