

SENATE BILL REPORT

SB 5049

As Reported By Senate Committee On:
Human Services & Corrections, February 15, 2001

Title: An act relating to conflicts of interest in the placement of children in out-of-home care.

Brief Description: Providing limitations on placement of a child in out-of-home care when a conflict of interest exists.

Sponsors: Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long.

Brief History:

Committee Activity: Human Services & Corrections: 1/18/01, 2/15/01 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Edith Rice (786-7444)

Background: SB 5127, passed during the 1999 session, prohibits law enforcement agencies from assigning to an investigation involving a child, an officer who is also the child's parent, guardian, or foster parent. This legislation was passed, in part, to address the conflict of interest issues in the Wenatchee sex cases.

Several months prior to the 2000 session, the Department of Social and Health Services temporarily placed a foster child with her former foster parent, who was the officer who investigated most of the Wenatchee cases and against whom the child was likely to be a witness in several lawsuits. SB 5049 is intended to address the potential conflicts of interest that arose in that matter.

Summary of Substitute Bill: 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.

Substitute Bill Compared to Original Bill: The substitute clarifies that the Department of Social and Health Services is prohibited from placing a child in out-of-home placement only in the home where the adult has a conflict of interest, not out of home placement generally; specifies that the child be a witness in a pending cause of action; and that those who violate this law do so knowingly.

Appropriation: None.

Fiscal Note: Requested on January 16, 2001.

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

Testimony For: The bill is needed to prevent conflicts from occurring.

Testimony Against: None.

Testified: Rosie Oreskovich, Children's Administration (pro).