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SENATE JOINT RESOLUTION NO. 8

Offered January 10, 1996

Prefiled January 10, 1995

Continuing the joint subcommittee studying the child protective services system in the Commonwealth.

Patrons—Woods, Gartlan, Lucas and Ticer; Delegates: Brickley, Davies, Hamilton, Mayer, Melvin,
Puller and Van Yahres

Referred to the Committee on Rules

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 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 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 Joint Subcommittee Studying Child Protective Services 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 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 State Department of Social Services'
November 1994 study of the child protective services appeals process. The Joint Subcommittee shall be
composed of seven members, three of whom shall be members of the House of Delegates to be
appointed by the Speaker of the House of Delegates; one of whom shall be a former member of the
House of Delegates to be appointed by the Speaker of the House of Delegates; and three of whom shall
be members of the Senate to be appointed by the Senate Committee on Privileges and Elections. The

60 Department of Social Services, the Executive Secretary of the Supreme Court, and the Office of the
61 Attorney General shall provide assistance to the Joint Subcommittee.

62 The direct costs of this study shall not exceed \$2,000 for the first year.

63 The Joint Subcommittee shall complete its work in time to submit its findings and recommendations
64 to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the
65 Division of Legislative Automated Systems for processing legislative documents.

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