

SENATE BILL REPORT

HB 1102

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 2001

Title: An act relating to foster parents' rights.

Brief Description: Regarding rights of foster parents.

Sponsors: By Representatives Boldt, Woods and Clements.

Brief History:

Committee Activity: Human Services & Corrections: 3/22/01, 3/30/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Edith Rice (786-7444)

Background: Some foster parents have the perception that they will experience reprisal from employees of the Department of Social and Health Services (DSHS) if they disagree with the care plan established for a child in their care, attempt to adopt a foster child, file a complaint, or seek to understand their rights as foster parents.

Summary of Amended Bill: Employees of the Department of Social and Health Services are prohibited from retaliating or discriminating against foster parents. References to within available resources– are deleted with regard to departmental sharing of information with the foster child's caregivers and consulting with them in the development of the child's case plan. 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 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 must immediately suspend an employee who knowingly 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 knowingly violating the conflict of interest provisions is not eligible for unemployment compensation.

Amended Bill Compared to Original 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. A conflict of interest exists when 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Foster parents should be treated with respect by department staff who work in foster care services. Too often information is not shared with foster parents, nor are their opinions sought or valued, in providing a service to needy children. Some foster parents have felt intimidated by agency treatment especially when they advocated on behalf of their foster child. Many foster parents leave service because of the way they are treated, not because they don't want to be foster parents.

Testimony Against: None.

Testified: Cheri Covert, Foster Parent Association of Yakima (pro); Lola Dickens, Foster Parent Association of Yakima (pro); Maudi Scheckert, Foster Parent Association of Yakima (pro); Mary Phillips, foster parent (pro); Lila Rose, foster parent (pro); Nancy Zahn, Department of Social and Health Services (concerns).