

December 1998

## **Citizen Review Panels: An Opportunity to Improve Child Protection? EXECUTIVE SUMMARY**

The 1998 Legislature directed this study of citizen review panels for child protection in Sections 14 and 15, Ch. 314, Laws of 1998. The Legislature determined that it is "critically important to the basic nurture, health and safety of children that the state examine a state wide program relating to child abuse and neglect that includes citizen review panels" as required by federal law.

Three tasks were outlined in the legislation:

- Review potential barriers to citizen review panels obtaining access to information necessary for them to meet their obligations.
- Review current Department of Social and Health Services (DSHS) committees relating to children to determine if any should be combined.
- Review issues relating to the creation of review panels.

**Information barriers:** There do not appear to be significant legal barriers concerning information sharing between DSHS and review panels. Federal law which mandates creation of citizen review panels in the child protection field directs the state child protection agency to share information with the panels, so this mandate may resolve any information barrier problems. Potential barriers regarding access to information can be eliminated through simple legislation mandating that DSHS share information relevant to the work of the citizen review panels, including information from individual case files. Legislation should be adopted addressing the confidentiality responsibilities of panel members and prescribing civil penalties for breach of confidentiality duties. If nothing else, this action is necessary to comply with federal law.

**DSHS committees:** While DSHS has several committees with tasks relevant to children, there do not appear to be compelling reasons to combine such committees. Some committees work at the state level, others are local or regional. Most have relatively specific missions under law or policy, missions which would be diluted if the committees were combined.

Combining committees could reduce the overall level of citizen participation and oversight in the child welfare area by restricting the total number of positions. Volunteers currently serving on committees with a specific focus also may be less interested in serving on a committee with a broader mission statement.

**Coordination of child protection oversight activities:** The citizen review panels will become one of several bodies/agencies concerned with overseeing child protective services activities, both at the individual case level as well as a systemic level. These include the Office of the Family and Children's Ombudsman, Child Protective Teams, DSHS internal complaint systems, and a new formal administrative review process available to persons alleged to be perpetrators of child abuse. These various activities appear to be developing largely independently of one another.

Some attention should be given to at least fostering communication and cooperation between these various bodies to help assure the highest level of child protective system oversight.

**Organization and structure of panels:** The direction for this study originated with SSB 6558, a bill that created panels that meet the requirements of federal law, as well as establishing further powers for these groups. Although this bill did not pass in 1998, it is likely to be reintroduced. Thus, the study examines the proposed function and structure with discussion of alternatives.

Language in SSB 6558 indicates a strong commitment for the panels to represent the public at large and not be dominated by professionals or others with special interests. Recognizing this intent, this report discusses barriers the panels could face, with a range of possible solutions. These include:

- Assuring independence of the panels by locating them within an appropriate agency;
- Establishing a clearly understood mission for the panels and the workload which may accompany that mission;
- Defining the process of member selection to ensure panels that represent the community and could be expected to work together;
- Providing training for panel members, especially if most members have little or no previous background in the complex area of child protective services; and
- Providing staffing for the panels.

Excerpts from a relevant publication on citizen review panels are included as an appendix. This document examines the structure and purpose of such organizations, with recommendations to increase the groups' effectiveness.

In addition to discussing the proposed Washington legislation and citizen review or oversight committees generally, the study also discusses a citizen dominated quality assurance process which is being implemented by the State of Alabama and which could be the model for a similar process in this state.