

SENATE BILL REPORT

2SHB 2856

As Passed Senate, March 7, 1996

Title: An act relating to establishing the office of the child, youth, and family ombudsman.

Brief Description: Establishing the office of the child, youth, and family ombudsman.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Cooke, D. Schmidt, Wolfe, Reams, Tokuda, Chopp, Stevens, Costa, Mulliken, Hymes, Hatfield, Silver, Scheurman, Kessler, Conway and Cole; by request of Governor Lowry).

Brief History:

Committee Activity: Human Services & Corrections: 2/22/96, 2/23/96 [DPA-WM].

Ways & Means: 3/7/96 [DPA].

Passed Senate, 3/7/96, 49-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow and Zarelli.

Staff: Jodi Walker (786-7464)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

Staff: Susan Lucas (786-7711)

Background: In September 1995, the Governor convened a child protection roundtable to advise him on the problems related to protecting children. One of the recommended options to increase the safety of children and improve the effectiveness of the Department of Social and Health Services (DSHS) was to create an independent ombudsman. The ombudsman's duties would be to identify problems in the child protection and welfare system and assist children, youth, and families who are experiencing problems with DSHS or state-licensed facilities.

Several other states have established an ombudsman office to address issues related to state services for children and families. Washington State has created other ombudsman offices to provide assistance in issues related to long-term care, small businesses, and mobile home parks.

The Governor's 1996 supplemental budget request includes \$343,000 for the ombudsman.

Summary of Bill: The office of Family and Children's Ombudsman is established in the office of the Governor. The purpose of the ombudsman is to promote public awareness of services, identify system issues to be acted on and to monitor and ensure that DSHS and state-licensed facilities comply with statutory requirements relating to children and families. The ombudsman is appointed by the Governor for a three-year term and reports directly to the Governor. The office of Family and Children's Ombudsman shall be considered a juvenile justice or care agency.

A legislative children's oversight committee is created. The committee is composed of three senators and three representatives which are appointed by the president of the Senate and Speaker of the House, respectively. The governor shall consult with the committee before appointing an ombudsman, and the committee may provide a list of recommended appointees. The committee may also select its officers, request investigation by the ombudsman, receive reports and relevant records from the ombudsman, make recommendations to all branches of government, request legislation, and conduct hearings. Upon receiving relevant records from the ombudsman, the committee is subject to the same confidentiality restrictions.

The ombudsman's specific duties include providing information relating to children and family services to the public; investigating administrative acts, by initiative or pursuant to a complaint; monitoring DSHS practices and procedures; conducting periodic review of all state institutions and licensed facilities; recommending changes in procedures for addressing needs of families and children; and granting the committee access to all relevant ombudsman records.

The ombudsman must submit annual reports to the Governor and the committee by November 1. All matters under investigation must remain confidential.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Creation of the ombudsman office and legislative committee take effect immediately by emergency clause.

Testimony For: The long-term care ombudsman has been successful. There is need for an independent ombudsman to prod the system and protect children's interests. There is also a need to protect developmentally disabled children. Advocates for children need a place to seek efficient resolution of issues or an in-depth study if needed. Children are even more vulnerable because of changes in the federal welfare scene.

Testimony Against: None.

Testified: Representative Cooke (pro); Vickie Wallin, Office of the Governor (pro); Peter Berliner, Children's Alliance (pro); Shirley Caldwell, Fatality Review Committee (pro); Ruth Kagi Fatality Review Committee (pro); Janet Adams, WACD (pro).