

HOUSE JOINT RESOLUTION NO. 11

Continuing the Joint Subcommittee Studying the Child Protective Services System in the Commonwealth.

Agreed to by the House of Delegates, February 8, 1996

Agreed to by the Senate, February 29, 1996

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 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 Board of Social Services, local departments of social services determine whether a case of child abuse or neglect is classified as unfounded or founded and in founded cases the name of the alleged perpetrator is entered into the central registry; and

WHEREAS, a person 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 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 Joint Subcommittee Studying the Child Protective Services System was established by House Joint Resolution No. 502 during the 1995 General Assembly Session; and

WHEREAS, the joint subcommittee thoroughly examined the issues assigned to it and determined that excessive resources are devoted to investigating reported cases of child abuse and neglect and determining whether a case of child abuse or neglect is founded or unfounded against an alleged perpetrator; and

WHEREAS, because resources for child protective services are very limited, the current requirement that all reports receive a full investigation can result in insufficient emphasis on providing services to families; and

WHEREAS, the joint subcommittee found that the child protective services problems experienced by the Commonwealth are being experienced by other states throughout the nation; and

WHEREAS, a handful of other states, including Florida, Missouri, South Dakota, and West Virginia have established multiple response child protective services systems but none have been operational long enough to be evaluated; and

WHEREAS, the joint subcommittee has filed legislation creating a pilot child protective services multiple response system which will allow local departments of social services to respond to reports of child abuse and neglect based on the characteristics of the individual case; and

WHEREAS, the establishment and operation of the three-year pilot program should be monitored by the joint subcommittee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying the Child Protective Services System be continued to monitor the implementation and operation of the pilot multiple response system and to monitor the recommendations that it has made concerning (i) the adequacy of training received by child protective services caseworkers, (ii) the categories of complaint dispositions, (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 Department of Social Services November 1994 study of the child protective services appeals process. The joint subcommittee shall be composed of 7 members, 3 of whom shall be members of the House of Delegates to be appointed by the Speaker of the House of Delegates; 1 of whom shall be a former member of the House of Delegates to be appointed by the Speaker of the House of Delegates; and 3 of whom 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 \$2,000.

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The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 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.