

VETO MESSAGE ON HB 2556-S

April 3, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39, Substitute House Bill No. 2556 entitled:

"AN ACT Relating to amendments concerning the child abuse prevention and treatment act and the adoption and safe families act;"

This bill enacts changes in state law required to conform with federal mandates. It also addresses a number of other matters, including the Family Policy Council and Community Health and Safety Networks, citizen review panels for child abuse and neglect, a definition of "income" within the Basic Health Plan, and dependency matters related to drug- and alcohol-affected infants and their mothers.

I have vetoed the following sections of SHB 2556:

Section 11. The 1994 Youth Violence Reduction Act describes specific roles and responsibilities for the Family Policy Council, and provides for representation from both the executive and legislative branches of government. Since the Legislature already has the authority to exercise its powers of oversight for the council, it is not necessary to amend the council's structure.

Section 19 describes the requirements for testing an infant when a physician or nurse caring for the child believes that the infant was born drug-affected, for notifying DSHS, and for retaining the infant in a birthing facility or in a pediatric center during withdrawal. Section 26 is the comparable language for a newborn suspected of being alcohol-affected. I support the purposes of these sections. However, there are serious questions relating to the efficacy of the medical approaches and the requirements that would be imposed by these sections.

The activities and aims of sections 18, 20, 21, 22, 23, 24, 27, 28 and 39 are defined with reference to sections 19 and 26. Without these latter two sections, the former sections are left without purpose.

I have other concerns about the above sections as well. The intent section, section 18, might be read to say that, beginning with the birth of a woman's third child, it is unreasonable to continue efforts to reunify drug-affected babies with that mother. I am certain that the sponsors of this bill did not intend for that interpretation.

Sections 20, 21, 23, 24, 27 and 39 are premised upon a foundation that giving birth to a drug-affected baby is sufficient to establish dependency. This foundation is not supported in RCW 13.34, the dependency statutes. These sections need to be crafted better to work with RCW 13.34. Sections 22 and 28 are contrary to Civil Rule 41(a) which permits a plaintiff to have an action dismissed by the court.

I urge the sponsors of this bill to work with the appropriate medical professional organizations and state agencies to perfect this legislation.

For these reasons, I have vetoed sections 11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39 of Substitute House Bill No. 2556.

With the exception of sections 11, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 39, Substitute House Bill No. 2556 is approved.

Respectfully submitted,
Gary Locke
Governor