
SUBSTITUTE SENATE BILL 5749

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senators Roach and Rasmussen).

Read first time March 6, 1991.

1 AN ACT Relating to citizen oversight boards for child welfare
2 cases; creating new sections; making an appropriation; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes the
6 importance of quality assurance and accountability in the provision of
7 services to children and their families. The legislature intends to
8 create a citizen oversight board system that will function in an
9 advisory capacity to the department of social and health services and
10 the legislature, providing recommendations for improvement in the
11 quality of case management in any type of children's service provided
12 by the department. The purposes of a citizen oversight board are to:

13 (1) Review a representative sampling of cases involving children,
14 in a manner that complies with any applicable case review requirements

1 and time lines imposed by federal laws pertaining to child welfare
2 services;

3 (2) Evaluate the quality of case handling of children and their
4 families provided by the department in order to make recommendations to
5 the department and the legislature; and

6 (3) Provide a means for state-wide community involvement in
7 monitoring cases of children receiving services from the department of
8 social and health services.

9 NEW SECTION. **Sec. 2.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout sections 1
11 through 9 of this act.

12 (1) "Board" means the state-wide citizen oversight board
13 established under section 3 of this act.

14 (2) "Child" means a person younger than eighteen years old.

15 (3) "Conflict of interest" means that a person appointed to the
16 board has a personal or pecuniary interest in a case being reviewed by
17 the board.

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

20 (5) "Records" means any information in written form, pictures,
21 photographs, charts, graphs, recordings, or documents pertaining to a
22 case.

23 NEW SECTION. **Sec. 3.** (1) The state-wide citizen oversight
24 board is created.

25 (2) The board shall be composed of seven members appointed as
26 follows:

27 (a) Three members shall be appointed by the chair of the senate
28 committee on children and family services;

1 (b) Three members shall be appointed by the chair of the house of
2 representatives committee on human services;

3 (c) One member shall be appointed by the secretary of the
4 department or the secretary's designee.

5 (3) A simple majority shall constitute a quorum.

6 (4) Board members shall serve two-year terms, except that if a
7 vacancy occurs, a successor shall be appointed to serve the unexpired
8 term. The terms of the initial members shall be staggered. A member
9 shall be limited to two terms unless there are insufficient volunteers
10 to replace the member.

11 (5) The board shall elect annually from its membership a chair, and
12 a vice-chair to serve in the absence of the chair.

13 (6) Nonlegislative members of the board shall be reimbursed for
14 travel expenses as provided in RCW 43.03.050 and 43.03.060.
15 Legislative members shall be reimbursed for travel expenses as provided
16 for in RCW 44.04.120.

17 NEW SECTION. **Sec. 4.** The following guidelines shall be used
18 in appointing members to the board:

19 (1) Members of the board shall represent various socioeconomic,
20 ethnic, and geographical areas served;

21 (2) A person who has had a child or foster child who has been the
22 subject of a complaint or other dispute resolution with the department
23 within the last three years may not serve on the board;

24 (3) Board members shall be of good character and shall demonstrate
25 the understanding, ability, and judgment necessary to carry out the
26 duties under section 8 of this act;

27 (4) No member may currently be a social services or child care
28 provider, a foster or adoptive parent, a family law attorney, a
29 legislative advocate, or a person contracting with or employed by the

1 department with the exception of the one member appointed by the
2 department.

3 NEW SECTION. **Sec. 5.** Before beginning to serve on the board,
4 each member shall sign an affidavit affirming that the member will keep
5 confidential the information reviewed by the board and its actions and
6 recommendations arising from individual cases. A board member who
7 violates this section is subject to dismissal from the board and other
8 penalties as provided by law.

9 NEW SECTION. **Sec. 6.** The board shall have access to the
10 following information unless disclosure is otherwise specifically
11 prohibited by law, including federal law regarding confidentiality of
12 children's records:

13 (1) Records of the court that are pertinent to the case or matter
14 under review;

15 (2) Records of the department pertaining to the matter under
16 review; and

17 (3) Records submitted to the department by another agency or entity
18 that pertain to the matter under review.

19 NEW SECTION. **Sec. 7.** The department and any other department
20 or agency directly involved in the matter under review shall, at its
21 discretion, when deemed necessary for a reasonable understanding of the
22 case, require the employee who has primary case responsibility to
23 attend the review. If the employee's attendance is deemed necessary,
24 and the employee is unable to attend the review, another employee who
25 has knowledge of the case shall attend the review.

1 NEW SECTION. **Sec. 8.** (1) If a member of the board has a
2 potential conflict of interest in a case being reviewed, the member
3 shall declare to the board the nature of the potential conflict before
4 participating in the case review. The declaration of the member shall
5 be recorded in the official records of the board and disclosed to all
6 parties participating in the review. If, in the judgment of the
7 majority of the board, the potential conflict of interest may prevent
8 the member from fairly and objectively reviewing the case, the board
9 may excuse the member from participation in the review.

10 The board shall retain accurate records of the matter under review,
11 and shall retain verbatim records of board reviews.

12 (2) The board may disclose information to participants in the board
13 review of a case. Before participating in a board review, each
14 participant shall swear or affirm to the board that the participant
15 will keep information disclosed by the board in the case review
16 confidential and disclose it only as authorized by law.

17 (3) Members of the board are immune from liability in any civil
18 action pertaining to recommendations made under this chapter.

19 NEW SECTION. **Sec. 9.** The purpose of reviewing individual
20 cases of children and their families is that the board may make
21 recommendations to the department and the legislature concerning
22 suggested changes in policies, procedures, and laws.

23 NEW SECTION. **Sec. 10.** The sum of forty-nine thousand dollars,
24 or as much thereof as may be necessary, is appropriated for the
25 biennium ending June 30, 1993, from the general fund for the purposes
26 of this act.

27 NEW SECTION. **Sec. 11.** This act shall expire June 30, 1993.