

HOUSE BILL REPORT

ESSB 5844

As Reported By House Committee On:
Human Services

Title: An act relating to volunteers serving the needs of at-risk children.

Brief Description: Allowing volunteers to assist agencies to serve at-risk children's needs.

Sponsors: Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel.

Brief History:

Reported by House Committee on:
Human Services, March 25, 1993, DPA.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Staff: John Welsh (786-7133).

Background: The Center for Volunteerism and Citizen Service, in the Department of Community Development, was established to provide planned, coordinated recognition, information, training and technical assistance for volunteer and citizen service efforts through a statewide center for voluntary action. This is intended to ensure that the state activity promotes the ethic of service and makes every appropriate effort to encourage effective involvement of volunteers to supplement private community agencies and local and state government.

Police departments have concerns about legal liability for the activities of volunteers in collaborative programs working with at-risk youth and neighborhood gang members for the prevention of violence in the communities.

Summary of Amended Bill: A volunteer organization or individual may assist public agencies, such as police departments, in serving at-risk children. The center must

establish guidelines defining the program and providing reasonable safety standards to protect volunteers and program participants.

Volunteers are not to be considered employees or agents of the agency. Volunteers and the public agency are to sign an agreement, approved by the attorney general as to form, that defines the scope of volunteer activities and waives claims against each other. A volunteer who complies with the safety guidelines is immune from civil liability for damages, except for gross negligence or wilful or wanton misconduct. A claimant seeking damages against the public agency must show that the agency failed to comply with the safety standards.

Amended Bill Compared to Substitute Bill: The amendment clarifies the intent of the bill to protect the safety of program participants and volunteers, and limits the provision for background checks to program supervisors or as otherwise appropriate in the safety guidelines developed by the center.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Public agencies, such as police departments, need some protection from the legal risks that are posed when collaborating with volunteers to cope with juvenile offenders and gang violence in the communities. These programs are intended to prevent or ameliorate gang violence, vandalism, and other criminal activity of at-risk youth in the neighborhoods.

Testimony Against: None.

Witnesses: Joby Winans, Department of Community Development; and Dennis Martin, Washington State Trial Lawyers Association.