

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2856

54th Legislature
1996 Regular Session

Passed by the House March 7, 1996
Yeas 97 Nays 0

Speaker of the
House of Representatives

Passed by the Senate March 7, 1996
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2856** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SECOND SUBSTITUTE HOUSE BILL 2856

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cooke, D. Schmidt, Wolfe, Reams, Tokuda, Chopp, Stevens, Costa, Mulliken, Hymes, Hatfield, Silver, Scheuerman, Kessler, Conway and Cole; by request of Governor Lowry)

Read first time 02/05/96.

1 AN ACT Relating to establishing the office of the child, youth, and
2 family ombudsman; creating new sections; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** (1) There is created the legislative
5 children's oversight committee for the purpose of monitoring and
6 ensuring compliance with administrative acts, relevant statutes, rules,
7 and policies pertaining to family and children services and the
8 placement, supervision, and treatment of children in the state's care
9 or in state-licensed facilities or residences. The committee shall
10 consist of three senators and three representatives from the
11 legislature. The senate members of the committee shall be appointed by
12 the president of the senate. The house members of the committee shall
13 be appointed by the speaker of the house. Not more than two members
14 from each chamber shall be from the same political party. Members
15 shall be appointed before the close of each regular session of the
16 legislature during an odd-numbered year.

17 (2) The committee shall have the following powers:

18 (a) Selection of its officers and adopt rules for orderly
19 procedure;

1 (b) Request investigations by the ombudsman of administrative acts;
2 (c) Receive reports of the ombudsman;
3 (d)(i) Obtain access to all relevant records in the possession of
4 the ombudsman, except as prohibited by law; and (ii) make
5 recommendations to all branches of government;
6 (e) Request legislation;
7 (f) Conduct hearings into such matters as it deems necessary.
8 (3) Upon receipt of records from the ombudsman, the committee is
9 subject to the same confidentiality restrictions as the ombudsman under
10 section 6 of this act.

11 NEW SECTION. **Sec. 2.** There is hereby created an office of the
12 family and children's ombudsman within the office of the governor for
13 the purpose of promoting public awareness and understanding of family
14 and children services, identifying system issues and responses for the
15 governor and the legislature to act upon, and monitoring and ensuring
16 compliance with administrative acts, relevant statutes, rules, and
17 policies pertaining to family and children's services and the
18 placement, supervision, and treatment of children in the state's care
19 or in state-licensed facilities or residences. The ombudsman shall
20 report directly to the governor and shall exercise his or her powers
21 and duties independently of the secretary.

22 NEW SECTION. **Sec. 3.** (1) The governor shall appoint an ombudsman
23 who shall be a person of recognized judgment, independence,
24 objectivity, and integrity, and shall be qualified by training or
25 experience, or both, in family and children's services law and policy.
26 Prior to the appointment, the governor shall consult with, and may
27 receive recommendations from the committee, regarding the selection of
28 the ombudsman.

29 (2) The person appointed ombudsman shall hold office for a term of
30 three years and shall continue to hold office until reappointed or
31 until his or her successor is appointed. The governor may remove the
32 ombudsman only for neglect of duty, misconduct, or inability to perform
33 duties. Any vacancy shall be filled by similar appointment for the
34 remainder of the unexpired term.

35 NEW SECTION. **Sec. 4.** The ombudsman shall perform the following
36 duties:

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

4 (2) Investigate, upon his or her own initiative or upon receipt of
5 a complaint, an administrative act alleged to be contrary to law, rule,
6 or policy, imposed without an adequate statement of reason, or based on
7 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
8 may decline to investigate any complaint as provided by rules adopted
9 under this chapter;

10 (3) Monitor the procedures as established, implemented, and
11 practiced by the department to carry out its responsibilities in
12 delivering family and children's services with a view toward
13 appropriate preservation of families and ensuring children's health and
14 safety;

15 (4) Review periodically the facilities and procedures of state
16 institutions serving children, and state-licensed facilities or
17 residences;

18 (5) Recommend changes in the procedures for addressing the needs of
19 families and children;

20 (6) Submit annually to the committee and to the governor by
21 November 1 a report analyzing the work of the office including
22 recommendations;

23 (7) Grant the committee access to all relevant records in the
24 possession of the ombudsman unless prohibited by law; and

25 (8) Adopt rules necessary to implement this chapter.

26 NEW SECTION. **Sec. 5.** The office of family and children's
27 ombudsman shall be a juvenile justice or care agency for the purposes
28 of chapter 13.50 RCW.

29 NEW SECTION. **Sec. 6.** The ombudsman shall treat all matters under
30 investigation, including the identities of service recipients,
31 complainants, and individuals from whom information is acquired, as
32 confidential, except as far as disclosures may be necessary to enable
33 the ombudsman to perform the duties of the office and to support any
34 recommendations resulting from an investigation. Upon receipt of
35 information that by law is confidential or privileged, the ombudsman
36 shall maintain the confidentiality of such information and shall not
37 further disclose or disseminate the information except as provided by

1 applicable state or federal law. Investigative records of the office
2 of the ombudsman are confidential and are exempt from public disclosure
3 under chapter 42.17 RCW.

4 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act are
5 necessary for the immediate preservation of the public peace, health,
6 or safety, or support of the state government and its existing public
7 institutions, and shall take effect immediately.

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