

# SENATE BILL REPORT

## SB 6648

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As Reported By Senate Committee On:  
Human Services & Corrections, February 2, 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:** Senators Kohl, Long and Hargrove; by request of Governor Lowry.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/23/96, 2/2/96 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6648 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith and Thibaudeau.

**Staff:** Richard Rodger (786-7461)

**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 Substitute Bill:** The Legislative Ombudsman Committee is created consisting of three senators and three representatives. The term of membership of the committee is for two years. The committee has the following powers: (1) submit a list of potential appointees to the Governor; (2) request investigations by the ombudsman; (3) examine records; (4) make recommendations to all branches of government; (5) request legislation; and (6) conduct hearings. The committee may not disseminate confidential information.

The Office of the Family and Children's Ombudsman is established within the Governor's Office. The purpose of the ombudsman is to monitor and ensure that DSHS, and state-

licensed facilities, comply with statutory requirements relating to children and families. The ombudsman reports directly to the Governor. The ombudsman must be a person of recognized judgment, independence, objectivity, and integrity, and qualified by training and experience.

The ombudsman's specific duties include providing information relating to children and family services to the public; investigating cases involving DSHS or state-licensed agencies; monitoring practices and procedures; conducting periodic review of all state institutions and licensed facilities; reviewing investigative reports of children who die while receiving DSHS services; and recruiting and training volunteers to assist the ombudsman. The ombudsman reports annually to the Legislature and Governor. The ombudsman's powers include the right to subpoena DSHS records, appoint advisory committees, hire independent counsel through the Attorney General's office, submit budgetary and legislative recommendations to the Governor.

The DSHS and child-placing agencies must: (1) upon request, give the ombudsman access to their records; (2) consider the ombudsman's findings and recommendations; (3) state their reasons for not accepting those findings or recommendations; and (4) provide progress reports upon request.

The ombudsman's investigations and records are confidential and may only be disclosed as necessary to perform his or her duties. The ombudsman is a mandated reporter of child abuse and neglect.

**Substitute Bill Compared to Original Bill:** A Legislative Ombudsman Committee is created. The committee prepares a list of appointees for the Governor's selection, requests the ombudsman to conduct investigations, receives reports, and may request legislation. The ombudsman is confirmed by the Senate. The ombudsman is a mandated reporter of child abuse and neglect.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 1996.

**Effective Date:** Sections 3-6, 13 and 17 contain an emergency clause and take effect immediately. The remainder of the bill takes effect on January 1, 1997.

**Testimony For:** The use of an ombudsman for children's services has been very effective in the states where the position has been created. This office will give the Governor greater ability to hear about problems long before they reach the crisis stage. The ombudsman will provide the public with a independent view and voice the in the child welfare system.

**Testimony Against:** None.

**Testified:** Honorable Mike Lowry, Governor (pro); Vicky Wallen, Governor's staff, (pro); Rosie Oreskovich, Asst. Secretary DCFS/DSHS (pro); Sharon Osborne, Children's Home Society of WA (pro); Lonnie Johns-Brown, WAEYC (pro); Margaret Casey, WA. State Catholic Conference (pro); Peter Berliner, Children's Alliance (pro); Ruth Kagi, Lauria Grace Fatality Review (pro).