

6001-S

Sponsor(s): Senate Committee on Human Services & Corrections
(originally sponsored by Senators Hargrove, Long, Winsley and Rasmussen)

Brief Title: Providing for the disclosure of information to the office of the family and children's ombudsman.

SB 6001-S - DIGEST

(DIGEST AS ENACTED)

Declares that a guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

Provides that a contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

Declares that the department of social and health services shall: (1) Allow the ombudsman or the ombudsman's designee to communicate privately by mail or orally with any child or family receiving family and children's services;

(2) permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) upon the ombudsman's request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS).

VETO MESSAGE ON SB 6001-S

May 18, 1999

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 6, Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to the office of family and children's ombudsman;"

Substitute Senate Bill No. 6001 expands the scope of information available to the Family and Children's Ombudsman.

Among other things, it permits guardians ad litem and service providers to give confidential information to the Ombudsman, and requires the Department of Social and Health Services (DSHS) to provide access to institutions and information. It also prohibits retaliatory action against employees of DSHS and others who properly provide information.

Section 1 of SSB 6001 includes a requirement that the Ombudsman provide information to a legislator regarding a constituent, if the constituent has given his or her consent to release the information and if the constituent would otherwise be able to obtain the information under law. This provision is apparently intended to require the Ombudsman to provide legislators with DSHS records in the Ombudsman's possession. The provision is unnecessary since, with the above conditions present, legislators are currently able to obtain records directly from DSHS.

Section 6 of SSB 6001 would give the Ombudsman the power to subpoena all records and documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. Similarly, section 5 of the bill grants the Ombudsman access to all relevant information, records, or documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. I am concerned about expanding the subpoena power in the absence of a compelling need. Since the Ombudsman will have statutory access to all necessary records, there is no compelling need. Additionally, there has never been an instance when DSHS, even without a statutory mandate, has refused to give the Ombudsman all requested records.

For these reasons, I have vetoed sections 1 and 6 of Substitute Senate Bill No. 6001.

With the exception of sections 1 and 6, Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,
Gary Locke
Governor