
HOUSE BILL 2590

State of Washington 55th Legislature 1998 Regular Session

By Representatives Mielke, Boldt, Smith and Clements

Read first time 01/15/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to actions against state officers, employees,
2 volunteers, or foster parents; and amending RCW 4.92.060 and 4.92.070.

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

4 **Sec. 1.** RCW 4.92.060 and 1989 c 403 s 2 are each amended to read
5 as follows:

6 Whenever an action or proceeding for damages shall be instituted
7 against any state officer, including state elected officials, employee,
8 volunteer, or foster parent licensed in accordance with chapter 74.15
9 RCW, arising from acts or omissions while performing, (~~or in good~~
10 ~~faith purporting to perform~~) in good faith and without negligence,
11 official duties, or, in the case of a foster parent, arising from the
12 good faith provision of foster care services, such officer, employee,
13 volunteer, or foster parent may request the attorney general to
14 authorize the defense of said action or proceeding at the expense of
15 the state.

16 **Sec. 2.** RCW 4.92.070 and 1989 c 403 s 3 are each amended to read
17 as follows:

1 If the attorney general shall find that said officer, employee, or
2 volunteer's acts or omissions were, or were purported to be in good
3 faith and without negligence, within the scope of that person's
4 official duties, or, in the case of a foster parent, that the
5 occurrence arose from the good faith provision of foster care services,
6 said request shall be granted, in which event the necessary expenses of
7 the defense of said action or proceeding shall be paid from the
8 appropriations made for the support of the department to which such
9 officer, employee, volunteer, or foster parent is attached. In such
10 cases the attorney general shall appear and defend such officer,
11 employee, volunteer, or foster parent, who shall assist and cooperate
12 in the defense of such suit. However, the attorney general may not
13 represent or provide private representation for a foster parent in an
14 action or proceeding brought by the department of social and health
15 services against that foster parent.

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