

HOUSE BILL REPORT

ESHB 1814

As Passed Legislature

Title: An act relating to notification requirements for the department of social and health services.

Brief Description: Concerning notification requirements for the department of social and health services.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Ortiz-Self; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/10/17, 2/14/17 [DPS].

Floor Activity:

Passed House: 3/6/17, 97-1.

Senate Amended.

Passed Senate: 4/10/17, 47-0.

House Concurred.

Passed House: 4/13/17, 96-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Revises notice and service requirements for certain programs administered by the Department of Social and Health Services.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, McCaslin, Muri and Ortiz-Self.

Staff: Luke Wickham (786-7146).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Department of Social and Health Services (DSHS) operates a number of programs that provide a variety of social services to residents of the state. In carrying out the functions of these programs, the DSHS is required to serve certain notices on persons affected by the programs.

Child Protective Services.

The Children's Administration of the DSHS is responsible for investigating and responding to allegations of child abuse or neglect. Upon completion of an investigation, the DSHS must notify the subject of the investigation of the DSHS's findings. The DSHS must provide the notification by certified mail, return receipt requested, to the subject's last known address. The certified mail notification requirement applies to both founded and unfounded findings.

Residential Habilitation Centers.

The Developmental Disabilities Administration of the DSHS provides support and services to persons with developmental disabilities, including support in daily living activities, employment, rehabilitative therapies, and medical and nursing services. These services may be provided in residential habilitation centers (RHCs), which are state-operated facilities that provide housing and 24-hour supervision and care services. There are four RHCs which include Fircrest School in Shoreline, Lakeland Village in Medical Lake, Rainer School in Buckley, and Yakima Valley School in Selah.

The DSHS must determine whether the estate of a resident of a RHC is able to pay all or a portion of the cost of care, support, and treatment at the RHC. If the DSHS determines the resident's estate is able to pay, the DSHS must serve a notice and finding of financial responsibility on the guardian of the resident's estate, or if there is no guardian, on the resident's spouse or other representative. Service must be made in the manner required for service of a summons in a civil action, or by certified mail, return receipt requested. The DSHS may modify or vacate a finding of financial responsibility, and this determination must be served in the same manner as the initial finding of financial responsibility.

Public Assistance.

The DSHS administers a variety of public assistance programs to provide assistance to low-income individuals or families in need based on certain eligibility criteria. These programs provide financial, medical, social services, and food assistance to eligible clients, and include the Basic Food Program, Temporary Assistance for Needy Families, State Family Assistance, and Medical Assistance Programs, among others. A person who receives an overpayment of public assistance or food stamps owes a debt to the state for the amount of the overpayment. The DSHS must notify the person of the overpayment debt by either personal service or certified mail, return receipt requested. After service of the notice of debt, the DSHS may issue to any person or entity an order to withhold and deliver any property or earnings of the debtor that are in the possession of the person or entity. The order to withhold and deliver must be served in the manner required for service of a summons in a civil action, or by certified mail, return receipt requested. On or before the day the order is served, the DSHS must either mail a copy of the order to the debtor by certified mail, or serve the order on the debtor in the manner required for service of a summons in a civil action.

Child Support Enforcement.

Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational license, and recreational and sporting license if the person owes past child support. Since 1997 all court and administrative orders that establish or modify support obligations must include a statement notifying the responsible parent that the privilege to obtain and maintain a license may not be renewed, or may be suspended, if the parent is not in compliance with a support order. Under the State of Washington's license suspension program, the DSHS may serve an obligated parent with a notice of noncompliance if the parent fails to pay his or her support when due. The DSHS serves the parent with a notice of the DSHS's intent to submit the parent's name to the Department of Licensing and other licensing entities for license suspension. This notice of noncompliance must be served by certified mail, return receipt requested. Personal service is required if the attempted service by certified mail is not successful.

Indian Child Welfare Act.

The Indian Child Welfare Act (ICWA) is a federal law passed in 1978 that sets requirements that apply to state child custody proceedings involving an Indian child who is a member of, or eligible for membership in, a federally recognized tribe. In 2011 the Legislature enacted a state version of the ICWA, which creates uniform procedures for child custody cases involving Indian children. The state ICWA provides exclusive jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of that tribe, unless the tribe consents to state concurrent jurisdiction.

In child welfare cases involving Indian children, the petitioning party must notify the parent or Indian custodian and the Indian child's tribe or tribes by certified mail. State courts must, in the absence of good cause to the contrary, transfer child welfare proceedings involving Indian children to the jurisdiction of the Indian child's tribe following a motion making that request. A tribe has 75 days to affirmatively respond to a motion or order transferring jurisdiction and may decline such jurisdiction.

Summary of Engrossed Substitute Bill:

Notice and service requirements applicable in certain programs administered by the DSHS are revised.

Child Protective Services.

When the DSHS finds that an allegation of child abuse or neglect is unfounded, the DSHS may send the required notification of the finding to the subject of the investigation through regular mail to the subject's last known address or by electronic mail. Notifications of founded findings of child abuse or neglect must continue to be sent using certified mail.

Residential Habilitation Centers.

When the DSHS modifies or vacates an initial finding of financial responsibility, the DSHS may serve the required notice of the determination by regular mail, rather than certified mail. Initial findings of financial responsibility must continue to be served by certified mail or in the manner required for service of a summons in a civil action.

Public Assistance.

An order to withhold and deliver a debtor's property for collection of an overpayment of public assistance or food stamps must be served by regular mail, or if the party consents, electronically. A copy of the order to withhold and deliver must be mailed to the debtor by regular mail, or if the debtor consents, served on the debtor electronically.

Child Support Enforcement.

The DSHS may use first-class mail, rather than certified mail, to send the notice of intent to certify a parent as a licensee who is not in compliance with a child support order, if the order establishing the support obligation includes a statement that the parent's licensing privileges may be suspended for noncompliance. The notice must be sent to the parent's last known mailing address on file with the DSHS. The notice is deemed served three days from the date it is deposited in the mail.

The DSHS is no longer required to attach a copy of the responsible parent's child support order to the notice informing that parent of the DSHS's intent to submit the parent's name to the Department of Licensing and any other licensing entity as a licensee who is not in compliance with a child support order if that child support order does not include a statutorily required statement that the parent's privileges to obtain and maintain a license may not be renewed or may be suspended if the parent is not in compliance with a support order.

Indian Child Welfare Act.

The address for which notice is sent to an Indian tribe regarding a child welfare proceeding involving an Indian child is specified to include the tribal agent designated by the Indian child's tribe for receipt of Indian Child Welfare Act notice, as published by the Bureau of Indian Affairs in the Federal Register.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a cost saving measure. The DSHS is required to send certified mail to another branch of government, the Department of Licensing, and to individuals for unfounded findings of abuse and neglect. The current notice requirements are unnecessary, and eliminating them is a good cost saving measure. This is an efficiencies bill. In each of the notification area changes there are redundancies. Residents of RHCs are getting an initial notice by certified mail. For the Division of Child Support, the notice change is a reiteration of the ability of the DSHS's ability to suspend a license.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; and Wally McClure, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.