

2 **SSB 5916** - H COMM AMD **ADOPTED 4-19-91**
3 By Committee on Human Services

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

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 provide timely, thorough, and fair procedures for resolution of
9 grievances of clients, foster parents, and the community resulting from
10 decisions made by the department of social and health services related
11 to programs administered pursuant to this chapter. Grievances should
12 be resolved at the lowest level possible. However, all levels of the
13 department should be accountable and responsible to individuals who are
14 experiencing difficulties with agency services or decisions. It is the
15 intent of the legislature that grievance procedures be made available
16 to individuals who do not have other remedies available through
17 judicial review or adjudicative proceedings."

18 "NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
19 to read as follows:

20 The department shall develop and implement an informal,
21 nonadversarial complaint resolution process to be used by clients of
22 the department, foster parents, and other affected individuals who have
23 complaints regarding a department policy or procedure, or the
24 application of such a policy or procedure, related to programs
25 administered under this chapter. The process shall not apply in
26 circumstances where the complainant has the right under Title 13, 26,

1 or 74 RCW to seek resolution of the complaint through judicial review
2 or through an adjudicative proceeding.

3 Nothing in this section shall be construed to create substantive or
4 procedural rights in any person. Participation in the complaint
5 resolution process shall not entitle any person to an adjudicative
6 proceeding under chapter 34.05 RCW or to superior court review.
7 Participation in the process shall not affect the right of any person
8 to seek other statutorily or constitutionally permitted remedies.

9 The department shall develop procedures to assure that clients and
10 foster parents are informed of the availability of the complaint
11 resolution process and how to access it. The department shall
12 incorporate information regarding the complaint resolution process into
13 the training for foster parents and caseworkers.

14 The department shall compile complaint resolution data including
15 the nature of the complaint and the outcome of the process. The
16 department shall submit semi-annual reports, due January and July of
17 each year, beginning July 1992, to the senate children and family
18 services committee and the house of representatives human services
19 committee."

20 "**Sec. 3.** RCW 13.34.110 and 1983 c 311 s 4 are each amended to read
21 as follows:

22 The court shall hold a fact-finding hearing on the petition and,
23 unless the court dismisses the petition, shall make written findings of
24 fact, stating the reasons therefor, and after it has announced its
25 findings of fact shall hold a hearing to consider disposition of the
26 case immediately following the fact-finding hearing or at a continued
27 hearing within fourteen days or longer for good cause shown. The
28 parties need not appear at the fact-finding or dispositional hearing if
29 all are in agreement; but the court shall receive and review a social

1 study before entering an order based on agreement. No social file or
2 social study may be considered by the court in connection with the
3 fact-finding hearing or prior to factual determination, except as
4 otherwise admissible under the rules of evidence. Notice of the time
5 and place of the continued hearing may be given in open court. If
6 notice in open court is not given to a party, that party shall be
7 notified by mail of the time and place of any continued hearing.

8 All hearings may be conducted at any time or place within the
9 limits of the county, and such cases may not be heard in conjunction
10 with other business of any other division of the superior court. The
11 general public shall be excluded, and only such persons may be admitted
12 who are found by the judge to have a direct interest in the case or in
13 the work of the court. If a child resides in foster care or in the
14 home of a relative pursuant to a disposition order entered under RCW
15 13.34.130, the court may allow the child's foster parent or relative
16 care provider to attend dependency review proceedings pertaining to the
17 child for the sole purpose of providing information about the child to
18 the court.

19 Stenographic notes or any device which accurately records the
20 proceedings may be required as provided in other civil cases pursuant
21 to RCW 2.32.200."

22 "Sec. 4. RCW 74.13.280 and 1990 c 284 s 10 are each amended to
23 read as follows:

24 (1) Except as provided in RCW 70.24.105, whenever a child is placed
25 in out-of-home care by the department or a child-placing agency, the
26 department or agency may share information about the child and the
27 child's family with the care provider and may consult with the care
28 provider regarding the child's case plan. If the child is dependent
29 pursuant to a proceeding under chapter 13.34 RCW, the department or

1 agency shall keep the care provider informed regarding the dates and
2 location of dependency review hearings pertaining to the child.

3 (2) Any person who receives information about a child or a child's
4 family pursuant to this section shall keep the information confidential
5 and shall not further disclose or disseminate the information except as
6 authorized by law.

7 (3) Nothing in this section shall be construed to limit the
8 authority of the department or child-placing agencies to disclose
9 client information or to maintain client confidentiality as provided by
10 law."

11 "NEW SECTION. Sec. 5. This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately."

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18 On page 1, line 1 of the title, after "services;" strike the
19 remainder of the title and insert "amending RCW 13.34.110 and
20 74.13.280; adding a new section to chapter 74.13 RCW; creating a new
21 section; and declaring an emergency."