

HB 3333 -1, -2 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

Prepared By: Matthew Perreault, LPRO Analyst

Meeting Dates: 3/22, 4/3

WHAT THE MEASURE DOES:

Provides that investigation of suspected abuse of a child in care is unsubstantiated if evidence demonstrates that abuse occurred but that there was little or no harm to the child, no intent to harm the child, and that the behavior was reasonably necessary to protect the child or others from greater harm, or due to an error or omission. Authorizes Department of Human Services to require child-caring agency, proctor foster home, certified foster home, or developmental disabilities residential facility to submit corrective action plan in lieu of commencing or continuing investigation under such circumstances. Applies to actions or behavior occurring after effective date. Defines "just culture model" as culture where person is not punished for actions taken that are commensurate with training and experience, but where negligence, violations, and destructive acts are not tolerated. Directs System of Care Advisory Council to provide grants for training on just culture model, trauma-informed practices, and clinical best practices for workers in child welfare and residential care systems. Appropriates unspecified General Fund moneys to System of Care Advisory Council for grant program implementation.

REVENUE: *No revenue impact*

FISCAL: *May have fiscal impact, but no statement yet issued*

ISSUES DISCUSSED:

- Ability of child-caring agencies and residential care providers to attract and retrain workforce
- Reported fear of consequences of making mistakes
- Processes for reporting and investigating suspected abuse and neglect
- Implications of modifying criteria for investigations
- Adoption of just culture model in other settings
- Responsibility of administering grant program and training
- Potential to use grants for capital improvements

EFFECT OF AMENDMENT:

-1 Allows investigation to result in finding that corrective action plan is required in lieu of finding that report is substantiated, unsubstantiated, or inconclusive. Authorizes Department of Human Services (DHS) to require child-caring agency, proctor foster home, certified foster home, or developmental disabilities residential facility to submit corrective action plan in lieu of commencing or continuing investigation under such circumstances. Provides that DHS may find that agency, home, or facility is responsible for substantiated report of abuse in lieu of employee whose actions resulted in report of abuse if department finds that abuse resulted from inadequate policies, procedures, or training.

REVENUE: *No revenue impact*

FISCAL: *May have fiscal impact, but no statement yet issued*

-2 Provides that investigation of suspected abuse must determine whether report is substantiated, unsubstantiated, inconclusive, or requires a corrective plan. Allows investigation to result in finding that corrective action plan is required in lieu of finding that report is substantiated, unsubstantiated, or inconclusive. Provides that Department of Human Services may find that agency, home, or facility is responsible for substantiated report of abuse in lieu of employee whose actions resulted in report of abuse if department finds

This summary has not been adopted or officially endorsed by action of the committee.

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that abuse resulted from inadequate policies, procedures, or training.

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BACKGROUND:

The Department of Human Services (DHS) is required to respond to any report, allegation, or information pertaining to the suspected abuse of a child in the care of the child welfare or residential developmental disabilities systems and, following a screening, open an investigation to determine whether the suspected abuse is substantiated, unsubstantiated, or inconclusive. The department's Office of Training, Investigations, and Safety (OTIS) conducts the screenings and investigations, which are administrative processes rather than judicial or criminal processes, although the department must also report any possible crime to an appropriate law enforcement agency. In 2022, OTIS conducted investigations of 1,458 individuals and found substantiated allegations of 336 of those individuals, about 23 percent, according to the office's [interactive data tracking tool](#). The three most common types of alleged abuse were sexual abuse, neglect, and physical abuse.

The Systems of Care Advisory Council was established in 2019 by [Senate Bill 1](#), which emerged out of a 2018 work group convened by the Governor, President of the Senate, and Chief Justice of the Supreme Court to address systemic challenges in addressing the needs of children with mental or behavioral health needs across the state's juvenile justice, child welfare, and health care systems. The 25-member council consists of representatives from across state government as well as health care organizations and providers, advocates, and members of the public with lived experiences in these systems. The council maintains a [data dashboard](#) and is responsible for coordinating and [reporting](#) on efforts to improve outcomes for youth across the systems of care.

House Bill 3333 provides that an investigation conducted by OTIS for children in care may be unsubstantiated even if the office determines that abuse occurred, under certain circumstances, and allows DHS to place a child-caring agency on a corrective action plan in lieu of beginning or continuing an investigation. The measure also directs the Systems of Care Advisory Council to issue grants for training to foster a change in climate and culture in the workforce.