
SENATE BILL 5049

State of Washington**57th Legislature****2001 Regular Session****By** Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long

Read first time 01/09/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to conflicts of interest in the placement of
2 children in out-of-home care; and adding new sections to chapter 74.13
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
6 to read as follows:

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

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

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

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

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

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
12 to read as follows:

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

17 (2) The secretary shall immediately institute proceedings to
18 terminate the employment of any person who is found by the department,
19 based upon a preponderance of the evidence, to have violated the
20 conflict of interest provisions in section 1 of this act.

21 (3) When the secretary has reasonable cause to believe that the
22 employee of a contractor has violated the conflict of interest
23 provisions in section 1 of this act, the secretary shall require the
24 employee of a contractor to be immediately removed from any employment
25 position which would permit the employee to make or influence placement
26 decisions.

27 (4) The secretary shall disqualify for employment with a contractor
28 in any position which would permit the employee to make or influence
29 placement decisions, any person who is found by the department, based
30 upon a preponderance of evidence, to have violated the conflict of
31 interest provisions of section 1 of this act.

32 (5) The secretary, when considering the renewal of a contract with
33 a contractor who has taken action under subsection (3) or (4) of this
34 section, shall require the contractor to demonstrate that there has
35 been significant progress made in reducing the likelihood that the
36 contractor's employees would violate the conflict of interest
37 provisions in section 1 of this act. The secretary shall not renew a

1 contract unless he or she determines that significant progress has been
2 made.

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

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