

HOUSE BILL REPORT

HB 2856

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to establishing the office of the child, youth, and family ombudsman.

Brief Description: Establishing the office of the child, youth, and family ombudsman.

Sponsors: Representatives Cooke, D. Schmidt, Wolfe, Reams, Tokuda, Chopp, Stevens, Costa, Mulliken, Hymes, Hatfield, Silver, Scheuerman, Kessler, Conway and Cole; by request of Governor Lowry.

Brief History:

Committee Activity:

Children & Family Services: 1/30/96, 2/1/96 [DPS];

Appropriations: 2/3/96 [DP2S(w/o sub CFS)].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Dickerson; Patterson and Sterk.

Staff: Dave Knutson (786-7146).

Background: In September 1995, the Governor convened a child protection roundtable to advise him on the problems related to protecting children. One of the recommended options to increase the safety of children and improve the effectiveness of the Department of Social and Health Services (DSHS) was to create an independent ombudsman. The ombudsman's duties would be to identify problems in the child protection and welfare system and assist children, youth, and families who are experiencing problems with DSHS or state-licensed facilities.

Several other states have established an ombudsman office to address issues related to state services for children and families. Washington State has created other

ombudsman offices to provide assistance in issues related to long-term care, small businesses, and mobile home parks.

The Governor's 1996 supplemental budget request includes \$343,000 for the ombudsman.

Summary of Substitute Bill: The Office of Children, Youth and Family Ombudsman is established in the Office of the Governor. The purpose of the ombudsman is to monitor and ensure that DSHS and state-licensed facilities comply with statutory requirements relating to children and families. The ombudsman is appointed by the Governor for a three-year term. The appointment requires confirmation by the Senate.

The ombudsman's specific duties include providing information relating to children and family services to the public; investigating cases involving DSHS or state-licensed agencies; monitoring practices and procedures; conducting periodic review of all state institutions and licensed facilities; reviewing investigative reports of children who die while receiving DSHS services; and recruiting and training volunteers to assist the ombudsman. The ombudsman must report to the Governor and Legislature annually.

The ombudsman's powers include the right to subpoena DSHS records, appoint advisory committees, hire independent counsel, mediate disputes, and submit budgetary and legislative recommendations to the Governor. The ombudsman's investigations and records are confidential and may be disclosed only as necessary to perform his or her duties.

The DSHS and child-placing agencies must (1) upon request, give the ombudsman access to their records; (2) consider the ombudsman's findings and recommendations; (3) state their reasons for not accepting those findings or recommendations; and (4) provide progress reports upon request.

Substitute Bill Compared to Original Bill: References to youth are removed from the legislation. The ombudsman will focus on issues affecting children and families. Other technical wording changes are made.

Appropriation: None.

Fiscal Note: Requested on January 24, 1996.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Children and families need an independent ombudsman to investigate actions by the Department of Social and Health Services. An independent

ombudsman can respond to concerns of parents, children, the Legislature, and the Governor.

Testimony Against: None presented.

Testified: (Pro) Vickie Wahlin, citizen; Rebecca Cruz, Washington Association for the Education of Young Children; Margaret Casey, WSCC; Laurie Lippold, Children's Home Society; and Peter Berliner, Children's Alliance.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 28 members: Representatives Huff, Chairman; Clements, Vice Chairman; Pelesky, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Dyer; Foreman; Grant; Hargrove; Hickel; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

Staff: Beth Redfield (786-7130).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: The bill is made null and void if not specifically referenced in the omnibus supplemental appropriations act by July 1, 1996.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill has an emergency clause for Sections 2 through 6, 13, and 17, which take effect immediately. Sections 1, 7 through 12, 14 through 16, 18, and 19 are effective January 1, 1997. However, the bill is null and void unless funded in the budget.

Testimony For: This legislation is the result of a bipartisan effort. Its objectives are to increase agency responsiveness and to make sure clients receive information on their rights and responsibilities.

Testimony Against: None.

Testified: Vicki Wallen, Office of the Governor.