

SENATE BILL REPORT

SB 6202

As Reported By Senate Committee On:
Human Services & Corrections, January 26, 2000

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: Senators Kohl-Welles, Stevens, Hargrove, Long, Costa, Fairley, McAuliffe and Winsley.

Brief History:

Committee Activity: Human Services & Corrections: 1/21/2000, 1/26/2000 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6202 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Staff: Jennifer Strus (786-7484)

Background: SB 5127, passed during the 1999 session, prohibits law enforcement agencies from assigning to an investigation involving a child, an officer who is also the child's parent, guardian, or foster parent. This legislation was passed, in part, to address the conflict of interest issues in the Wenatchee sex cases.

Several months ago, the Department of Social and Health Services temporarily placed a foster child with her former foster parent, who was the officer who investigated most of the Wenatchee cases and against whom the child was likely to be a witness in several lawsuits. SB 6202 is intended to address the potential conflicts of interest that arose in this latest matter.

Summary of Substitute Bill: The Department of Social and Health Services may not place a child in out-of-home care when an adult with whom the child will reside has a conflict of interest. This prohibition may not be waived by the department under any circumstances. A conflict of interest exists when: (1) the adult, as a result of his or her employment, conducts or has conducted an investigation into allegations of abuse or neglect regarding that child; or (2) the child to be placed with the adult has been or is likely to be a witness in any type of court action against that adult. To constitute a conflict, the court action must include either: (1) an allegation of abuse or neglect against the child being placed or that child's sibling; or (2) a claim arising from the wrongful interference with the parent-child relationship of the child and his or her biological parents.

It is clarified that no child may remain in a foster home if a conflict of interest exists. The term investigation— is defined. The Secretary of the Department of Social and Health Services is required to immediately suspend an employee who violates the conflict of interest provisions and move to terminate his or her employment. The same provisions apply to any employee of a contractor. Anyone discharged from employment for violating the conflict of interest provisions shall not be eligible for unemployment compensation.

Substitute Bill Compared to Original Bill: The original language is retained. An enforcement method for employees and contractors who violate the conflict of interest provisions is added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: There should be some check on the power of DSHS to place children in foster homes where a foster parent has a conflict of interest.

Testimony Against: There might be situations in which it is in the child's best interests to place him or her with a person with a conflict of interest and DSHS should have some flexibility to do so.

Testified: Robert Roberson (pro); Melinda Everett (pro); Vickie Waller, OFCO (neutral); Peggy Brown, DSHS (con).