

Title 112 WAC

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

Chapters

112-10 Agency organization.

Chapter 112-10 WAC

AGENCY ORGANIZATION

WAC

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WAC 112-10-010 Purpose. The Office of the Family and Children's Ombudsman (OFCO) was established to promote public awareness and understanding of family and children's services, to identify systems issues, to monitor and ensure compliance with administrative acts, statutes, rules, and policies pertaining to family and children's services and to those pertaining to the placement, supervision, and treatment of children in the state's care, in state-licensed facilities or residences, or in state operated facilities.

[Statutory Authority: RCW 43.06A.030(6). 97-21-066, § 112-10-010, filed 10/14/97, effective 11/14/97.]

WAC 112-10-020 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Administrative Act" means an action, decision, or omission made by a governmental agency or a contracting or state-licensed agency that affects: (a) a child who is in need of state protection due to child abuse or neglect; (b) a family who is under state supervision due to allegations or findings of child abuse or neglect; or (c) a child who is in state custody.

(2) "Family and children's services" are services provided by or through the department of social and health services (DSHS), or state-licensed agencies, to families who are: (a) at risk of child abuse or neglect; (b) are under state supervision due to allegations or findings of child abuse or neglect; or (c) to children who are in state custody. These services include those provided by or through the department of social and health services, children's administration, juvenile rehabilitation administration, and health and rehabilitative services administration.

(3) "Confidential" and "confidentiality" refer to information that OFCO deems to be protected by federal and state law from public disclosure or further dissemination.

(4) "Department" means the department of social and health services.

(5) "Investigative records" refers to all records obtained, held, or generated by OFCO in the performance of its duties.

[Statutory Authority: RCW 43.06A.030(6). 97-21-066, § 112-10-020, filed 10/14/97, effective 11/14/97.]

(1999 Ed.)

WAC 112-10-030 Location. OFCO is located organizationally within the office of the governor, reports directly to the governor, and exercises the powers of the office and duties independently of the secretary of the department of social and health services.

[Statutory Authority: RCW 43.06A.030(6). 97-21-066, § 112-10-030, filed 10/14/97, effective 11/14/97.]

WAC 112-10-040 Authority. OFCO was created and receives its authority from RCW 43.06A.

[Statutory Authority: RCW 43.06A.030(6). 97-21-066, § 112-10-040, filed 10/14/97, effective 11/14/97.]

WAC 112-10-050 Duties. OFCO shall:

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

(2) Investigate administrative acts alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds.

(3) Monitor the procedures of DSHS in carrying out its responsibilities in delivering family and children's services.

(4) Review periodically the facilities and procedures of state institutions serving children and state licensed facilities or residences.

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

(6) Submit an annual report to the Governor and the legislative oversight committee (LOC) analyzing the work of OFCO, including recommendations.

[Statutory Authority: RCW 43.06A.030(6). 97-21-066, § 112-10-050, filed 10/14/97, effective 11/14/97.]

WAC 112-10-060 Implementation of duties. (1) **Investigations.**

(a) OFCO investigates administrative acts.

(b) OFCO investigations may be initiated based upon receipt of a complaint or on its own initiative.

(c) OFCO may decline to investigate any complaint that is not within the scope and/or priorities of OFCO's policies and resources.

(d) OFCO may conduct its investigation based upon records review, interviews, and any other investigative tools necessary to carry out its duties.

(e) Actions to be taken by OFCO after an investigation may include:

(i) Recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;

(ii) Recommendations to the legislature for legislative enactments that would improve services and/or accountability; and/or

(iii) Recommendations to the governor for legislation, policy, and/or executive order changes that would improve services and/or accountability.

(2) Periodic review of facilities.

(a) OFCO will periodically review the policies and procedures of state institutions serving children and state-licensed or operated facilities where children reside.

(b) OFCO may review physical facilities based upon review of agency records or reports; review of agency policies and procedures; receipt of a complaint; or as patterns raising concern arise through other investigations.

(3) Handling of DSHS records.

(a) As provided by applicable federal and state law, OFCO shall have access to, and permission to copy, all records held or accessible by children's administration that are relevant to any OFCO investigation. Access may be established pursuant to interagency protocol.

(b) Any records received from DSHS shall be deemed to be OFCO investigative records.

(c) The determination of relevance of records held or accessible by DSHS shall be made by OFCO.

(4) Release of confidential records.

(a) OFCO investigative records are confidential and exempt from disclosure under the Public Disclosure Act, chapter 42.17 RCW.

(b) Records received by OFCO shall be maintained as provided for under the law.

(c) Relevant investigative records created by OFCO shall be released to the legislative oversight committee upon request, unless prohibited by law.

(d) The determination of relevance of records to be released to the LOC shall be made by OFCO. This determination may be based on criteria established pursuant to OFCO/LOC protocol.

(e) OFCO shall treat all matters under investigation and investigative records as confidential.

Effective date—

[Statutory Authority: RCW 43.06A.030(6), 97-21-066, § 112-10-060, filed 10/14/97, effective 11/14/97.]