put w/ SB 308

heard 2/11/05

Testimony: SB 308
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SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. 24
DATE: 2-11-05
BILL NO. SB 308

Oppose

Section 1: Notice provision
Section 2: Implementation provision

Reasons oppose the bill:

Imposes an onerous obligation for the social worker to shoulder - as a practical matter, the implementation would be difficult, if not impossible.

1. The social worker has multiple required tasks when the worker determines a child cannot safely remain in the home – SB 308 adds to requirements that are currently difficult to meet.
   a. Field response - negatively impact the social worker's ability to do the job.
   b. "I see that [informing the parent of the right to have another person present] as a real hardship and not realistic. . . . I really see problems with this."

2. One reason for the difficulty—constellation of many families today.
   a. Many of the cases have multiple caretakers.
   b. For example, not unusual for a social worker to be working with one child who is living with birthmother and paramour and with a non-custodial birthfather or a sibling group of three which involves the birthmother, stepfather/live-in, and three birthfathers.
   c. Many cases involve multi-generational families living together - a case could involve birthmother, stepfather, birthfather, and a set of grandparents.

3. The timeframes under emergency protective services are tight. Requiring the social worker to inform each adult in these cases that s/he has the right to have another person present would impose an unworkable situation within the required timeframes if each person decided s/he needed another person present - particularly difficult given the number of cases on the social worker's current caseload plus new referrals that are assigned to the social worker on a daily basis.

4. During the initial phase of a child abuse/neglect proceeding (22 days) the social worker needs to have many contacts to address concerns that cannot always be anticipated. The need to make arrangements to have another person present for any protective services discussion could impact every visit with children, meeting with other professionals, and make the experience of communicating and working with the family hostage to the availability of the other person.

5. SB 308 would impede the social worker's ability to freely communicate with the parent. Implicit in being told "you have the right to have another person present" is the interpretation that the parent has a right not to talk with the social worker until that other person is present.

6. The parents of children who cannot safely remain in the parental home become angry. The logical response from a parent who is just advised s/he has the right to have someone else present would be "then I'm not going to talk with you until I can have that other person present". In addition, the other person could advise the parent that s/he doesn't have to talk with the social worker. The end result of either of these scenarios is that the social worker will not be able to provide information to the court as to the parent's willingness to work/acknowledgement of the need for placement, etc.

7. Phrases such as "whenever the terms of the protective services are under discussion" and "reasonable accommodations must be made regarding the time and place of meetings" are overly broad.

   a. These phrases could be interpreted to mean that every discussion, even those over the phone, no matter how brief, would require us to provide people enough notice so the parent has time to contact the other person, juggle schedules, etc.

8. Assuming the social worker was able to juggle the schedule, the role of this person is not defined.

   a. Is the person there merely to be a witness
   b. Is the person there to offer "legal" advice or just advice
   c. Is the person there to answer for or speak on behalf on the parent.
   d. Is there any limit on how many times a parent may decide to bring a different "other person" to meetings/discussions with the social worker?

e. Where does this "other person's" role begin and end?

Ultimately we have to ask ourselves is this in the **best interest of the child.**

9. There is an underlying assumption that having the other person present is a good thing. This is not necessarily the case. Frequently the social worker has been forced to ask a disruptive companion to leave or ask the companion to stop interfering with the social worker's ability to work with the parent.

10. Social worker has an obligation to protect the confidentiality of the child and the other parent. Therefore, while the parent bringing the other person could sign a release as to him/herself, the social worker would constantly have to assess what information could be shared in the presence of the other person and what information couldn't be shared. Because of this, the freeflow of information could be impeded.

Currently social workers frequently advise parents that they may have a friend or relative present when the worker meets with them.

a. There is a significant difference in the worker telling the parent they **may** have another person present and informing the parent they **have the right** to have another person present.

b. Requiring the social worker to inform the parent s/he has the right to have another person present comes dangerously close to imposing a criminal "Miranda Warning" standard on social workers.

For these reasons I urge you please vote "do not pass" on SB 308