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SENATE BILL 5749

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Roach and Rasmussen.

Read first time February 19, 1991. Referred to Committee on Children & Family Services.

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

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes the  
5 importance of quality assurance and accountability in the provision of  
6 services to children and their families. The legislature intends to  
7 create a citizen review board system that will function in an advisory  
8 capacity to the department of social and health services and the  
9 legislature. The purpose of a citizen review board is to:

10 (1) Provide periodic review of cases involving children, in a  
11 manner that complies with case review requirements and time lines  
12 imposed by federal laws pertaining to child welfare services;

13 (2) Improve the quality of case handling of children and their  
14 families provided by the department; and

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

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

7 (1) "Board" means the state-wide citizen review board established  
8 under section 3 of this act.

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

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

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

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

18 NEW SECTION. **Sec. 3.** (1) The state-wide citizen review board  
19 is created.

20 (2) The board shall be composed of seven members appointed as  
21 follows:

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

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

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

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

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

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

8 (6) Nonlegislative members of the board shall be reimbursed for  
9 travel expenses as provided in RCW 43.03.050 and 43.03.060.  
10 Legislative members shall be reimbursed for travel expenses as provided  
11 for in RCW 44.04.120.

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

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

16 (2) A person who has had a child of his or her own who has been the  
17 subject of a complaint or other dispute resolution with the department  
18 within the last three years may not serve on the board;

19 (3) Board members shall be of good character and shall demonstrate  
20 the understanding, ability, and judgment necessary to carry out the  
21 duties under section 8 of this act.

22 NEW SECTION. **Sec. 5.** Before beginning to serve on the board,  
23 each member shall sign an affidavit affirming that the member will keep  
24 confidential the information reviewed by the board and its actions and  
25 recommendations in individual cases. A board member who violates this  
26 section is subject to dismissal from the board and other penalties as  
27 provided by law.

1        NEW SECTION.    **Sec. 6.**        Each board shall have access to the  
2 following information unless disclosure is otherwise specifically  
3 prohibited by law:

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

6        (2) Records of the department pertaining to the matter under  
7 review; and

8        (3) Records in the possession of another agency or entity that  
9 pertain to the matter under review.

10       NEW SECTION.    **Sec. 7.**        The department and any other department  
11 or agency directly involved in the matter under review shall require  
12 the employee who has primary case responsibility to attend the review.  
13 If the employee is unable to attend the review, another employee who  
14 has knowledge of the case shall attend the review.

15       NEW SECTION.    **Sec. 8.**        (1) If a member of the board has a  
16 potential conflict of interest in a case being reviewed, the member  
17 shall declare to the board the nature of the potential conflict before  
18 participating in the case review. The declaration of the member shall  
19 be recorded in the official records of the board and disclosed to all  
20 parties participating in the review. If, in the judgment of the  
21 majority of the board, the potential conflict of interest may prevent  
22 the member from fairly and objectively reviewing the case, the board  
23 may excuse the member from participation in the review.

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

26        (2) The board may hold joint or separate reviews for siblings.

27        (3) The board may disclose information to participants in the board  
28 review of a case. Before participating in a board review, each

1 participant shall swear or affirm to the board that the participant  
2 will keep information disclosed by the board in the case review  
3 confidential and disclose it only as authorized by law.

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

6 NEW SECTION. **Sec. 9.** In addition to reviewing individual  
7 cases of children and their families, the board may make  
8 recommendations to the department and the legislature concerning  
9 policies, procedures, and laws.

10 NEW SECTION. **Sec. 10.** This act shall expire June 30, 1993.