

HOUSE BILL REPORT

HB 1102

As Passed Legislature

Title: An act relating to foster parents' rights.

Brief Description: Regarding rights of foster parents.

Sponsors: Representatives Boldt, Woods and Clements.

Brief History:

Committee Activity:

Children & Family Services: 1/29/01, 2/8/01 [DP].

Floor Activity:

Passed House: 2/27/01, 97-0.

Senate Amended.

Passed Senate: 4/11/01, 48-0.

House Concurred.

Passed House: 4/16/01, 94-0.

Passed Legislature.

Brief Summary of Bill

- Employees of the Department of Social and Health Services are prohibited from retaliating or discriminating against foster parents.
- The Department of Social and Health Services may not place a child in out-of-home care when an adult with whom the child will reside has a conflict of interest.
- A conflict of interest exists when 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.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 10 members: Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Staff: Deborah Frazier (786-7152).

Background:

Some foster parents have the perception that they will experience reprisal from employees of the Department of Social and Health Services (DSHS) if they 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 of Bill:

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. References to foster parents assisting in family visitation, including monitoring, and modeling effective parenting behavior for the natural family, are moved within the existing section of statute.

The Department of Social and Health Services may not place a child 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.

It is clarified that no child may remain in a foster home if a conflict of interest exists.

The term investigation— is defined. 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 not eligible for unemployment compensation.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The quality and quantity of foster parents would increase if foster parents had the assurance that they will not be retaliated against, whether this concern is real or imagined. We've seen foster parents insulted when trying to advocate for the child. We see lots of retaliation and blackballing. We don't know how to document it or fix it, but we know it happens.

(Concerns) The department would be glad to discuss specific cases and get to the bottom of it. It is certainly the department's intent that foster parents be treated with courtesy and respect. The concept of the bill is worthwhile. We have concerns about the possible fiscal impact from the removal of within available resources— language regarding information sharing with foster parents.

Testimony Against: None.

Testified: (In support) Representative Clements, prime sponsor; Christine Cavanagh, Bethany Christian Services; Darcy Jarolim, foster parent and Region Six liaison; and James Wilson, Treehouse.

(With concerns) Marianna Conner, Washington Department of Social and Health Services.