

HOUSE BILL ANALYSIS

SSB 6202

Title: An act relating to conflicts of interest in the placement of children in out-of-home care.

Brief Description: Providing limitations on placement of a child in out-of-home care when a conflict of interest exists.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Stevens, Hargrove, Long, Costa, Fairley, McAuliffe and Winsley).

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: February 22, 2000.

Bill Analysis Prepared by: Tracey Taylor (786-7196).

Background: Recently, the procedures surrounding investigations of child abuse and neglect have been scrutinized and reformed. During the 1999 session, the Legislature passed Senate Bill 5127 which provided guidance to the Department of Social and Health Services (DSHS), law enforcement, prosecution, and local advocacy groups who investigate or interview child victims of alleged sexual abuse. Under this new statute, law enforcement agencies are prohibited from assigning an officer, who is also the child's parent, guardian, or foster parent, to an investigation involving the child.

Summary of Bill: The DSHS is prohibited from placing a child in out-of-home care if there is a conflict of interest with an adult residing in the home. This conflict cannot be waived or deferred by the department under any circumstances.

Conflict of Interest Defined. A conflict of interest occurs when the adult is employed to perform an investigation or has completed an investigation involving an allegation of abuse or neglect of the child. Also, a conflict of interest occurs if the child has been or is likely to be a witness in any cause of action against an adult in the home for abuse or neglect of the child or a sibling of the child, or for wrongful interference with the parent-child relationship.

Investigation Defined. An investigation means the exercise of professional judgement in the review of allegations of abuse or neglect by law enforcement, a state employee or contractor, an attorney and her employees, and mental health professionals.

Suspension and Termination. If there is reasonable cause to believe a department employee has violated the conflict of interest prohibition, the employee shall be immediately suspended. If the department finds, by a preponderance of the evidence, that an employee has indeed violated the conflict of interest restrictions, proceedings to terminate the employee shall be immediately instituted. The employee shall be considered to be discharged for misconduct for the purposes of unemployment compensation eligibility.

If the department has reasonable cause to believe an employee of a department contractor has violated the conflict of interest provisions, the contractor shall be required to immediately remove such employee from a position where the employee has the ability to make or influence placement decisions. If the department finds, by a preponderance of the evidence, that the employee did violate the conflict of interest provisions, the contractor shall be disqualified for employment. In addition, the contractor is required to demonstrate that significant progress has been made in reducing the likelihood that the contractor's employees would violate the conflict of interest prohibitions in order to renew the contract with the department.

Appropriation: None.

Fiscal Note: Available.

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