

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1102

57th Legislature
2001 Regular Legislative Session

Passed by the House April 16, 2001
Yeas 94 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 11, 2001
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1102** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1102

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Representative Boldt

Read first time . Referred to Committee on .

1 AN ACT Relating to foster parents' rights; amending RCW 74.13.280;
2 and adding new sections to chapter 74.13 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
5 to read as follows:

6 Foster parents have the right to be free of coercion,
7 discrimination, and reprisal in serving foster children, including the
8 right to voice grievances about treatment furnished or not furnished to
9 the foster child.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
11 to read as follows:

12 No department employee may retaliate against a foster parent or in
13 any other manner discriminate against any foster parent because:

14 (1) The foster parent made a complaint with the office of family
15 and children's ombudsman, the attorney general, law enforcement
16 agencies, or the department, provided information, or otherwise
17 cooperated with the investigation of such a complaint;

1 (2) The foster parent has caused to be instituted any proceedings
2 under or related to Title 13 RCW;

3 (3) The foster parent has testified or is about to testify in any
4 such proceedings;

5 (4) The foster parent has advocated for services on behalf of the
6 foster child;

7 (5) The foster parent has sought to adopt a foster child in the
8 foster parent's care; or

9 (6) The foster parent has discussed or consulted with anyone
10 concerning the foster parent's rights under this chapter or chapter
11 74.15 or 13.34 RCW.

12 **Sec. 3.** RCW 74.13.280 and 1997 c 272 s 7 are each amended to read
13 as follows:

14 (1) Except as provided in RCW 70.24.105, whenever a child is placed
15 in out-of-home care by the department or a child-placing agency, the
16 department or agency shall(~~(, within available resources,)~~) share
17 information about the child and the child's family with the care
18 provider and shall(~~(, within available resources,)~~) consult with the
19 care provider regarding the child's case plan. If the child is
20 dependent pursuant to a proceeding under chapter 13.34 RCW, the
21 department or agency shall keep the care provider informed regarding
22 the dates and location of dependency review and permanency planning
23 hearings pertaining to the child.

24 (2) Any person who receives information about a child or a child's
25 family pursuant to this section shall keep the information confidential
26 and shall not further disclose or disseminate the information except as
27 authorized by law.

28 (3) Nothing in this section shall be construed to limit the
29 authority of the department or child-placing agencies to disclose
30 client information or to maintain client confidentiality as provided by
31 law.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
33 to read as follows:

34 (1) No child may be placed or remain in a specific out-of-home
35 placement under this chapter or chapter 13.34 RCW when there is a
36 conflict of interest on the part of any adult residing in the home in

1 which the child is to be or has been placed. A conflict of interest
2 exists when:

3 (a) There is an adult in the home who, as a result of: (i) His or
4 her employment; and (ii) an allegation of abuse or neglect of the
5 child, conducts or has conducted an investigation of the allegation; or

6 (b) The child has been, is, or is likely to be a witness in any
7 pending cause of action against any adult in the home when the cause
8 includes: (i) An allegation of abuse or neglect against the child or
9 any sibling of the child; or (ii) a claim of damages resulting from
10 wrongful interference with the parent-child relationship of the child
11 and his or her biological or adoptive parent.

12 (2) For purposes of this section, "investigation" means the
13 exercise of professional judgment in the review of allegations of abuse
14 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
15 or under contract with, the state; (c) persons licensed to practice law
16 and their employees; and (d) mental health professionals as defined in
17 chapter 71.05 RCW.

18 (3) The prohibition set forth in subsection (1) of this section may
19 not be waived or deferred by the department under any circumstance or
20 at the request of any person, regardless of who has made the request or
21 the length of time of the requested placement.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
23 to read as follows:

24 (1) When the secretary has reasonable cause to believe that an
25 employee has knowingly violated the conflict of interest provisions in
26 section 4 of this act, notwithstanding any rule adopted under chapter
27 41.06 RCW, the secretary shall immediately suspend the employee.

28 (2) The secretary shall immediately institute proceedings to
29 terminate the employment of any person who is found by the department,
30 based upon a preponderance of the evidence, to have knowingly violated
31 the conflict of interest provisions in section 4 of this act.

32 (3) When the secretary has reasonable cause to believe that the
33 employee of a contractor has knowingly violated the conflict of
34 interest provisions in section 4 of this act, the secretary shall
35 require the employee of a contractor to be immediately removed from any
36 employment position which would permit the employee to make or
37 influence placement decisions.

1 (4) The secretary shall disqualify for employment with a contractor
2 in any position which would permit the employee to make or influence
3 placement decisions, any person who is found by the department, based
4 upon a preponderance of evidence, to have knowingly violated the
5 conflict of interest provisions of section 4 of this act.

6 (5) The secretary, when considering the renewal of a contract with
7 a contractor who has taken action under subsection (3) or (4) of this
8 section, shall require the contractor to demonstrate that there has
9 been significant progress made in reducing the likelihood that the
10 contractor's employees would knowingly violate the conflict of interest
11 provisions in section 4 of this act. The secretary shall not renew a
12 contract unless he or she determines that significant progress has been
13 made.

14 (6) For purposes of RCW 50.20.060, a person terminated under this
15 section shall be considered discharged for misconduct.

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