

1102

Sponsor(s): Representatives Boldt, Woods and Clements

Brief Description: Regarding rights of foster parents. (REVISED FOR PASSED LEGISLATURE: Regarding foster care.)

HB 1102 - DIGEST

(DIGEST AS ENACTED)

Declares that foster parents have the right to be free of coercion, discrimination, and reprisal in serving foster children, including the right to voice grievances about treatment furnished or not furnished to the foster child.

Provides that no child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

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

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

VETO MESSAGE ON HB 1102

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 5, House Bill No. 1102 entitled:

"AN ACT Relating to foster parents' rights;"

House Bill No. 1102 states the rights foster parents have to be free from coercion, discrimination, reprisal and retaliation in serving foster children. It also confirms that the Department of Social and Health Services (DSHS) must share information about a foster child and the child's family with foster parents, and prevents children from being placed in homes where a foster parent may have a conflict of interest.

Section 2 of the bill would have expressly prohibited DSHS from retaliating or discriminating against a foster parent because of a complaint he or she may have made against DSHS, as well as several other foster parent protections.

While it is an excellent idea to articulate foster parents' rights and responsibilities, section 2 was flawed. The section was unclear, and may have created unintended broad new liabilities for

the state. DSHS would have been placed in a no-win position where any action it might have taken involving a foster parent who has complained could result in a lawsuit.

Other states have enacted comprehensive laws establishing the rights of foster parents, and the Child Welfare League of America has a model foster parent rights and responsibilities document. Many of these states' statutes and the Child Welfare League of America document would provide a model for developing strong, workable foster parent laws in Washington.

Section 5 of the bill was designed to enforce section 2, and is unnecessary after the veto of section 2.

To help ensure that there is no retaliation against foster parents in our state, I will direct the Secretary of DSHS to heighten his oversight of this issue.

For these reasons, I have vetoed sections 2 and 5 of House Bill No. 1102.

With the exception of sections 2 and 5, House Bill No. 1102 is approved.

Respectfully submitted,
Gary Locke
Governor