

# GENERAL ASSEMBLY OF VIRGINIA -- 1995 SESSION

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## HOUSE JOINT RESOLUTION NO. 502

*Establishing a joint subcommittee to study the child protective services system in the Commonwealth.*

Agreed to by the House of Delegates, February 4, 1995

Agreed to by the Senate, February 21, 1995

WHEREAS, the child protective services system was established by the General Assembly in 1975; and

WHEREAS, the General Assembly established the child protective services system for the purpose of identifying children who are being abused or neglected, of assuring that protective services will be made available to an abused or neglected child in order to protect such child and his siblings and to prevent further abuse or neglect, and of preserving the family life of the parents and children, where possible, by enhancing parental capacity for adequate child care; and

WHEREAS, the Child Protective Services Unit within the State Department of Social Services provides guidance and technical assistance to the local departments of social services who are charged with investigating reports of alleged child abuse or neglect; and

WHEREAS, pursuant to regulations promulgated by the State Board of Social Services, local departments of social services determine whether a case of child abuse or neglect is classified as unfounded, reason to suspect or founded; and

WHEREAS, a person who is suspected of or who is found to have committed child abuse or neglect may appeal the finding of the local department, first to the local department and then to a hearing officer employed by the State Department of Social Services and if still aggrieved, may appeal to the circuit court whose role is limited to a review of the record; and

WHEREAS, the State Board of Social Services has the authority to promulgate regulations governing the administrative appeals process, including the steps that accused persons may use to defend themselves; and

WHEREAS, current child protective services procedures require those accused of child abuse and neglect to prove their innocence rather than following the established rule of law which presumes that a person is innocent until proven guilty; and

WHEREAS, formal rules of evidence are not used in the child protective services administrative appeals process and the hearing officer has the authority to limit the introduction of witnesses, documents and other materials that an accused person may deem necessary to defend himself; and

WHEREAS, local departments of social services have the authority to redact confidential portions of the case record before providing it to an appellant, and there is considerable variation among the 124 local departments of social services in the amount of the case record that is redacted, and there is also variation in how the local conference is conducted; and

WHEREAS, the State Department of Social Services maintains a central registry containing the names of persons whose child abuse or neglect case was determined to be founded or reason to suspect; and

WHEREAS, the central registry is routinely checked for employment screenings for many jobs that have contact with children, and questions have been raised as to whether this is an appropriate use of the central registry; and

WHEREAS, in November of 1994 the State Department of Social Services completed a study of the child protective services appeals process and made a number of recommendations that would improve the process; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study, evaluate and make recommendations concerning the child protective services system in the Commonwealth. The joint subcommittee shall review (i) the adequacy of investigatory training received by child protective services caseworkers, (ii) the categories of complaint dispositions, particularly the reason to suspect category, (iii) access to and use of the central registry, (iv) the child protective services appeals process, (v) proper procedures for editing investigative reports given to appellants, (vi) the rights of appellants to present supporting witnesses and documents and (vii) the implementation of recommendations of the State Department of Social Services' November 1994 study of the child protective services appeals process. The joint subcommittee shall be composed of seven members: four shall be members of the House of Delegates to be appointed by the Speaker of the House; and three shall be members of the Senate to be appointed by the Senate Committee on Privileges and Elections. The Department of Social Services, the Executive Secretary of the Supreme Court, and the Office of the Attorney General shall provide assistance to the joint subcommittee.

The direct costs of this study shall not exceed \$6,300.

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The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.