

2 **2SHB 2856** - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED 3/7/96

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** (1) There is created the legislative
8 children's oversight committee for the purpose of monitoring and
9 ensuring compliance with administrative acts, relevant statutes, rules,
10 and policies pertaining to family and children services and the
11 placement, supervision, and treatment of children in the state's care
12 or in state-licensed facilities or residences. The committee shall
13 consist of three senators and three representatives from the
14 legislature. The senate members of the committee shall be appointed by
15 the president of the senate. The house members of the committee shall
16 be appointed by the speaker of the house. Not more than two members
17 from each chamber shall be from the same political party. Members
18 shall be appointed before the close of each regular session of the
19 legislature during an odd-numbered year.

20 (2) The committee shall have the following powers:

21 (a) Selection of its officers and adopt rules for orderly
22 procedure;

23 (b) Request investigations by the ombudsman of administrative acts;

24 (c) Receive reports of the ombudsman;

25 (d)(i) Obtain access to all relevant records in the possession of
26 the ombudsman, except as prohibited by law; and (ii) make
27 recommendations to all branches of government;

28 (e) Request legislation;

29 (f) Conduct hearings into such matters as it deems necessary.

30 (3) Upon receipt of records from the ombudsman, the committee is
31 subject to the same confidentiality restrictions as the ombudsman under
32 section 6 of this act.

33 NEW SECTION. **Sec. 2.** There is hereby created an office of the
34 family and children's ombudsman within the office of the governor for
35 the purpose of promoting public awareness and understanding of family

1 and children services, identifying system issues and responses for the
2 governor and the legislature to act upon, and monitoring and ensuring
3 compliance with administrative acts, relevant statutes, rules, and
4 policies pertaining to family and children's services and the
5 placement, supervision, and treatment of children in the state's care
6 or in state-licensed facilities or residences. The ombudsman shall
7 report directly to the governor and shall exercise his or her powers
8 and duties independently of the secretary.

9 NEW SECTION. **Sec. 3.** (1) The governor shall appoint an ombudsman
10 who shall be a person of recognized judgment, independence,
11 objectivity, and integrity, and shall be qualified by training or
12 experience, or both, in family and children's services law and policy.
13 Prior to the appointment, the governor shall consult with, and may
14 receive recommendations from the committee, regarding the selection of
15 the ombudsman.

16 (2) The person appointed ombudsman shall hold office for a term of
17 three years and shall continue to hold office until reappointed or
18 until his or her successor is appointed. The governor may remove the
19 ombudsman only for neglect of duty, misconduct, or inability to perform
20 duties. Any vacancy shall be filled by similar appointment for the
21 remainder of the unexpired term.

22 NEW SECTION. **Sec. 4.** The ombudsman shall perform the following
23 duties:

24 (1) Provide information as appropriate on the rights and
25 responsibilities of individuals receiving family and children's
26 services, and on the procedures for providing these services;

27 (2) Investigate, upon his or her own initiative or upon receipt of
28 a complaint, an administrative act alleged to be contrary to law, rule,
29 or policy, imposed without an adequate statement of reason, or based on
30 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
31 may decline to investigate any complaint as provided by rules adopted
32 under this chapter;

33 (3) Monitor the procedures as established, implemented, and
34 practiced by the department to carry out its responsibilities in
35 delivering family and children's services with a view toward
36 appropriate preservation of families and ensuring children s health and
37 safety;

1 (4) Review periodically the facilities and procedures of state
2 institutions serving children, and state-licensed facilities or
3 residences;

4 (5) Recommend changes in the procedures for addressing the needs of
5 families and children;

6 (6) Submit annually to the committee and to the governor by
7 November 1 a report analyzing the work of the office including
8 recommendations;

9 (7) Grant the committee access to all relevant records in the
10 possession of the ombudsman unless prohibited by law; and

11 (8) Adopt rules necessary to implement this chapter.

12 NEW SECTION. **Sec. 5.** The office of family and children's
13 ombudsman shall be a juvenile justice or care agency for the purposes
14 of chapter 13.50 RCW.

15 NEW SECTION. **Sec. 6.** The ombudsman shall treat all matters under
16 investigation, including the identities of service recipients,
17 complainants, and individuals from whom information is acquired, as
18 confidential, except as far as disclosures may be necessary to enable
19 the ombudsman to perform the duties of the office and to support any
20 recommendations resulting from an investigation. Upon receipt of
21 information that by law is confidential or privileged, the ombudsman
22 shall maintain the confidentiality of such information and shall not
23 further disclose or disseminate the information except as provided by
24 applicable state or federal law. Investigative records of the office
25 of the ombudsman are confidential and are exempt from public disclosure
26 under chapter 42.17 RCW.

27 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act are
28 necessary for the immediate preservation of the public peace, health,
29 or safety, or support of the state government and its existing public
30 institutions, and shall take effect immediately."

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4 On page 1, line 2 of the title, after "ombudsman;" strike the
5 remainder of the title and insert "creating new sections; and declaring
6 an emergency."

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