

HOUSE BILL REPORT

HB 2762

As Reported By House Committee On:
Children & Family Services

Title: An act relating to departmental and judicial review of decisions regarding foster children.

Brief Description: Providing for departmental and judicial review of decisions regarding foster children.

Sponsors: Representatives Tokuda, Boldt, Pflug, Kenney and Haigh.

Brief History:

Committee Activity:

Children & Family Services: 1/31/00, 2/3/00 [DPS].

Brief Summary of Substitute Bill

- The bill extends the right to an adjudicative proceeding, and to judicial review, to children, foster children, parents, and foster parents.
- The bill makes explicit that adjudicative proceedings and judicial review are governed by the Administrative Procedure Act.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: Deborah Frazier (786-7152).

Background:

Public assistance applicants or recipients have the right to file a grievance with the Department of Social and Health Services and participate in an adjudicative proceeding governed by the Administrative Procedure Act. Decisions unfavorable to the public assistance applicant, or recipient from the adjudicative proceeding, may be appealed to a judicial review.

Foster parents have access to the administrative hearing process in matters related to payment disputes, findings of abuse and neglect, and licensing disputes. Foster parents currently do not have access to this process for disputes related to the service plan for the child. Foster parents also have the right to participate in dependency reviews in superior court.

Federal law requires that participants in programs funded by Title IV-B (Child Welfare Services) and Title IV-E (Foster Care, Adoption Assistance, Independent Living) of the Social Security Act, whose claims for benefits are denied or are not acted upon promptly, have the opportunity for a fair hearing.

Summary of Substitute Bill:

The bill extends the right to an adjudicative proceeding, and to judicial review, to children, foster children, parents, and foster parents. The bill also makes explicit that adjudicative proceedings and judicial review are governed by the Administrative Procedure Act.

Substitute Bill Compared to Original Bill: The original bill extended the right to an adjudicative proceeding, and to judicial review, to children, foster children, parents, foster parents and other authorized persons responsible for the custody, care, and control of children or foster children.

The substitute bill limits the persons, to whom this right is extended, to children, foster children, parents, and foster parents.

Appropriation: None.

Fiscal Note: Requested on January 24, 2000.

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

Testimony For: Federal law requires that people involved with these programs have access to fair hearings. The administrative hearings process keeps cases out of the court system, because the majority of issues are settled at the hearing level or,

because a request for hearing has been filed, the issues get addressed without a hearing. The bill levels the playing field for parents and foster parents.

Testimony Against: The scope of the bill is very large and the costs associated with the increased workload are not included in the Governor's budget. The department is in compliance with federal law using the processes currently in place.

Testified: (In support) Lisa Brodoff, Seattle University School of Law; Stacie Munro, Lewis County Foster Parents Association; Lori Wheeler, Mason County Foster Parents Association; David Girard, Columbia Legal Services; Bill Orton; Robert Ott; and John Vail.

(Opposed) Jake Romo, Department of Social and Health Services.