

SENATE BILL REPORT

SB 6001

As Reported By Senate Committee On:
Human Services & Corrections, March 2, 1999

Title: An act relating to the office of the family and children's ombudsman.

Brief Description: Providing for the disclosure of information to the office of the family and children's ombudsman.

Sponsors: Senators Hargrove, Long, Winsley and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 3/2/99 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: The Office of the Family and Children's Ombudsman is housed within the Office of the Governor. Its purpose is to promote public awareness and understanding of family and children's services, identify system issues and responsibilities, and ensure compliance with the appropriate laws, rules, and regulations pertaining to family and children's services and the placement, supervision and treatment of children in the state's care or in state licensed facilities.

Summary of Substitute Bill: The ombudsman's duty to periodically review facilities and procedures of state institutions serving children is removed. Guardians ad litem may release confidential information to the ombudsman in family court, dependency and termination cases. Contracting agencies or service providers providing counseling, psychological, psychiatric or medical services relating to a juvenile may release relevant confidential information to the ombudsman.

Disclosure of privileged communication by the Attorney General is not a waiver of privilege. All communication by an ombudsman is privileged if done in good faith performance of duties. Employees of the ombudsman are not liable for good faith performance of their responsibilities.

The Department of Social and Health Services allows the ombudsman to privately communicate with any child or family receiving services, gives the ombudsman access to inspect and copy records necessary in an investigation and provides unrestricted access to the case and management information system (CAMIS). No discriminatory, disciplinary,

or retaliatory action can be taken against an employee or contractor of the department for communication made or information given to the ombudsman unless it was given maliciously or in bad faith.

The ombudsman may apply for grants with the approval of the legislative oversight committee.

Substitute Bill Compared to Original Bill: The ombudsman may apply for grants with the approval of the legislative oversight committee. The family and children's ombudsman account is not created. The language describing the ombudsman's relationship with the Governor's office is removed. The entities required to disclose information must only disclose relevant information requested by the ombudsman in carrying out duties under the chapter. The power to subpoena records is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The ombudsman needs access to all relevant information to conduct accurate and complete investigations. Privileged communications remain privileged, so disclosure does not affect court proceedings. Access should be guaranteed in statute rather than by interagency agreement.

Testimony Against: None.

Testified: Vicki Wallen, Office of Family and Children's Ombudsman (pro); Carole Holland, Children's Administration (concerns).