

SB 386 A STAFF MEASURE SUMMARY

Carrier: Sen. Lieber

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 04/06/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Anderson, Gelser, Lieber, Robinson, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 2/11, 4/6

WHAT THE MEASURE DOES:

Requires specified law enforcement to develop comprehensive policies by January 1, 2022, with respect to notifying parents of interviews with child witnesses, and to report to the legislature by September 15, 2022. Specifies witness is not the survivor or suspect, nor related to a suspect. Sunsets January 2, 2023. Takes effect on 91st day following adjournment *sine die*.

ISSUES DISCUSSED:

- Universal agreement with respect to paramount concern, to protect children
- Complexity and sensitivity of certain investigations and interviews involving children
- National best practices; trauma-informed practices; questions about who and how these are determined, and what "trauma-informed" means
- Distinguishing between a parent's right to be informed or present, versus informing a child that they may request a parent's presence
- Potential downsides of putting youth in the position of being responsible for making a choice to inform a parent or not; or to have a parent present or not
- Impacts of presence of most protective and supportive parents
- Providing for tailored, case-by-case consideration
- Current DHS practices; separating concerns about DHS practices from law enforcement practices

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

A number of factors guide professionals who interview children with regard to best practices, particularly in cases of suspected abuse, such as: the child's safety; any other urgency or threat posed by the given circumstances; the age of the child; whether the child is a potential perpetrator, or victim, or witness; what relationship the perpetrator or perpetrators may have with the child who is a victim or witness; in what setting suspected abuse may have occurred; in what setting an interview may occur; whether the child is intellectually or developmentally disabled; cultural considerations; and what effect the presence or absence of supportive and nonsupportive persons may have on the child and on the integrity and veracity of the information the child might share.

Senate Bill 386 A requires law enforcement to develop comprehensive policies by January 1, 2022, with respect to notifying parents of interviews with child witnesses (as distinguished from child survivors or suspects) and requires a report to the legislature by September 15, 2022.