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**SUBSTITUTE SENATE BILL 5049**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long)

READ FIRST TIME 02/16/01.

1 AN ACT Relating to conflicts of interest in the placement of  
2 children in out-of-home care; and adding new sections to chapter 74.13  
3 RCW.

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

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

7 (1) No child may be placed or remain in a specific out-of-home  
8 placement under this chapter or chapter 13.34 RCW when there is a  
9 conflict of interest on the part of any adult residing in the home in  
10 which the child is to be or has been placed. A conflict of interest  
11 exists when:

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

15 (b) The child has been, is, or is likely to be a witness in any  
16 pending cause of action against any adult in the home when the cause  
17 includes: (i) An allegation of abuse or neglect against the child or  
18 any sibling of the child; or (ii) a claim of damages resulting from

1 wrongful interference with the parent-child relationship of the child  
2 and his or her biological or adoptive parent.

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

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

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

15 (1) When the secretary has reasonable cause to believe that an  
16 employee has knowingly violated the conflict of interest provisions in  
17 section 1 of this act, notwithstanding any rule adopted under chapter  
18 41.06 RCW, the secretary shall immediately suspend the employee.

19 (2) The secretary shall immediately institute proceedings to  
20 terminate the employment of any person who is found by the department,  
21 based upon a preponderance of the evidence, to have knowingly violated  
22 the conflict of interest provisions in section 1 of this act.

23 (3) When the secretary has reasonable cause to believe that the  
24 employee of a contractor has knowingly violated the conflict of  
25 interest provisions in section 1 of this act, the secretary shall  
26 require the employee of a contractor to be immediately removed from any  
27 employment position which would permit the employee to make or  
28 influence placement decisions.

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

34 (5) The secretary, when considering the renewal of a contract with  
35 a contractor who has taken action under subsection (3) or (4) of this  
36 section, shall require the contractor to demonstrate that there has  
37 been significant progress made in reducing the likelihood that the  
38 contractor's employees would knowingly violate the conflict of interest

1 provisions in section 1 of this act. The secretary shall not renew a  
2 contract unless he or she determines that significant progress has been  
3 made.

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

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