

3041

Sponsor(s): Representatives Cooke, Bush, Kastama and Tokuda

Brief Title: Exempting the office of the family and children's ombudsman from certain proceedings.

**HB 3041.E - DIGEST**

(DIGEST AS ENACTED)

Provides, that neither the ombudsman nor the ombudsman's staff may be compelled, in any judicial or administrative proceeding, to testify or to produce evidence regarding the exercise of the official duties of the ombudsman or of the ombudsman's staff. All related memoranda, work product, notes, and case files of the ombudsman's office are confidential, are not subject to discovery, subpoena, or other method of legal compulsion, and are not admissible in evidence in a judicial or administrative proceeding.

Designates exceptions to the exemption.

Declares that the privilege described in this act does not apply when: (1) The ombudsman or ombudsman's staff member has direct knowledge of an alleged crime, and the testimony, evidence, or discovery sought is relevant to that allegation;

(2) the ombudsman or a member of the ombudsman's staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, and the testimony, evidence, or discovery sought is relevant to that threat or risk;

(3) the ombudsman has been asked to provide general information regarding the general operation of, or the general processes employed at, the ombudsman's office; or

(4) the ombudsman or ombudsman's staff member has direct knowledge of a failure by any person specified in RCW 26.44.030, including the state family and children's ombudsman or any volunteer in the ombudsman's office, to comply with RCW 26.44.030.

Provides that, when the ombudsman or ombudsman's staff member has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, the ombudsman or ombudsman's staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

VETO MESSAGE ON HB 3041

April 2, 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 section 6, Engrossed House Bill No. 3041, entitled:

"AN ACT Relating to the exemption of the office of the family and children's ombudsman from certain judicial and administrative proceedings;"

Engrossed House Bill No. 3041 provides the Office of the Family and Children's Ombudsman (OFCO) an exemption from disclosure

of certain information related to its inquiries. The purpose of the exemption is to enable the OFCO to conduct and complete its inquiries in a manner that elicits as much useful information as possible. The possibility of premature disclosure, or the inability of the office to maintain reasonable confidences, could compromise the work of the office. This bill places limits on the exemption that assure that the OFCO is obligated to report child abuse, or the threat of child abuse, as well as other criminal behavior.

The OFCO currently reports directly to the Governor. Section 6 of EHB 3041 would have the OFCO also reporting to the legislative oversight committee. I do not support such a dilution of accountability. The work of the office is too important to subject it to an ambiguous and untested administrative arrangement.

For this reason, I have vetoed section 6 of Engrossed House Bill No. 3041.

With the exception of section 6, Engrossed House Bill No. 3041 is approved.

Respectfully submitted,  
Gary Locke  
Governor