

VETO MESSAGE ON 1608-S.E

May 21, 1991

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 entitled:

"AN ACT Relating to children's services."

Section 1 directs the Department of Social and Health Services (DSHS) to conduct an assessment of the children in its care in order to determine the appropriate level of residential and treatment services required. This study is not made contingent upon funding in the budget. Because of the budgetary constraints agencies face in the next biennium, I cannot accept placing unfunded responsibilities upon them.

Section 15 allows any client of DSHS, individual complainant, or foster parent who exhausts the department's complaint process and who is subjected to any reprisal or retaliatory action to seek judicial review. Individuals who are treated unfairly by a state agency should be given the opportunity to seek redress. In many cases, statutes allow for appeal of agency actions, and where loss occurs, receipt of recompense. However, where the current authority to seek review is specific, protects appellants, and insulates the state from frivolous legal actions, this section is vague and does not offer sufficient definition to develop a meaningful system of judicial review of agency actions. Further attempts to develop such a system must provide greater specificity.

Section 16 would require DSHS to notify certain foster families in writing of a decision to move a child to another placement five days prior to doing so. Current statutes do not specify the means of notification. In addition, this section removes certain circumstances under which DSHS can waive this notification requirement.

While state agencies and child placing agencies should strive to provide written notification, current workloads for child welfare workers do not always allow for such notice. More importantly, this section constrains the department's ability to move children without five days notice when the child is being returned home or is residing in a group home. Where parents voluntarily place their children in foster care, the department should not be constrained in its ability to return them to their parents when the child's safety is not jeopardized.

For the above reasons, I have vetoed sections 1, 15 and 16 of Engrossed Substitute House Bill No. 1608.

With the exception of sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 is approved.

Respectfully submitted,

Booth Gardner  
Governor