

FINAL BILL REPORT

HB 1102

PARTIAL VETO

C 318 L 01

Synopsis as Enacted

Brief Description: Regarding foster care.

Sponsors: Representatives Boldt, Woods and Clements.

House Committee on Children & Family Services
Senate Committee on Human Services & Corrections

Background:

The Department of Social and Health Services (DSHS) is responsible for licensing foster care homes and placing children in these homes when the children need out-of-home care. The law does not prohibit reprisals from employees of the Department of Social and Health Services if foster parents disagree with the care plan established for a child in their care, attempt to adopt a foster child, file a complaint, or seek to understand their rights as foster parents.

Summary:

Foster parents have the right to be free of discrimination and reprisal in serving foster children. Employees of the Department of Social and Health Services are prohibited from retaliating or discriminating against foster parents. References to "within available resources" are deleted with regard to departmental sharing of information with the foster child's caregivers and consulting with them in the development of the child's case plan.

The Department of Social and Health Services may not place a child, or allow a child to remain, in out-of-home care when an adult with whom the child will reside has a conflict of interest. This prohibition may not be waived by the department under any circumstances. A conflict of interest exists when: (1) the adult, as a result of his or her employment, conducts or has conducted an investigation into allegations of abuse or neglect regarding that child; or (2) the child to be placed with the adult has been or is likely to be a witness in court action against that adult.

To constitute a conflict, the court action must include either: (1) an allegation of abuse or neglect against the child being placed or that child's sibling; or (2) a claim arising from the wrongful interference with the parent-child relationship of the child and his or her biological

parents.

The Secretary of the Department of Social and Health Services must immediately suspend an employee who knowingly violates the conflict of interest provisions and move to terminate his or her employment. The same provisions apply to any employee of a contractor. Anyone discharged from employment for knowingly violating the conflict of interest provisions is considered discharged for misconduct for purposes of disqualification under the unemployment insurance law.

Votes on Final Passage:

House 97 0

Senate 48 0 (Senate amended)

House 94 0 (House concurred)

Effective: July 22, 2001

Partial Veto Summary: The section setting forth the specific circumstances under which DSHS employees are prohibited from retaliating against foster parents is vetoed. The section directing the secretary to take certain enforcement actions against departmental employees or contractors who violate the conflict of interest prohibition is vetoed.