
SENATE BILL 5664

State of Washington

52nd Legislature

1991 Regular Session

By Senators L. Smith and Stratton.

Read first time February 13, 1991. Referred to Committee on Children & Family Services.

1 AN ACT Relating to reviews of complaints against the department of
2 social and health services; amending RCW 74.13.300; and adding new
3 sections to chapter 74.13 RCW.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 provide timely, thorough, and fair procedures for resolution of
7 grievances of clients, foster parents, and the community resulting from
8 decisions made by the department of social and health services.
9 Grievances should be resolved at the lowest level possible, however,
10 all levels of the department should be held accountable and responsible
11 to individuals who are experiencing difficulties with their services or
12 decisions.

1 NEW SECTION. **Sec. 2.** The procedures in section 3 of this act
2 do not apply to the following:

3 (1) Decisions of the court;

4 (2) Decisions regarding grant programs for which an appeal is
5 available;

6 (3) Decisions regarding civil rights actions covered under the
7 department's civil rights complaint procedures;

8 (4) A denial, suspension, or revocation of a license for which an
9 appeal is available; and

10 (5) Child placement or removal actions of the division under RCW
11 26.44.050.

12 NEW SECTION. **Sec. 3.** The procedures in this section apply to
13 clients of the department of social and health services, individual
14 complainants, and foster parents who have complaints regarding a
15 division policy or procedure or the application of a division policy or
16 procedure. Complaints from clients, foster parents, or other
17 individual complainants regarding a division policy or procedure or the
18 application of a division policy or procedure shall be reviewed in the
19 following manner:

20 (1) A client or foster parent shall initiate the complaint process
21 by requesting a review by the supervisor of the person whose actions
22 are the subject of the complaint.

23 (2) The supervisor shall make initial contact with the complainant
24 as soon as possible but in no case longer than three working days from
25 the date the complaint was made. The complainant shall be offered the
26 opportunity to meet with the supervisor.

27 (3) The supervisor shall discuss the complaint with the
28 complainant, assess the nature of the complaint, and review the agency
29 case decisions. The supervisor shall issue a decision within five days

1 after the meeting or telephonic meeting with the complainant and shall
2 send written notice of the decision to the complainant and to the
3 child-placing agency involved, if any. The decision shall advise the
4 complainant of his or her right to pursue the next level of review by
5 requesting a review conducted by the division of children and family
6 services area manager.

7 (4) The division of children and family services area manager shall
8 make initial contact with the complainant as soon as possible but in no
9 case longer than three working days from the date the request for
10 review was made. The complainant shall be offered the opportunity to
11 meet with the division of children and family services area manager.

12 (5) The division of children and family services area manager shall
13 discuss the complaint with the complainant, assess the nature of the
14 complaint, and review the agency case decisions. The area manager
15 shall issue a decision within five days after the meeting or telephonic
16 meeting with the complainant and shall send written notice of the
17 decision to the complainant and to the child-placing agency involved,
18 if any. The decision shall advise the complainant of his or her right
19 to pursue the next level of review by requesting a meeting with the
20 regional administrator. If the regional administrator decides not to
21 review the complaint, he or she shall refer the complaint to the
22 regional panel review process. If the complaint remains unresolved
23 after the regional administrator conducts a review of the complaint,
24 the regional administrator shall refer the complaint to the regional
25 panel review process.

26 (6) The regional panel review process shall review complaints
27 referred by a regional administrator, staff at the division of children
28 and family services, or department headquarters in the following
29 manner:

1 (a) The complaint shall be submitted to the regional review panel
2 on a citizen communication form provided by the division of children
3 and family services accompanied by the case file.

4 (b) A regional review panel shall be convened by the regional
5 administrator and the office of community relations under the assistant
6 secretary for children's services. The panel shall be comprised of the
7 following members:

8 (i) The division of children and family services regional
9 administrator or his or her designee from the region in which the
10 complaint was generated;

11 (ii) One staff person from the children's administration's office
12 of community relations;

13 (iii) Two members of the regional oversight committee;

14 (iv) A foster parent who is not involved in the complaint if the
15 complainant is a foster parent. If the complainant is not a foster
16 parent, another member of the community not involved in the complaint.

17 (c) The regional review panel shall review the complaint, the
18 complainant's file, and all other relevant material. The review shall
19 be convened at a time and in a location convenient to the complainant.
20 The complainant, division staff, and other professionals will be asked
21 to provide information to the panel.

22 (d) The panel members shall submit their recommendations in the
23 form of a panel review report to the division of children and family
24 services director within six working days after the review is held. A
25 copy of the panel review report shall be sent to the complainant and
26 child-placing agency involved, if any.

27 (7) The division of children and family services director shall
28 review the panel review report and submit his or her written
29 recommendation, along with the panel review report, to the assistant

1 secretary for the division of children and family services within two
2 working days after receiving the panel recommendations.

3 (8) Within five working days of receipt of the panel review report,
4 the assistant secretary for the division of children and family
5 services shall issue a final written decision. A copy of the decision
6 shall be sent to all parties involved.

7 NEW SECTION. **Sec. 4.** If a foster parent or relative care
8 provider is using the division of children and family services citizen
9 complaint review process to review a decision to remove a child from
10 the foster family home or from a relative home, the foster child shall
11 remain in the foster or relative home unless the regional administrator
12 determines that the child's safety is in jeopardy or that other
13 compelling reasons exist necessitating the removal.

14 **Sec. 5.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to read
15 as follows:

16 (1) Whenever a child has been placed in a foster family home or the
17 home of a relative care provider by the department or a child-placing
18 agency and the child has thereafter resided in the home for at least
19 ninety consecutive days, the department or child-placing agency shall
20 notify the foster family in writing at least five days prior to moving
21 the child to another placement, unless:

22 (a) A court order has been entered requiring an immediate change in
23 placement; or

24 (b) ~~((The child is being returned home;~~

25 ~~(c)))~~ The child's safety is in jeopardy~~((; or~~

26 ~~(d) The child is residing in a receiving home or a group home)).~~

27 (2) Whenever a decision is made by the department or a child-
28 placing agency to move a child to another placement, the foster family

1 parent or relative care provider shall receive written notice of his or
2 her right to request a review of the removal decision through the
3 division of children and family services citizen complaint review
4 process. The notification shall also advise the foster family parent
5 or relative care provider of his or her right to a juvenile court
6 review of the removal decision after using the division of children and
7 family services citizen complaint review process. The foster parent or
8 relative care provider shall file with the juvenile court a request for
9 hearing within five days of receipt of the final written decision of
10 the assistant secretary for the division of children and family
11 services. Notification of the division of children and family services
12 grievance process and right to a juvenile court review is not required
13 to be provided if:

14 (a) A court order has been entered requiring an immediate change in
15 placement; or

16 (b) The child is being returned home and a court order has been
17 entered to that effect.

18 (3) If the child has resided in a foster family home for less than
19 ninety days or if, due to one or more of the circumstances in
20 subsection (1) of this section, it is not possible to give five days'
21 notification, the department or child-placing agency shall notify the
22 foster family of proposed placement changes as soon as reasonably
23 possible.

24 ((+3)) (4) This section is intended solely to assist in minimizing
25 disruption to the child in changing foster care placements. Nothing in
26 this section shall be construed to ((require that a court hearing be
27 held prior to changing a child's foster care placement nor to)) create
28 any substantive custody rights in the foster parents.

1 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act are
2 each added to chapter 74.13 RCW.