

HOUSE BILL REPORT

SSB 6001

As Passed House - Amended:

April 14, 1999

Title: An act relating to the office of the family and children's ombudsman.

Brief Description: Providing for the disclosure of information to the office of the family and children's ombudsman.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Winsley and Rasmussen).

Brief History:

Committee Activity:

Children & Family Services: 3/24/99, 3/31/99 [DPA].

Floor Activity:

Passed House - Amended: 4/14/99, 95-0.

Brief Summary of Substitute Bill (As Amended by House Committee)

- Permits a guardian ad litem and service providers to provide confidential information to the ombudsman.
- Requires the department to provide access to state institutions and relevant information to the ombudsman.
- Prohibits retaliatory action against employees of the Department of Social and Health Services, a contracting agency or a foster parent who provides information to the ombudsman.
- Requires the ombudsman to receive information from a legislator and provide information to a legislator who is assisting a constituent.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Staff: Marilee Scarbrough (786-7196).

Background:

The Office of the Family and Children’s Ombudsman is housed within the Office of the Governor. Its purpose is to promote public awareness and understanding of family and children’s services. Those services include identification of system issues and responsibilities, ensuring compliance with the appropriate laws, rules, and regulations pertaining to family and children’s services.

Summary of Amended Bill:

Language requiring the ombudsman’s office to periodically review facilities and procedures of state institutions serving children is deleted.

The office of the ombudsman is required to receive information from a legislator who is assisting a constituent and to provide information to the legislator regarding the constituent. The legislator may obtain only that information that the constituent might otherwise obtain under law. The legislator must maintain the confidentiality of the information and information about third parties will be redacted.

A contracting agency or service provider of the Department of Social and Health Services (DSHS) that provides counseling, psychological, psychiatric or medical services may release relevant confidential information to the ombudsman. A guardian ad litem may release confidential information, records and reports to the ombudsman in family court, dependency and termination cases.

DSHS shall permit the ombudsman to communicate privately with any child in the department’s custody; allow physical access to state institutions serving children; upon request, allow the ombudsman to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department; and grant the ombudsman access to the Case and Management Information System (CAMIS).

The bill prohibits retaliatory action against employees of DSHS, a contracting agency, a foster parent, or a recipient of family and children’s services for any communication made, or information given or disclosed to aid the Office of the Family and

Children's Ombudsman unless it was given maliciously or in bad faith. The ombudsman may subpoena documents from DSHS.

Employees of the ombudsman's office are not liable for good faith performance of their responsibilities. Communications of the ombudsman related to carrying out their responsibilities are privileged. Disclosure of privileged communication by the attorney general is not a waiver of privilege. The ombudsman shall have the right to apply for, and accept, grants.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill allows guardian ad litem and service providers to provide information to the ombudsman. The department is required to share certain information with the ombudsman's office. This information is currently shared through an interagency agreement. We deleted the language that requires the department to review facilities that serve children. Our office does not have the resources to perform that function.

Testimony Against: None

Testified: (In support) Vicki Wallen, State Office of Family and Children's Ombudsman.