

2556-S

Sponsor(s): House Committee on Children & Family Services
(originally sponsored by Representatives Cooke, Tokuda and O'Brien;
by request of Department of Social and Health Services)

Brief Title: Making changes concerning the federal child abuse
prevention and treatment act.

HB 2556-S - DIGEST

(DIGEST AS ENACTED)

Revises provisions concerning the child abuse prevention and
treatment act and the adoption and safe families act.

VETO MESSAGE ON HB 2556-S

April 3, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections
11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39, Substitute House
Bill No. 2556 entitled:

"AN ACT Relating to amendments concerning the child abuse
prevention and treatment act and the adoption and safe
families act;"

This bill enacts changes in state law required to conform with
federal mandates. It also addresses a number of other matters,
including the Family Policy Council and Community Health and Safety
Networks, citizen review panels for child abuse and neglect, a
definition of "income" within the Basic Health Plan, and dependency
matters related to drug- and alcohol-affected infants and their
mothers.

I have vetoed the following sections of SHB 2556:

Section 11. The 1994 Youth Violence Reduction Act describes
specific roles and responsibilities for the Family Policy Council,
and provides for representation from both the executive and
legislative branches of government. Since the Legislature already
has the authority to exercise its powers of oversight for the
council, it is not necessary to amend the council's structure.

Section 19 describes the requirements for testing an infant
when a physician or nurse caring for the child believes that the
infant was born drug-affected, for notifying DSHS, and for
retaining the infant in a birthing facility or in a pediatric
center during withdrawal. Section 26 is the comparable language
for a newborn suspected of being alcohol-affected. I support the
purposes of these sections. However, there are serious questions
relating to the efficacy of the medical approaches and the
requirements that would be imposed by these sections.

The activities and aims of sections 18, 20, 21, 22, 23, 24,
27, 28 and 39 are defined with reference to sections 19 and 26.
Without these latter two sections, the former sections are left
without purpose.

I have other concerns about the above sections as well. The intent section, section 18, might be read to say that, beginning with the birth of a woman's third child, it is unreasonable to continue efforts to reunify drug-affected babies with that mother. I am certain that the sponsors of this bill did not intend for that interpretation.

Sections 20, 21, 23, 24, 27 and 39 are premised upon a foundation that giving birth to a drug-affected baby is sufficient to establish dependency. This foundation is not supported in RCW 13.34, the dependency statutes. These sections need to be crafted better to work with RCW 13.34. Sections 22 and 28 are contrary to Civil Rule 41(a) which permits a plaintiff to have an action dismissed by the court.

I urge the sponsors of this bill to work with the appropriate medical professional organizations and state agencies to perfect this legislation.

For these reasons, I have vetoed sections 11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39 of Substitute House Bill No. 2556.

With the exception of sections 11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39, Substitute House Bill No. 2556 is approved.

Respectfully submitted,
Gary Locke
Governor