
ENGROSSED SUBSTITUTE HOUSE BILL 2226

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Mulliken, D. Sommers, Carrell, Campbell, Horn, L. Thomas, Sheahan, D. Schmidt, Elliot, Johnson, Thompson, Stevens, Goldsmith and Backlund)

Read first time 02/02/96.

1 AN ACT Relating to state government reorganization; amending RCW
2 72.09.040 and 43.17.020; reenacting and amending RCW 43.17.010; adding
3 a new section to chapter 41.06 RCW; adding a new section to chapter
4 72.09 RCW; adding a new section to chapter 43.43 RCW; adding new
5 chapters to Title 43 RCW; creating new sections; providing an effective
6 date; providing an expiration date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the department of
9 social and health services is required to perform an overwhelming
10 number of responsibilities. Due to this, the department of social and
11 health services has grown to an unmanageable and unwieldy bureaucracy
12 that cannot function effectively and must be reorganized. The
13 legislature finds a study is warranted of the long-term effects and
14 advantages of locally designed and administered social service programs
15 presently administered by the state. The legislature recognizes that
16 pending changes in federal law may impact organization and necessitate
17 the amendment of any reorganization plan. In the meantime, it is the
18 intent of the legislature to have a task force created by this act
19 specifically review the potential for dividing the department of social

1 and health services into the three new departments of medical
2 assistance, transitional services, and long-term care and health, and
3 report back to the legislature by November 1, 1997. It is also the
4 intent of the legislature to consider the elimination of the executive
5 division of the department of social and health services, including but
6 not limited to the office of the secretary. The legislature recognizes
7 that many recipients of services from the department of social and
8 health services receive those services from more than one division of
9 the agency. The legislature intends that proper linkage between the
10 new and existing departments of government will be established so
11 clients will continue to be served through effective means.

12 NEW SECTION. **Sec. 2.** (1) A bipartisan task force is created to
13 develop specific policy recommendations concerning restructuring the
14 department of social and health services by transferring its functions
15 to new or existing agencies. The task force shall have eighteen
16 members, twelve of whom are legislative members. The legislative
17 members of the task force shall be composed of the following twelve
18 members: The speaker of the house of representatives or the speaker's
19 designated representative and the president of the senate or the
20 president's designated representative; three representatives from the
21 majority caucus in the house of representatives to be appointed by the
22 speaker of the house of representatives and three representatives from
23 the majority caucus of the senate to be appointed by the president; and
24 two representatives from the minority caucus in the house of
25 representatives to be appointed by the speaker of the house of
26 representatives and two representatives from the minority caucus in the
27 senate to be appointed by the president. The governor shall appoint
28 the six remaining members, one of whom shall be designated chair with
29 approval of the speaker of the house of representatives and the
30 president of the senate. The gubernatorial appointees may include
31 individuals served by the department of social and health services as
32 clients and individuals within the department of social and health
33 services performing caseworker or first-level supervisory functions as
34 well as contractors and vendors. The gubernatorial appointees shall
35 serve at the pleasure of the governor. Staffing for the task force
36 shall be provided by the house office of program research and senate
37 committee services.

1 (2) Task force members shall serve without pay. Nonlegislative
2 members shall be paid travel expenses incurred in their travel to and
3 from meetings of the task force and while attending meetings of the
4 task force in accordance with RCW 43.03.050 and 43.03.060. Legislative
5 members shall be paid travel expenses incurred in their travel to and
6 from meetings of the task force and while attending meetings of the
7 task force in accordance with RCW 44.04.120.

8 (3) The task force shall examine the existing functions and
9 responsibilities of the department of social and health services and
10 recommend their transfer into the new departments established under
11 this act, or propose alternative methods of restructuring the
12 department of social and health services into separate or existing
13 state agencies. Further, the task force shall:

14 (a) Examine all health care functions within the department of
15 social and health services together with related health care functions
16 elsewhere in state government including the department of health and
17 the state health care authority; consider integration of those
18 functions into a single or separate agencies or other alternatives;

19 (b) Examine the juvenile rehabilitation administration functions;
20 consider whether to transfer them to the new department of children and
21 family services, or to a new independent department of juvenile
22 rehabilitation, or divide the functions between the department of
23 corrections and the new department of children and family services; and
24 consider other alternatives, including but not limited to, transitional
25 facilities for young offenders going from juvenile rehabilitation
26 settings to correctional facilities;

27 (c) Examine child protective service functions; recommend
28 structures that would continue them with the new department of children
29 and family services, or require a separate independent agency, or other
30 alternatives;

31 (d) Review the department of social and health services economic
32 services administration; recommend transferring those functions to a
33 new agency, or combine it with the employment security department or
34 other alternatives;

35 (e) Examine the restructuring of the department of social and
36 health services in this act and recommendations of the task force as to
37 their impact upon more effective local service delivery systems;
38 recommend how to continue the interrelationship between state and local
39 nonprofit organizations in a cost-effective manner; and

1 (f) Examine the licensing and placement functions within the
2 children's administration; recommend alternative structures to
3 eliminate conflicting pressure of ensuring a child's health and safety,
4 and the placement requirements for abused and neglected children.

5 (4) By November 1, 1997, the task force shall submit to the
6 legislature recommendations for proposed legislation implementing the
7 task force recommendations of the committee for the restructuring of
8 the department of social and health services.

9 (5) The task force shall terminate June 30, 1998, unless further
10 extended by legislative act.

11 **PART 1**

12 **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

13 NEW SECTION. **Sec. 101.** Unless the context clearly requires
14 otherwise, the definitions in this section apply throughout this
15 chapter.

16 (1) "Department" means the department of children and family
17 services.

18 (2) "Director" means the director of children and family services.

19 NEW SECTION. **Sec. 102.** There is hereby created a department of
20 state government to be known as the department of children and family
21 services. The department shall be vested with all powers and duties
22 transferred to it under this chapter and such other powers and duties
23 as may be authorized by law.

24 NEW SECTION. **Sec. 103.** (1)(a) All powers, duties, and functions
25 of the department of social and health services pertaining to children
26 and family services are transferred to the department of children and
27 family services. This includes all functions performed by the
28 children's administration, including children's protective services, as
29 it exists on July 1, 1996. All references to the secretary or the
30 department of social and health services in the Revised Code of
31 Washington shall be construed to mean the director or the department of
32 children and family services when referring to the functions
33 transferred in this section.

34 (b) All powers, duties, and functions of the department of
35 community, trade, and economic development pertaining to early

1 childhood education assistance programs, head start programs, and youth
2 violence contracts are transferred to the department of children and
3 family services. All references to the director or the department of
4 community, trade, and economic development in the Revised Code of
5 Washington shall be construed to mean the director or the department of
6 children and family services when referring to the functions
7 transferred in this section.

8 (2)(a) All reports, documents, surveys, books, records, files,
9 papers, or written material in the possession of the department of
10 social and health services or the department of community, trade, and
11 economic development pertaining to the powers, functions, and duties
12 transferred shall be delivered to the custody of the department of
13 children and family services. All cabinets, furniture, office
14 equipment, motor vehicles, and other tangible property employed by the
15 department of social and health services or the department of
16 community, trade, and economic development in carrying out the powers,
17 functions, and duties transferred shall be made available to the
18 department of children and family services. All funds, credits, or
19 other assets held in connection with the powers, functions, and duties
20 transferred shall be assigned to the department of children and family
21 services.

22 (b) Any appropriations made to the department of social and health
23 services or the department of community, trade, and economic
24 development for carrying out the powers, functions, and duties
25 transferred shall, on the effective date of this section, be
26 transferred and credited to the department of children and family
27 services.

28 (c) Whenever any question arises as to the transfer of any funds,
29 books, documents, records, papers, files, equipment, or other tangible
30 property used or held in the exercise of the powers and the performance
31 of the duties and functions transferred, the director of financial
32 management shall make a determination as to the proper allocation and
33 certify the same to the state agencies concerned.

34 (3) All rules and all pending business before the department of
35 social and health services or the department of community, trade, and
36 economic development pertaining to the powers, functions, and duties
37 transferred shall be continued and acted upon by the department of
38 children and family services. All existing contracts and obligations

1 shall remain in full force and shall be performed by the department of
2 children and family services.

3 (4) The transfer of the powers, duties, and functions of the
4 department of social and health services and the department of
5 community, trade, and economic development shall not affect the
6 validity of any act performed before the effective date of this
7 section.

8 (5) If apportionments of budgeted funds are required because of the
9 transfers directed by this section, the director of financial
10 management shall certify the apportionments to the agencies affected,
11 the state auditor, and the state treasurer. Each of these shall make
12 the appropriate transfer and adjustments in funds and appropriation
13 accounts and equipment records in accordance with the certification.

14 (6) Nothing contained in this section may be construed to alter any
15 existing collective bargaining unit or the provisions of any existing
16 collective bargaining agreement until the agreement has expired or
17 until the bargaining unit has been modified by action of the personnel
18 board as provided by law.

19 NEW SECTION. **Sec. 104.** The executive head and appointing
20 authority of the department shall be the director. The director shall
21 be appointed by the governor, with the consent of the senate, and shall
22 serve at the pleasure of the governor. The director shall be paid a
23 salary to be fixed by the governor in accordance with RCW 43.03.040.
24 If a vacancy occurs in the position while the senate is not in session,
25 the governor shall make a temporary appointment until the next meeting
26 of the senate.

27 NEW SECTION. **Sec. 105.** (1) The director may create such
28 administrative structures as the director considers appropriate, except
29 as otherwise specified by law. In creating administrative structures,
30 the director shall endeavor to promote efficient public management, to
31 improve programs, and to take full advantage of the economies, both
32 fiscal and administrative, to be gained from the consolidation of
33 functions.

34 (2) The director may appoint assistant directors as may be needed
35 to administer the department. The director may employ such personnel
36 as may be necessary for the administration of the department. This

1 employment shall be in accordance with the state civil service law,
2 chapter 41.06 RCW, except as otherwise provided.

3 (3) Any power or duty vested in or transferred to the director by
4 law or executive order may be delegated by the director to any officer
5 or employee; but the director shall be responsible for the official
6 acts of the officers and employees of the department.

7 NEW SECTION. **Sec. 106.** The director may appoint such advisory
8 committees or councils as required by any federal legislation as a
9 condition to the receipt of federal funds by the department. The
10 director may also appoint state-wide committees or councils on such
11 subject matters as are or come within the department's
12 responsibilities. The state-wide committees and councils shall have
13 representation from both major political parties and shall have
14 substantial consumer representation. The committees or councils shall
15 be constituted as required by federal law or as the director may
16 determine. The members of the committees or councils shall hold office
17 as follows: One-third to serve one year; one-third to serve two years;
18 and one-third to serve three years. Upon expiration of the original
19 terms, subsequent appointments shall be for three years except in the
20 case of a vacancy, in which event appointment shall be only for the
21 remainder of the unexpired term for which the vacancy occurs. No
22 member may serve more than two consecutive terms.

23 Members of state advisory committees or councils created under this
24 section may be paid their travel expenses in accordance with RCW
25 43.03.050 and 43.03.060.

26 NEW SECTION. **Sec. 107.** In furtherance of the policy of the state
27 to cooperate with the federal government in all of the programs under
28 the jurisdiction of the department, such rules as may become necessary
29 to entitle the state to participate in federal funds may be adopted,
30 unless expressly prohibited by law. Any internal reorganization
31 carried out under the terms of this chapter shall meet federal
32 requirements that are a necessary condition to state receipt of federal
33 funds. Any section or provision of law dealing with the department
34 that may be susceptible to more than one construction shall be
35 interpreted in favor of the construction most likely to comply with
36 federal laws entitling this state to receive federal funds for the
37 various programs of the department. If any law dealing with the

1 department is ruled to be in conflict with federal requirements that
2 are a prescribed condition of the allocation of federal funds to the
3 state, or to any departments or agencies thereof, the conflicting part
4 is inoperative solely to the extent of the conflict.

5 NEW SECTION. **Sec. 108.** A new section is added to chapter 41.06
6 RCW to read as follows:

7 In addition to the exemptions under RCW 41.06.070, the provisions
8 of this chapter shall not apply in the department of children and
9 family services to the director, the director's personal secretary, all
10 assistant directors, and one confidential secretary for each assistant
11 director.

12 **PART 2**

13 **TRANSFER OF JUVENILE REHABILITATION TO THE DEPARTMENT**
14 **OF CORRECTIONS AND THE DEPARTMENT OF**
15 **CHILDREN AND FAMILY SERVICES**

16 NEW SECTION. **Sec. 201.** A new section is added to chapter 72.09
17 RCW to read as follows:

18 (1) All powers, duties, and functions of the department of social
19 and health services pertaining to juvenile rehabilitation and the
20 juvenile justice system are transferred to the department of
21 corrections and to the department of children and family services in
22 accordance with the provisions of this section. The first
23 implementation plan required by section 304 of this act shall include
24 allocation details of all administrative functions of the juvenile
25 rehabilitation administration to the department of children and family
26 services and the department of corrections. The legislature intends
27 that: (a) The plan take into account recommendations from interested
28 individuals, as well as state and local agencies; and (b) the plan
29 incorporate the functions of treatment and sentencing provisions of law
30 as of July 1, 1997, over juvenile offenders including, but not limited
31 to juvenile rehabilitation and the juvenile justice system. This
32 includes all functions performed by the juvenile rehabilitation
33 administration as it exists on June 30, 1997. All references to the
34 secretary or the department of social and health services in the
35 Revised Code of Washington shall be construed to mean the secretary or
36 the department of corrections or the director or the department of

1 children and family services when referring to the functions
2 transferred in this section.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the department of
5 social and health services pertaining to the powers, functions, and
6 duties transferred shall be delivered to the custody of the department
7 of corrections or the department of children and family services, as
8 determined by the office of financial management. All cabinets,
9 furniture, office equipment, motor vehicles, and other tangible
10 property employed by the department of social and health services in
11 carrying out the powers, functions, and duties transferred shall be
12 made available to either the department of corrections or the
13 department of children and family services, as determined by the office
14 of financial management. All funds, credits, or other assets held in
15 connection with the powers, functions, and duties transferred shall be
16 assigned to the department of corrections or the department of children
17 and family services, as determined by the office of financial
18 management.

19 (b) Any appropriations made to the department of social and health
20 services for carrying out the powers, functions, and duties transferred
21 shall, on the effective date of this section, be transferred and
22 credited between the department of corrections and the department of
23 children and family services, as determined by the office of financial
24 management.

25 (c) Whenever any question arises as to the transfer of any funds,
26 books, documents, records, papers, files, equipment, or other tangible
27 property used or held in the exercise of the powers and the performance
28 of the duties and functions transferred, the director of financial
29 management shall make a determination as to the proper allocation and
30 certify the same to the state agencies concerned.

31 (3) All rules and all pending business before the department of
32 social and health services pertaining to the powers, functions, and
33 duties transferred shall be continued and acted upon by either the
34 department of corrections or the department of children and family
35 services, as determined by the office of financial management. All
36 existing contracts and obligations shall remain in full force and shall
37 be performed by the department of corrections or the department of
38 children and family services, as determined by the office of financial
39 management.

1 (4) The transfer of the powers, duties, and functions of the
2 department of social and health services shall not affect the validity
3 of any act performed before the effective date of this section.

4 (5) If apportionments of budgeted funds are required because of the
5 transfers directed by this section, the director of financial
6 management shall certify the apportionments to the agencies affected,
7 the state auditor, and the state treasurer. Each of these shall make
8 the appropriate transfer and adjustments in funds and appropriation
9 accounts and equipment records in accordance with the certification.

10 (6) Nothing contained in this section may be construed to alter any
11 existing collective bargaining unit or the provisions of any existing
12 collective bargaining agreement until the agreement has expired or
13 until the bargaining unit has been modified by action of the personnel
14 board as provided by law.

15 **Sec. 202.** RCW 72.09.040 and 1981 c 136 s 4 are each amended to
16 read as follows:

17 All powers, duties, and functions assigned to the secretary of
18 social and health services and to the department of social and health
19 services relating to adult correctional programs and institutions are
20 hereby transferred to the secretary of corrections and to the
21 department of corrections. ~~((Except as may be specifically provided,
22 all functions of the department of social and health services relating
23 to juvenile rehabilitation and the juvenile justice system shall remain
24 in the department of social and health services. Where functions of
25 the department of social and health services and the department of
26 corrections overlap in the juvenile rehabilitation and/or juvenile
27 justice area, the governor may allocate such functions between these
28 departments.~~

29 ~~The secretaries of the department of social and health services and
30 the department of corrections shall submit to the 1983 session of the
31 Washington state legislature a joint report which addresses the
32 question of in which agency juvenile rehabilitation and state level
33 juvenile justice programs should be located.))~~

34 **PART 3**

35 **GENERAL DEPARTMENTAL PROVISIONS**

1 **Sec. 301.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
2 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

3 There shall be departments of the state government which shall be
4 known as (1) the department of social and health services, (2) the
5 department of ecology, (3) the department of labor and industries, (4)
6 the department of agriculture, (5) the department of fish and wildlife,
7 (6) the department of transportation, (7) the department of licensing,
8 (8) the department of general administration, (9) the department of
9 community, trade, and economic development, (10) the department of
10 veterans affairs, (11) the department of revenue, (12) the department
11 of retirement systems, (13) the department of corrections, ((and)) (14)
12 the department of health, ((and)) (15) the department of financial
13 institutions, and (16) the department of children and family services
14 which shall be charged with the execution, enforcement, and
15 administration of such laws, and invested with such powers and required
16 to perform such duties, as the legislature may provide.

17 **Sec. 302.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each
18 amended to read as follows:

19 There shall be a chief executive officer of each department to be
20 known as: (1) The secretary of social and health services, (2) the
21 director of ecology, (3) the director of labor and industries, (4) the
22 director of agriculture, (5) the director of fish and wildlife, (6) the
23 secretary of transportation, (7) the director of licensing, (8) the
24 director of general administration, (9) the director of community,
25 trade, and economic development, (10) the director of veterans affairs,
26 (11) the director of revenue, (12) the director of retirement systems,
27 (13) the secretary of corrections, ((and)) (14) the secretary of
28 health, ((and)) (15) the director of financial institutions, and (16)
29 the director of children and family services.

30 Such officers, except the secretary of transportation and the
31 director of fish and wildlife, shall be appointed by the governor, with
32 the consent of the senate, and hold office at the pleasure of the
33 governor. The secretary of transportation shall be appointed by the
34 transportation commission as prescribed by RCW 47.01.041. The director
35 of fish and wildlife shall be appointed by the fish and wildlife
36 commission as prescribed by RCW 77.04.055.

1 NEW SECTION. **Sec. 303.** A new section is added to chapter 43.43
2 RCW to read as follows:

3 (1) All powers, duties, and functions of the department of social
4 and health services pertaining to the office of special investigations
5 are transferred in accordance with the following provisions. Program
6 fraud investigations and internal investigations are transferred to the
7 Washington state patrol. However, local law enforcement agencies shall
8 have the option of contracting for these program fraud
9 responsibilities. Such agreements may be based on the interlocal
10 cooperation act, chapter 39.34 RCW, or other statutory authority of
11 single or joint law enforcement agencies. All references to the
12 secretary or the department of social and health services in the
13 Revised Code of Washington shall be construed to mean the chief of the
14 Washington state patrol when referring to the functions transferred in
15 this subsection (1)(e).

16 (2)(a) All reports, documents, surveys, books, records, files,
17 papers, or written material in the possession of the department of
18 social and health services pertaining to the powers, functions, and
19 duties transferred shall be delivered to the custody of the Washington
20 state patrol. All cabinets, furniture, office equipment, motor
21 vehicles, and other tangible property employed by the department of
22 social and health services in carrying out the powers, functions, and
23 duties transferred shall be made available to the Washington state
24 patrol. All funds, credits, or other assets held in connection with
25 the powers, functions, and duties transferred shall be assigned to the
26 Washington state patrol.

27 (b) Any appropriations made to the department of social and health
28 services for carrying out the powers, functions, and duties transferred
29 shall, on the effective date of this section, be transferred and
30 credited to the Washington state patrol.

31 (c) Whenever any question arises as to the transfer of any funds,
32 books, documents, records, papers, files, equipment, or other tangible
33 property used or held in the exercise of the powers and the performance
34 of the duties and functions transferred, the director of financial
35 management shall make a determination as to the proper allocation and
36 certify the same to the state agencies concerned.

37 (3) All rules and all pending business before the department of
38 social and health services pertaining to the powers, functions, and
39 duties transferred shall be continued and acted upon by the Washington

1 state patrol. All existing contracts and obligations shall remain in
2 full force and shall be performed by the Washington state patrol.

3 (4) The transfer of the powers, duties, and functions of the
4 department of social and health services identified in subsection (1)
5 of this section shall not affect the validity of any act performed
6 before the effective date of this section.

7 (5) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 (6) Nothing contained in this section may be construed to alter any
14 existing collective bargaining unit or the provisions of any existing
15 collective bargaining agreement until the agreement has expired or
16 until the bargaining unit has been modified by action of the personnel
17 board as provided by law.

18 NEW SECTION. **Sec. 304.** (1) The director of the office of
19 financial management, the secretary of the department of social and
20 health services, the secretary of the department of corrections, the
21 chief of the Washington state patrol, and the director of the
22 department of community, trade, and economic development shall jointly
23 develop a reorganization implementation plan that restructures the
24 department of social and health services in accordance with this act.
25 The plan shall detail the implementation steps necessary to effectuate
26 the transfer of program fraud to the Washington state patrol with a
27 local option and functions of the juvenile rehabilitation
28 administration to the department of corrections and the new children
29 and family services agency, together with commencement of the operation
30 of this new agency July 1, 1997. The plan shall also address
31 strategies for ensuring collaboration among programs and among the
32 departments.

33 (2) The reorganization implementation plan shall include
34 recommendations for restructuring other functions performed by the
35 department of social and health services, including the functions of:

36 (a) The family policy council;

37 (b) Community and legislative relations; and

1 (c) The divisions of administrative services, information services,
2 finance, budget, employee services, and land and buildings.

3 (3) In developing the recommendations required under subsection
4 (2)(c) of this section, the directors, secretaries, and commissioner
5 shall consult with the directors of the departments of general
6 administration and personnel to ensure that no duplication of functions
7 will occur between the departments of general administration,
8 personnel, corrections, and labor and industries, and the employment
9 security department.

10 (4) The completed reorganization implementation plan shall be
11 submitted to the governor and the appropriate standing committees of
12 the legislature by November 15, 1996.

13 (5) The plan shall include details addressing the following areas
14 of legislative, public, and departmental concerns:

15 (a) Assessment and increased accountability measures over all
16 transferred functions;

17 (b) Quantifiable outcomes for all transferred functions;

18 (c) Equitable cost-effective coordinated service delivery and
19 continuity of care enhancements, including coordination with all
20 relevant service delivery components at the state, local, and private
21 level for the family and individuals in need;

22 (d) Staffing support and caseload management enhancements;

23 (e) Retention of the collocation of facilities wherever
24 economically possible until at least the year 2005, including
25 procedures for client referrals to new departments;

26 (f) Federal requirements, including but not limited to federal
27 reforms and the ability to continue participating to the maximum extent
28 possible in the receipt of federal funds and grants;

29 (g) Promotion of public and private partnerships; and

30 (h) Retention of centralized core administrative services such as
31 payment, financial, and information systems, until at least the year
32 2005.

33 (6) By December 15, 1996, the director of financial management, the
34 secretary of the department of social and health services, the
35 secretary of the department of corrections, the director of the
36 department of community, trade, and economic development, and the chief
37 of the Washington state patrol shall jointly submit to the governor and
38 the appropriate standing committees of the legislature any proposed

1 legislation necessary to implement the reorganization implementation
2 plan.

3 (7) This section expires June 30, 1997.

4 **PART 4**
5 **OFFICE OF CITIZENS' COMPLAINTS**

6 NEW SECTION. **Sec. 401.** The legislature finds citizens who have
7 complaints about children and family services of the state and related
8 operations, licensed by the state, often need an independent review
9 over allegations of abuse, neglect, and fraud concerning such activity
10 and the individuals involved. The office of citizens' complaints
11 established in this chapter meets this need.

12 NEW SECTION. **Sec. 402.** The legislature intends to establish an
13 office that will hear complaints about the operation of the department
14 of children and family services. It is to be established as an
15 independent office of state government.

16 NEW SECTION. **Sec. 403.** (1) The office should:

17 (a) Receive complaints from individuals about children and family
18 services of the state and related operations licensed by the state,
19 investigate the complaints, and make recommendations consistent with
20 this chapter;

21 (b) Conduct, supervise, and provide policy direction for fraud or
22 abuse investigations;

23 (c) Recommend policies and improved systems to prevent fraud or
24 abuse;

25 (d) Recommend policies for improving relationships between federal,
26 state, and local governmental agencies, and nongovernmental entities,
27 with respect to prevention; and detection of fraud or abuse over
28 children and family programs.

29 (2) The office should:

30 (a) Refer to the appropriate prosecuting authority for possible
31 criminal prosecution all investigations where it is concluded there is
32 probable cause to believe a violation of federal or state criminal law
33 has occurred;

34 (b) Review the facilities and procedures of all state institutions
35 serving children and youth; state-licensed group-care facilities as

1 defined in RCW 74.15.020; and overnight youth shelters. The office may
2 also review other state-licensed facilities or residences;

3 (c) Review reports relating to the unexpected deaths of minors
4 receiving children, youth, and family services and develop
5 recommendations as appropriate;

6 (d) Recommend changes in the procedures for addressing children,
7 youth, and family programs.

8 NEW SECTION. **Sec. 404.** The office shall treat all matters under
9 investigation, including the identities of service recipients,
10 complainants, and individuals from whom information is acquired, as
11 confidential, except as far as disclosures may be necessary to enable
12 the office to perform the duties of the office and to support any
13 recommendations resulting from an investigation. However, the office
14 shall honor the request of a service recipient, complainant, or
15 individual from whom information is acquired, or the legal
16 representative of any of these individuals, not to disclose his or her
17 identity. Upon receipt of information that by law is confidential or
18 privileged, the office shall maintain the confidentiality of such
19 information and shall not further disclose or disseminate the
20 information except as provided by applicable state or federal law. An
21 investigative record of the office is confidential, and shall only be
22 used for purposes set forth in this chapter. An investigative record
23 of the office is to be exempt from disclosure under chapter 42.17 RCW.

24 **PART 5**

25 **MISCELLANEOUS**

26 NEW SECTION. **Sec. 501.** Part headings used in this act do not
27 constitute any part of the law.

28 NEW SECTION. **Sec. 502.** Sections 101 through 107 of this act shall
29 constitute a new chapter in Title 43 RCW.

30 NEW SECTION. **Sec. 503.** Sections 401 through 404 of this act shall
31 constitute a new chapter in Title 43 RCW.

32 NEW SECTION. **Sec. 504.** Sections 1, 2, and 304 of this act are
33 necessary for the immediate preservation of the public peace, health,

1 or safety, or support of the state government and its existing public
2 institutions, and shall take effect immediately.

3 NEW SECTION. **Sec. 505.** Sections 101 through 108, 201, 202, and
4 303 of this act shall take effect July 1, 1997.

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