

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5916

Chapter 340, Laws of 1991

52nd Legislature
1991 Regular Session

SOCIAL AND HEALTH SERVICES DEPARTMENT--GRIEVANCE PROCEDURES

EFFECTIVE DATE: 5/21/91

Passed by the Senate April 25, 1991
Yeas 38 Nays 0

ALAN BLUECHEL
President of the Senate

Passed by the House April 19, 1991
Yeas 98 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 21, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5916** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 21, 1991 - 11:08 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5916

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Talmadge, L. Smith and Stratton).

Read first time March 6, 1991.

1 AN ACT Relating to the department of social and health services;
2 amending RCW 13.34.110 and 74.13.280; adding a new section to chapter
3 74.13 RCW; creating a new section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 provide timely, thorough, and fair procedures for resolution of
7 grievances of clients, foster parents, and the community resulting from
8 decisions made by the department of social and health services related
9 to programs administered pursuant to this chapter. Grievances should
10 be resolved at the lowest level possible. However, all levels of the
11 department should be accountable and responsible to individuals who are
12 experiencing difficulties with agency services or decisions. It is the
13 intent of the legislature that grievance procedures be made available
14 to individuals who do not have other remedies available through
15 judicial review or adjudicative proceedings.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 The department shall develop and implement an informal,
4 nonadversarial complaint resolution process to be used by clients of
5 the department, foster parents, and other affected individuals who have
6 complaints regarding a department policy or procedure, or the
7 application of such a policy or procedure, related to programs
8 administered under this chapter. The process shall not apply in
9 circumstances where the complainant has the right under Title 13, 26,
10 or 74 RCW to seek resolution of the complaint through judicial review
11 or through an adjudicative proceeding.

12 Nothing in this section shall be construed to create substantive or
13 procedural rights in any person. Participation in the complaint
14 resolution process shall not entitle any person to an adjudicative
15 proceeding under chapter 34.05 RCW or to superior court review.
16 Participation in the process shall not affect the right of any person
17 to seek other statutorily or constitutionally permitted remedies.

18 The department shall develop procedures to assure that clients and
19 foster parents are informed of the availability of the complaint
20 resolution process and how to access it. The department shall
21 incorporate information regarding the complaint resolution process into
22 the training for foster parents and caseworkers.

23 The department shall compile complaint resolution data including
24 the nature of the complaint and the outcome of the process. The
25 department shall submit semi-annual reports, due January and July of
26 each year, beginning July 1992, to the senate children and family
27 services committee and the house of representatives human services
28 committee.

1 **Sec. 3.** RCW 13.34.110 and 1983 c 311 s 4 are each amended to read
2 as follows:

3 The court shall hold a fact-finding hearing on the petition and,
4 unless the court dismisses the petition, shall make written findings of
5 fact, stating the reasons therefor, and after it has announced its
6 findings of fact shall hold a hearing to consider disposition of the
7 case immediately following the fact-finding hearing or at a continued
8 hearing within fourteen days or longer for good cause shown. The
9 parties need not appear at the fact-finding or dispositional hearing if
10 all are in agreement; but the court shall receive and review a social
11 study before entering an order based on agreement. No social file or
12 social study may be considered by the court in connection with the
13 fact-finding hearing or prior to factual determination, except as
14 otherwise admissible under the rules of evidence. Notice of the time
15 and place of the continued hearing may be given in open court. If
16 notice in open court is not given to a party, that party shall be
17 notified by mail of the time and place of any continued hearing.

18 All hearings may be conducted at any time or place within the
19 limits of the county, and such cases may not be heard in conjunction
20 with other business of any other division of the superior court. The
21 general public shall be excluded, and only such persons may be admitted
22 who are found by the judge to have a direct interest in the case or in
23 the work of the court. If a child resides in foster care or in the
24 home of a relative pursuant to a disposition order entered under RCW
25 13.34.130, the court may allow the child's foster parent or relative
26 care provider to attend dependency review proceedings pertaining to the
27 child for the sole purpose of providing information about the child to
28 the court.

1 Stenographic notes or any device which accurately records the
2 proceedings may be required as provided in other civil cases pursuant
3 to RCW 2.32.200.

4 **Sec. 4.** RCW 74.13.280 and 1990 c 284 s 10 are each amended to read
5 as follows:

6 (1) Except as provided in RCW 70.24.105, whenever a child is placed
7 in out-of-home care by the department or a child-placing agency, the
8 department or agency may share information about the child and the
9 child's family with the care provider and may consult with the care
10 provider regarding the child's case plan. If the child is dependent
11 pursuant to a proceeding under chapter 13.34 RCW, the department or
12 agency shall keep the care provider informed regarding the dates and
13 location of dependency review hearings pertaining to the child.

14 (2) Any person who receives information about a child or a child's
15 family pursuant to this section shall keep the information confidential
16 and shall not further disclose or disseminate the information except as
17 authorized by law.

18 (3) Nothing in this section shall be construed to limit the
19 authority of the department or child-placing agencies to disclose
20 client information or to maintain client confidentiality as provided by
21 law.

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

Passed the Senate April 25, 1991.
Passed the House April 19, 1991.
Approved by the Governor May 21, 1991.
Filed in Office of Secretary of State May 21, 1991.