

2 **HB 1102** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 04/11/01

5 Beginning on page 2, line 32, strike all of section 4 and insert
6 the following:

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
8 to read as follows:

9 (1) No child may be placed or remain in a specific out-of-home
10 placement under this chapter or chapter 13.34 RCW when there is a
11 conflict of interest on the part of any adult residing in the home in
12 which the child is to be or has been placed. A conflict of interest
13 exists when:

14 (a) There is an adult in the home who, as a result of: (i) His or
15 her employment; and (ii) an allegation of abuse or neglect of the
16 child, conducts or has conducted an investigation of the allegation; or

17 (b) The child has been, is, or is likely to be a witness in any
18 pending cause of action against any adult in the home when the cause
19 includes: (i) An allegation of abuse or neglect against the child or
20 any sibling of the child; or (ii) a claim of damages resulting from
21 wrongful interference with the parent-child relationship of the child
22 and his or her biological or adoptive parent.

23 (2) For purposes of this section, "investigation" means the
24 exercise of professional judgment in the review of allegations of abuse
25 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
26 or under contract with, the state; (c) persons licensed to practice law
27 and their employees; and (d) mental health professionals as defined in
28 chapter 71.05 RCW.

29 (3) The prohibition set forth in subsection (1) of this section may
30 not be waived or deferred by the department under any circumstance or
31 at the request of any person, regardless of who has made the request or
32 the length of time of the requested placement.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
34 to read as follows:

1 (1) When the secretary has reasonable cause to believe that an
2 employee has knowingly violated the conflict of interest provisions in
3 section 4 of this act, notwithstanding any rule adopted under chapter
4 41.06 RCW, the secretary shall immediately suspend the employee.

5 (2) The secretary shall immediately institute proceedings to
6 terminate the employment of any person who is found by the department,
7 based upon a preponderance of the evidence, to have knowingly violated
8 the conflict of interest provisions in section 4 of this act.

9 (3) When the secretary has reasonable cause to believe that the
10 employee of a contractor has knowingly violated the conflict of
11 interest provisions in section 4 of this act, the secretary shall
12 require the employee of a contractor to be immediately removed from any
13 employment position which would permit the employee to make or
14 influence placement decisions.

15 (4) The secretary shall disqualify for employment with a contractor
16 in any position which would permit the employee to make or influence
17 placement decisions, any person who is found by the department, based
18 upon a preponderance of evidence, to have knowingly violated the
19 conflict of interest provisions of section 4 of this act.

20 (5) The secretary, when considering the renewal of a contract with
21 a contractor who has taken action under subsection (3) or (4) of this
22 section, shall require the contractor to demonstrate that there has
23 been significant progress made in reducing the likelihood that the
24 contractor's employees would knowingly violate the conflict of interest
25 provisions in section 4 of this act. The secretary shall not renew a
26 contract unless he or she determines that significant progress has been
27 made.

28 (6) For purposes of RCW 50.20.060, a person terminated under this
29 section shall be considered discharged for misconduct."

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33 On page 1, at the beginning of line 2 of the title, strike "and
34 74.13.330"

EFFECT: Incorporates SSB 5049 (known as the Perez II bill). This amendment prohibits the Department of Social and Health Services from placing a child in a home where an adult in the home has investigated allegations of abuse or neglect of the child.

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