
HOUSE BILL 1661

State of Washington**65th Legislature****2017 Regular Session**

By Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford, and Slatter; by request of Office of the Governor

Read first time 01/26/17. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to creating the department of children, youth,
2 and families; amending RCW 43.215.030, 43.17.010, 43.17.020,
3 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216,
4 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495,
5 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070,
6 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400,
7 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096,
8 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040,
9 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050,
10 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050,
11 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030,
12 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 74.09.510,
13 74.13.020, 74.13.025, 74.13.031, 74.13.039, 74.13.060, 74.13.062,
14 74.13.070, 74.13.077, 74.13.1051, 74.13.107, 74.13.335, 74.13.500,
15 74.13.510, 74.13.515, 74.15.020, 74.15.030, 74.15.060, 74.15.070,
16 74.15.080, 74.15.120, 74.15.130, 74.15.134, 74.15.140, 74.15.200,
17 74.15.210, 74.15.230, 74.15.250, 74.15.280, 74.15.311, 74.15.901,
18 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.005, 74.13A.010,
19 74.13A.015, 74.13A.025, 74.13A.030, 74.13A.040, 74.13A.045,
20 74.13A.047, 74.13A.050, 74.13A.055, 74.13A.060, 74.13A.065,
21 74.13A.070, 74.13A.080, 74.13A.085, 74.13B.005, 74.13B.010,
22 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005,
23 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145,

1 13.40.030, 13.40.040, 13.40.045, 13.40.185, 13.40.205, 13.40.210,
2 13.40.215, 13.40.217, 13.40.220, 13.40.285, 13.40.300, 13.40.310,
3 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468,
4 13.40.510, 13.40.520, 13.40.540, 13.40.560, 13.40.570, 74.14A.030,
5 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 72.09.337, 72.05.010,
6 72.05.020, 72.05.130, 72.05.150, 72.05.154, 72.05.400, 72.05.405,
7 72.05.415, 72.05.420, 72.05.430, 72.05.435, 72.05.440, 72.05.451,
8 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060,
9 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050,
10 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060,
11 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020,
12 41.06.475, 41.56.030, 41.56.510, 43.20A.090, 70.02.200, 70.02.230,
13 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705,
14 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020,
15 13.50.010, 74.15.100, 13.36.020, 74.13A.020, 13.04.030, 13.40.020,
16 and 13.40.280; adding a new section to chapter 41.06 RCW; adding a
17 new chapter to Title 43 RCW; creating new sections; recodifying RCW
18 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060,
19 43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099,
20 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103,
21 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135,
22 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140,
23 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200,
24 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216,
25 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240,
26 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280,
27 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308,
28 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340,
29 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371,
30 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420,
31 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445,
32 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460,
33 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490,
34 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505,
35 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532,
36 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555,
37 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901,
38 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW
39 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and
40 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, and 43.215.040;

1 providing effective dates; providing an expiration date; and
2 declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that early
5 learning, child welfare, and juvenile justice services for and
6 involvement with children and families in this state are somewhat
7 fragmented because those services are housed in separate state
8 agencies and, as a result, not always well-coordinated. The
9 legislature believes that to improve the delivery of services as well
10 as the outcomes achieved for children and families through the
11 delivery of these services, they should be housed in one state
12 agency.

13 The legislature also finds that historically the state agencies
14 responsible for the provision of early learning, child welfare, and
15 juvenile justice services have not been resourced or mandated to
16 offer services or assistance designed to prevent high-risk families
17 from entering the state systems. To reduce the number of high-risk
18 children and families who come into the state system, the legislature
19 finds that an additional focus of this new agency should be on
20 prevention.

21 The legislature further finds that other states have successfully
22 established integrated departments dedicated to serving children and
23 families. These departments have improved the visibility of
24 children's issues, increased authority and accountability, enabled
25 system improvements, and created a stronger focus on serving
26 children, youth, and families.

27 **PART I**

28 **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES CREATED**

29 NEW SECTION. **Sec. 101.** The department of children, youth, and
30 families is created as an executive branch agency. The department is
31 vested with all powers and duties transferred to it under this act
32 and such other powers and duties as may be authorized by law.

33 **Sec. 102.** RCW 43.215.030 and 2006 c 265 s 104 are each amended
34 to read as follows:

1 (1) The executive head and appointing authority of the department
2 is the director. The director shall be appointed by the governor with
3 the consent of the senate, and shall serve at the pleasure of the
4 governor. (~~The governor shall solicit input from all parties
5 involved in the private-public partnership concerning this
6 appointment.~~) The director shall be paid a salary to be fixed by the
7 governor in accordance with RCW 43.03.040. If a vacancy occurs in the
8 position of director while the senate is not in session, the governor
9 shall make a temporary appointment until the next meeting of the
10 senate when the governor's nomination for the office of director
11 shall be presented.

12 (2) The director may employ staff members, who shall be exempt
13 from chapter 41.06 RCW, and any additional staff members as are
14 necessary to administer this chapter and such other duties as may be
15 authorized by law. The employment of such additional staff shall be
16 in accordance with chapter 41.06 RCW, except as otherwise provided.
17 The director may delegate any power or duty vested in him or her by
18 (~~this~~) chapter, Laws of 2017 (this act) or other law,
19 including authority to make final decisions and enter final orders in
20 hearings conducted under chapter 34.05 RCW.

21 (3) The internal affairs of the department are under the control
22 of the director in order that the director may manage the department
23 in a flexible and intelligent manner as dictated by changing
24 contemporary circumstances. Unless specifically limited by law, the
25 director has the complete charge and supervisory powers over the
26 department. The director may create the administrative structures as
27 the director deems appropriate, except as otherwise specified in law,
28 and the director may employ personnel as may be necessary in
29 accordance with chapter 41.06 RCW, except as otherwise provided by
30 law.

31 NEW SECTION. Sec. 103. (1) The office of innovation and
32 alignment is created within the office of the governor.

33 (2) The primary duties and focus of the office of innovation and
34 alignment is on developing and presenting a plan for the
35 establishment of the department of children, youth, and families,
36 including the functions in this subsection:

37 (a) Coordination between the department of early learning, the
38 department of social and health services, and the juvenile
39 rehabilitation administration including technical and policy work

1 groups to aid in the development of the items in (c) of this
2 subsection;

3 (b) To convene research institutions, including the education
4 data center, the department of social and health services' research
5 and data analysis office, the Washington state institute for public
6 policy, and the Washington state center for court research, to
7 establish priorities for (c) of this subsection;

8 (c) Development of an integrated portfolio management and
9 administrative structure for the department of children, youth, and
10 families, to include:

11 (i) Establishment of mechanisms for effectively partnering with
12 communities, small businesses, providers of services for children and
13 families, and families themselves;

14 (ii) Establishment of a definition of outcomes that the
15 department of children, youth, and families will be held accountable
16 to in order to measure the performance of the department reforms and
17 the priorities of the department;

18 (d) Development of a stakeholder advisory system for the
19 department of children, youth, and families. The office of innovation
20 and alignment must review and consult with stakeholder and advisory
21 bodies from the department of early learning, the children's
22 administration, and the juvenile rehabilitation administration in
23 order to devise this system. The office will further develop an
24 external review protocol for the department to ensure effective
25 implementation of the policies and practices established by the
26 office;

27 (e) In coordination with the office of the chief information
28 officer and the department of social and health services, the
29 development of an information technology design and investment plan
30 required to effectively integrate the department of early learning,
31 the children's administration, and the juvenile rehabilitation
32 administration, and to meet other goals of this section to be
33 provided to the governor and to the legislature for consideration in
34 the 2018 supplemental budget;

35 (f) Development of a consultation policy and protocol with the
36 twenty-nine federally recognized tribes in the state of Washington.
37 The office of innovation and alignment must strive to honor and
38 integrate the existing agreements between these tribes and the
39 department of early learning, the children's administration, and the
40 juvenile rehabilitation administration; and

1 (g) Review existing statutes affecting the department of early
2 learning and the department of social and health services and
3 identify any conflicts or barriers that these statutes present in the
4 execution of the plan in this section.

5 (3) This section expires July 1, 2018.

6 NEW SECTION. **Sec. 104.** (1) The office of innovation and
7 alignment is transitioned from the office of the governor to be an
8 office within the department. The director shall set the agenda and
9 oversee the office.

10 (2) The primary duties and focus of the office is on continuous
11 improvement to include the functions in this subsection:

12 (a) To review and recommend implementation of advancements in
13 research;

14 (b) Alignment and measuring of outcomes including, but not
15 limited to, the use of evidence-based and research-based practices;

16 (c) Quality assurance and evaluation of programs and services
17 within the department;

18 (d) To lead partnerships with the community, research and
19 teaching institutions, philanthropic organizations, and nonprofit
20 organizations; and

21 (e) To produce an annual work plan that includes priorities for
22 ongoing policy, practice and system reform, tracking, and reporting
23 out on the performance of department reforms.

24 NEW SECTION. **Sec. 105.** A new section is added to chapter 41.06
25 RCW to read as follows:

26 In addition to the exemptions under RCW 41.06.070, this chapter
27 does not apply in the department of children, youth, and families to
28 the director; the director's confidential secretary; deputy,
29 assistant, and regional directors, one confidential secretary for
30 each of the aforesaid officers; and any other exempt staff members
31 provided for in chapter . . . , Laws of 2017 (this act).

32 NEW SECTION. **Sec. 106.** (1) The director or the director's
33 designee has the full authority to administer oaths and take
34 testimony, to issue subpoenas requiring the attendance of witnesses
35 before him or her together with all books, memoranda, papers, and
36 other documents, articles, or instruments, and to compel the

1 disclosure by those witnesses of all facts known to them relative to
2 the matters under investigation.

3 (2) Subpoenas issued in adjudicative proceedings are governed by
4 RCW 34.05.588(1).

5 (3) Subpoenas issued in the conduct of investigations required or
6 authorized by other statutory provisions or necessary in the
7 enforcement of other statutory provisions are governed by RCW
8 34.05.588(2).

9 (4) When a judicially approved subpoena is required by law, the
10 director or the director's designee may apply for and obtain a
11 superior court order approving and authorizing a subpoena in advance
12 of its issuance. The application may be made in the county where the
13 subpoenaed person resides or is found, or in the county where the
14 subpoenaed documents, records, or evidence are located, or in
15 Thurston county. The application must:

16 (a) State that an order is sought under this section;

17 (b) Adequately specify the documents, records, evidence, or
18 testimony; and

19 (c) Include a declaration made under oath that an investigation
20 is being conducted for a lawfully authorized purpose related to an
21 investigation within the department's authority and that the
22 subpoenaed documents, records, evidence, or testimony are reasonably
23 related to an investigation within the department's authority.

24 (5) When an application under subsection (4) of this section is
25 made to the satisfaction of the court, the court must issue an order
26 approving the subpoena. When a judicially approved subpoena is
27 required by law, an order under this subsection constitutes authority
28 of law for the agency to subpoena the documents, records, evidence,
29 or testimony.

30 (6) The director or the director's designee may seek approval and
31 a court may issue an order under this section without prior notice to
32 any person, including the person to whom the subpoena is directed and
33 the person who is the subject of an investigation. An application for
34 court approval is subject to the fee and process set forth in RCW
35 36.18.012(3).

36 NEW SECTION. **Sec. 107.** The director shall administer family
37 services and programs to promote the state's policy as provided in
38 RCW 74.14A.025.

1 NEW SECTION. **Sec. 108.** The director shall make all of the
2 department's evaluation and research materials and data on private
3 nonprofit group homes available to group home contractors. The
4 department may delete any information from the materials that
5 identifies a specific client or contractor, other than the contractor
6 requesting the materials.

7 **Sec. 109.** RCW 43.17.010 and 2011 1st sp.s. c 43 s 107 are each
8 amended to read as follows:

9 There shall be departments of the state government which shall be
10 known as (1) the department of social and health services, (2) the
11 department of ecology, (3) the department of labor and industries,
12 (4) the department of agriculture, (5) the department of fish and
13 wildlife, (6) the department of transportation, (7) the department of
14 licensing, (8) the department of enterprise services, (9) the
15 department of commerce, (10) the department of veterans affairs, (11)
16 the department of revenue, (12) the department of retirement systems,
17 (13) the department of corrections, (14) the department of health,
18 (15) the department of financial institutions, (16) the department of
19 archaeology and historic preservation, (17) the department of (~~early~~
20 ~~learning~~) children, youth, and families, and (18) the Puget Sound
21 partnership, which shall be charged with the execution, enforcement,
22 and administration of such laws, and invested with such powers and
23 required to perform such duties, as the legislature may provide.

24 **Sec. 110.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each
25 amended to read as follows:

26 There shall be a chief executive officer of each department to be
27 known as: (1) The secretary of social and health services, (2) the
28 director of ecology, (3) the director of labor and industries, (4)
29 the director of agriculture, (5) the director of fish and wildlife,
30 (6) the secretary of transportation, (7) the director of licensing,
31 (8) the director of enterprise services, (9) the director of
32 commerce, (10) the director of veterans affairs, (11) the director of
33 revenue, (12) the director of retirement systems, (13) the secretary
34 of corrections, (14) the secretary of health, (15) the director of
35 financial institutions, (16) the director of the department of
36 archaeology and historic preservation, (17) the director of (~~early~~
37 ~~learning~~) children, youth, and families, and (18) the executive
38 director of the Puget Sound partnership.

1 Such officers, except the director of fish and wildlife, shall be
2 appointed by the governor, with the consent of the senate, and hold
3 office at the pleasure of the governor. The director of fish and
4 wildlife shall be appointed by the fish and wildlife commission as
5 prescribed by RCW 77.04.055.

6 **Sec. 111.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015
7 3rd sp.s. c 1 s 317 are each reenacted and amended to read as
8 follows:

9 For the purposes of RCW 42.17A.700, "executive state officer"
10 includes:

11 (1) The chief administrative law judge, the director of
12 agriculture, the director of the department of services for the
13 blind, the director of children, youth, and families, the director of
14 the state system of community and technical colleges, the director of
15 commerce, the director of the consolidated technology services
16 agency, the secretary of corrections, (~~the director of early~~
17 ~~learning,~~) the director of ecology, the commissioner of employment
18 security, the chair of the energy facility site evaluation council,
19 the director of enterprise services, the secretary of the state
20 finance committee, the director of financial management, the director
21 of fish and wildlife, the executive secretary of the forest practices
22 appeals board, the director of the gambling commission, the secretary
23 of health, the administrator of the Washington state health care
24 authority, the executive secretary of the health care facilities
25 authority, the executive secretary of the higher education facilities
26 authority, the executive secretary of the horse racing commission,
27 the executive secretary of the human rights commission, the executive
28 secretary of the indeterminate sentence review board, the executive
29 director of the state investment board, the director of labor and
30 industries, the director of licensing, the director of the lottery
31 commission, the director of the office of minority and women's
32 business enterprises, the director of parks and recreation, the
33 executive director of the public disclosure commission, the executive
34 director of the Puget Sound partnership, the director of the
35 recreation and conservation office, the director of retirement
36 systems, the director of revenue, the secretary of social and health
37 services, the chief of the Washington state patrol, the executive
38 secretary of the board of tax appeals, the secretary of
39 transportation, the secretary of the utilities and transportation

1 commission, the director of veterans affairs, the president of each
2 of the regional and state universities and the president of The
3 Evergreen State College, and each district and each campus president
4 of each state community college;

5 (2) Each professional staff member of the office of the governor;

6 (3) Each professional staff member of the legislature; and

7 (4) Central Washington University board of trustees, the boards
8 of trustees of each community college and each technical college,
9 each member of the state board for community and technical colleges,
10 state convention and trade center board of directors, Eastern
11 Washington University board of trustees, Washington economic
12 development finance authority, Washington energy northwest executive
13 board, The Evergreen State College board of trustees, executive
14 ethics board, fish and wildlife commission, forest practices appeals
15 board, forest practices board, gambling commission, Washington health
16 care facilities authority, student achievement council, higher
17 education facilities authority, horse racing commission, state
18 housing finance commission, human rights commission, indeterminate
19 sentence review board, board of industrial insurance appeals, state
20 investment board, commission on judicial conduct, legislative ethics
21 board, life sciences discovery fund authority board of trustees,
22 state liquor ((control)) and cannabis board, lottery commission,
23 Pacific Northwest electric power and conservation planning council,
24 parks and recreation commission, Washington personnel resources
25 board, board of pilotage commissioners, pollution control hearings
26 board, public disclosure commission, public employees' benefits
27 board, recreation and conservation funding board, salmon recovery
28 funding board, shorelines hearings board, board of tax appeals,
29 transportation commission, University of Washington board of regents,
30 utilities and transportation commission, Washington State University
31 board of regents, and Western Washington University board of
32 trustees.

33 PART II

34 POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF EARLY LEARNING

35 **Sec. 201.** RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3
36 are each reenacted and amended to read as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

1 (1) "Agency" means any person, firm, partnership, association,
2 corporation, or facility that provides child care and early learning
3 services outside a child's own home and includes the following
4 irrespective of whether there is compensation to the agency:

5 (a) "Child day care center" means an agency that regularly
6 provides early childhood education and early learning services for a
7 group of children for periods of less than twenty-four hours;

8 (b) "Early learning" includes but is not limited to programs and
9 services for child care; state, federal, private, and nonprofit
10 preschool; child care subsidies; child care resource and referral;
11 parental education and support; and training and professional
12 development for early learning professionals;

13 (c) "Family day care provider" means a child care provider who
14 regularly provides early childhood education and early learning
15 services for not more than twelve children in the provider's home in
16 the family living quarters;

17 (d) "Nongovernmental private-public partnership" means an entity
18 registered as a nonprofit corporation in Washington state with a
19 primary focus on early learning, school readiness, and parental
20 support, and an ability to raise a minimum of five million dollars in
21 contributions;

22 (e) "Service provider" means the entity that operates a community
23 facility.

24 (2) "Agency" does not include the following:

25 (a) Persons related to the child in the following ways:

26 (i) Any blood relative, including those of half-blood, and
27 including first cousins, nephews or nieces, and persons of preceding
28 generations as denoted by prefixes of grand, great, or great-great;

29 (ii) Stepfather, stepmother, stepbrother, and stepsister;

30 (iii) A person who legally adopts a child or the child's parent
31 as well as the natural and other legally adopted children of such
32 persons, and other relatives of the adoptive parents in accordance
33 with state law; or

34 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
35 this subsection, even after the marriage is terminated;

36 (b) Persons who are legal guardians of the child;

37 (c) Persons who care for a neighbor's or friend's child or
38 children, with or without compensation, where the person providing
39 care for periods of less than twenty-four hours does not conduct such
40 activity on an ongoing, regularly scheduled basis for the purpose of

1 engaging in business, which includes, but is not limited to,
2 advertising such care;

3 (d) Parents on a mutually cooperative basis exchange care of one
4 another's children;

5 (e) Nursery schools that are engaged primarily in early childhood
6 education with preschool children and in which no child is enrolled
7 on a regular basis for more than four hours per day;

8 (f) Schools, including boarding schools, that are engaged
9 primarily in education, operate on a definite school year schedule,
10 follow a stated academic curriculum, and accept only school age
11 children;

12 (g) Seasonal camps of three months' or less duration engaged
13 primarily in recreational or educational activities;

14 (h) Facilities providing child care for periods of less than
15 twenty-four hours when a parent or legal guardian of the child
16 remains on the premises of the facility for the purpose of
17 participating in:

18 (i) Activities other than employment; or

19 (ii) Employment of up to two hours per day when the facility is
20 operated by a nonprofit entity that also operates a licensed child
21 care program at the same facility in another location or at another
22 facility;

23 (i) Any entity that provides recreational or educational
24 programming for school age children only and the entity meets all of
25 the following requirements:

26 (i) The entity utilizes a drop-in model for programming, where
27 children are able to attend during any or all program hours without a
28 formal reservation;

29 (ii) The entity does not assume responsibility in lieu of the
30 parent, unless for coordinated transportation;

31 (iii) The entity is a local affiliate of a national nonprofit;
32 and

33 (iv) The entity is in compliance with all safety and quality
34 standards set by the associated national agency;

35 (j) A program operated by any unit of local, state, or federal
36 government;

37 (k) A program located within the boundaries of a federally
38 recognized Indian reservation, licensed by the Indian tribe;

1 (1) A program located on a federal military reservation, except
2 where the military authorities request that such agency be subject to
3 the licensing requirements of this chapter;

4 (m) A program that offers early learning and support services,
5 such as parent education, and does not provide child care services on
6 a regular basis.

7 (3) "Applicant" means a person who requests or seeks employment
8 in an agency.

9 (4) "Conviction information" means criminal history record
10 information relating to an incident which has led to a conviction or
11 other disposition adverse to the applicant.

12 (5) "Department" means the department of (~~early learning~~)
13 children, youth, and families.

14 (6) "Director" means the director of the department.

15 (7) "Early achievers" means a program that improves the quality
16 of early learning programs and supports and rewards providers for
17 their participation.

18 (8) "Early childhood education and assistance program contractor"
19 means an organization that provides early childhood education and
20 assistance program services under a signed contract with the
21 department.

22 (9) "Early childhood education and assistance program provider"
23 means an organization that provides site level, direct, and high
24 quality early childhood education and assistance program services
25 under the direction of an early childhood education and assistance
26 program contractor.

27 (10) "Early start" means an integrated high quality continuum of
28 early learning programs for children birth-to-five years of age.
29 Components of early start include, but are not limited to, the
30 following:

31 (a) Home visiting and parent education and support programs;

32 (b) The early achievers program described in RCW 43.215.100 (as
33 recodified by this act);

34 (c) Integrated full-day and part-day high quality early learning
35 programs; and

36 (d) High quality preschool for children whose family income is at
37 or below one hundred ten percent of the federal poverty level.

38 (11) "Education data center" means the education data center
39 established in RCW 43.41.400, commonly referred to as the education
40 research and data center.

1 (12) "Employer" means a person or business that engages the
2 services of one or more people, especially for wages or salary to
3 work in an agency.

4 (13) "Enforcement action" means denial, suspension, revocation,
5 modification, or nonrenewal of a license pursuant to RCW
6 43.215.300(1) (as recodified by this act) or assessment of civil
7 monetary penalties pursuant to RCW 43.215.300(3) (as recodified by
8 this act).

9 (14) "Extended day program" means an early childhood education
10 and assistance program that offers early learning education for at
11 least ten hours per day, a minimum of two thousand hours per year, at
12 least four days per week, and operates year round.

13 (15) "Full day program" means an early childhood education and
14 assistance program that offers early learning education for a minimum
15 of one thousand hours per year.

16 (16) "Low-income child care provider" means a person who
17 administers a child care program that consists of at least eighty
18 percent of children receiving working connections child care subsidy.

19 (17) "Low-income neighborhood" means a district or community
20 where more than twenty percent of households are below the federal
21 poverty level.

22 (18) "Negative action" means a court order, court judgment, or an
23 adverse action taken by an agency, in any state, federal, tribal, or
24 foreign jurisdiction, which results in a finding against the
25 applicant reasonably related to the individual's character,
26 suitability, and competence to care for or have unsupervised access
27 to children in child care. This may include, but is not limited to:

28 (a) A decision issued by an administrative law judge;

29 (b) A final determination, decision, or finding made by an agency
30 following an investigation;

31 (c) An adverse agency action, including termination, revocation,
32 or denial of a license or certification, or if pending adverse agency
33 action, the voluntary surrender of a license, certification, or
34 contract in lieu of the adverse action;

35 (d) A revocation, denial, or restriction placed on any
36 professional license; or

37 (e) A final decision of a disciplinary board.

38 (19) "Nonconviction information" means arrest, founded
39 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
40 or other negative action adverse to the applicant.

1 (20) "Nonschool age child" means a child who is age six years or
2 younger and who is not enrolled in a public or private school.

3 (21) "Part day program" means an early childhood education and
4 assistance program that offers early learning education for at least
5 two and one-half hours per class session, at least three hundred
6 twenty hours per year, for a minimum of thirty weeks per year.

7 (22) "Private school" means a private school approved by the
8 state under chapter 28A.195 RCW.

9 (23) "Probationary license" means a license issued as a
10 disciplinary measure to an agency that has previously been issued a
11 full license but is out of compliance with licensing standards.

12 (24) "Requirement" means any rule, regulation, or standard of
13 care to be maintained by an agency.

14 (25) "School age child" means a child who is five years of age
15 through twelve years of age and is attending a public or private
16 school or is receiving home-based instruction under chapter 28A.200
17 RCW.

18 (26) "Washington state preschool program" means an education
19 program for children three-to-five years of age who have not yet
20 entered kindergarten, such as the early childhood education and
21 assistance program.

22 **Sec. 202.** RCW 43.215.020 and 2016 c 57 s 5 are each amended to
23 read as follows:

24 (1) ~~The department ((of early learning is created as an executive~~
25 ~~branch agency. The department is vested with all powers and duties~~
26 ~~transferred to it under this chapter and such other powers and duties~~
27 ~~as may be authorized by law.~~

28 ~~(2) The primary duties of the department are to~~) shall implement
29 state early learning policy and ~~((to))~~ coordinate, consolidate, and
30 integrate child care and early learning programs in order to
31 administer programs and funding as efficiently as possible. The
32 department's duties include, but are not limited to, the following:

33 (a) To support both public and private sectors toward a
34 comprehensive and collaborative system of early learning that serves
35 parents, children, and providers and to encourage best practices in
36 child care and early learning programs;

37 (b) To make early learning resources available to parents and
38 caregivers;

1 (c) To carry out activities, including providing clear and easily
2 accessible information about quality and improving the quality of
3 early learning opportunities for young children, in cooperation with
4 the nongovernmental private-public partnership;

5 (d) To administer child care and early learning programs;

6 (e) To apply data already collected comparing the following
7 factors and make biennial recommendations to the legislature
8 regarding working connections subsidy and state-funded preschool
9 rates and compensation models that would attract and retain high
10 quality early learning professionals:

11 (i) State-funded early learning subsidy rates and market rates of
12 licensed early learning homes and centers;

13 (ii) Compensation of early learning educators in licensed centers
14 and homes and early learning teachers at state higher education
15 institutions;

16 (iii) State-funded preschool program compensation rates and
17 Washington state head start program compensation rates; and

18 (iv) State-funded preschool program compensation to compensation
19 in similar comprehensive programs in other states;

20 (f) To serve as the state lead agency for Part C of the federal
21 individuals with disabilities education act (IDEA) and to develop and
22 adopt rules that establish minimum requirements for the services
23 offered through Part C programs, including allowable allocations and
24 expenditures for transition into Part B of the federal individuals
25 with disabilities education act (IDEA);

26 (g) To standardize internal financial audits, oversight visits,
27 performance benchmarks, and licensing criteria, so that programs can
28 function in an integrated fashion;

29 (h) To support the implementation of the nongovernmental private-
30 public partnership and cooperate with that partnership in pursuing
31 its goals including providing data and support necessary for the
32 successful work of the partnership;

33 (i) To work cooperatively and in coordination with the early
34 learning council;

35 (j) To collaborate with the K-12 school system at the state and
36 local levels to ensure appropriate connections and smooth transitions
37 between early learning and K-12 programs;

38 (k) To develop and adopt rules for administration of the program
39 of early learning established in RCW 43.215.455 (as recodified by
40 this act);

1 (1) To develop a comprehensive birth-to-three plan to provide
2 education and support through a continuum of options including, but
3 not limited to, services such as: Home visiting; quality incentives
4 for infant and toddler child care subsidies; quality improvements for
5 family home and center-based child care programs serving infants and
6 toddlers; professional development; early literacy programs; and
7 informal supports for family, friend, and neighbor caregivers; and

8 (m) Upon the development of an early learning information system,
9 to make available to parents timely inspection and licensing action
10 information and provider comments through the internet and other
11 means.

12 ~~((+3))~~ (2) When additional funds are appropriated for the
13 specific purpose of home visiting and parent and caregiver support,
14 the department must reserve at least eighty percent for home visiting
15 services to be deposited into the home visiting services account and
16 up to twenty percent of the new funds for other parent or caregiver
17 support.

18 ~~((+4))~~ (3) Home visiting services must include programs that
19 serve families involved in the child welfare system.

20 ~~((+5) Subject to the availability of amounts appropriated for
21 this specific purpose, the legislature shall fund the expansion in
22 the Washington state preschool program pursuant to RCW 43.215.456 in
23 fiscal year 2014.~~

24 ~~(+6))~~ (4) The department's programs shall be designed in a way
25 that respects and preserves the ability of parents and legal
26 guardians to direct the education, development, and upbringing of
27 their children, and that recognizes and honors cultural and
28 linguistic diversity. The department shall include parents and legal
29 guardians in the development of policies and program decisions
30 affecting their children.

31 **Sec. 203.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
32 read as follows:

33 (1)(a) The director ~~((of the department of early learning))~~ shall
34 review current department policies and assess the adequacy and
35 availability of programs targeted at persons who receive assistance
36 who are the children and families of a person who is incarcerated in
37 a department of corrections facility. Great attention shall be
38 focused on programs and policies affecting foster youth who have a
39 parent who is incarcerated.

1 (b) The director shall adopt policies that support the children
2 of incarcerated parents and meet their needs with the goal of
3 facilitating normal child development, while reducing
4 intergenerational incarceration.

5 (2) The director shall conduct the following activities to assist
6 in implementing the requirements of subsection (1) of this section:

7 (a) Gather information and data on the recipients of assistance
8 who are the children and families of inmates incarcerated in
9 department of corrections facilities; and

10 (b) Participate in the children of incarcerated parents advisory
11 committee and report information obtained under this section to the
12 advisory committee.

13 **Sec. 204.** RCW 43.215.070 and 2006 c 265 s 108 are each amended
14 to read as follows:

15 (1) In addition to other duties under this chapter, the director
16 shall actively participate in a nongovernmental private-public
17 partnership focused on supporting government's investments in early
18 learning and ensuring that every child in the state is prepared to
19 succeed in school and in life. Except for licensing as required by
20 Washington state law and to the extent permitted by federal law, the
21 director (~~(of the department of early learning)~~) shall grant waivers
22 from the rules of state agencies for the operation of early learning
23 programs requested by the nongovernmental private-public partnership
24 to allow for flexibility to pursue market-based approaches to
25 achieving the best outcomes for children and families.

26 (2) In addition to other powers granted to the director, the
27 director may:

28 (a) Enter into contracts on behalf of the department to carry out
29 the purposes of this chapter; and

30 (b) Accept gifts, grants, or other funds for the purposes of this
31 chapter(~~(; and~~

32 ~~(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary~~
33 ~~to implement this chapter, including rules governing child day care~~
34 ~~and early learning programs under this chapter. This section does not~~
35 ~~expand the rule-making authority of the director beyond that~~
36 ~~necessary to implement and administer programs and services existing~~
37 ~~July 1, 2006, as transferred to the department of early learning~~
38 ~~under section 501, chapter 265, Laws of 2006. The rule-making~~
39 ~~authority does not include any authority to set mandatory curriculum~~

1 ~~or establish what must be taught in child day care centers or by~~
2 ~~family day care providers)).~~

3 **Sec. 205.** RCW 43.215.200 and 2015 3rd sp.s. c 7 s 4 are each
4 amended to read as follows:

5 It shall be the director's duty with regard to licensing under
6 this chapter:

7 (1) In consultation and with the advice and assistance of persons
8 representative of the various type agencies to be licensed, to
9 designate categories of child care facilities for which separate or
10 different requirements shall be developed as may be appropriate
11 whether because of variations in the ages and other characteristics
12 of the children served, variations in the purposes and services
13 offered or size or structure of the agencies to be licensed, or
14 because of any other factor relevant thereto;

15 (2)(a) In consultation with the state fire marshal's office, the
16 director shall use an interagency process to address health and
17 safety requirements for child care programs that serve school-age
18 children and are operated in buildings that contain public or private
19 schools that safely serve children during times in which school is in
20 session;

21 (b) Any requirements in (a) of this subsection as they relate to
22 the physical facility, including outdoor playgrounds, do not apply to
23 before-school and after-school programs that serve only school-age
24 children and operate in the same facilities used by public or private
25 schools;

26 (3) In consultation and with the advice and assistance of parents
27 or guardians, and persons representative of the various type agencies
28 to be licensed, to adopt and publish minimum requirements for
29 licensing applicable to each of the various categories of agencies to
30 be licensed under this chapter;

31 (4) In consultation with law enforcement personnel, the director
32 shall investigate the conviction record or pending charges of each
33 agency and its staff seeking licensure or relicensure, and other
34 persons having unsupervised access to children in care;

35 (5) To satisfy the shared background check requirements provided
36 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
37 department of ~~((early learning))~~ children, youth, and families and
38 the department of social and health services shall share federal
39 fingerprint-based background check results as permitted under the

1 law. The purpose of this provision is to allow both departments to
2 fulfill their joint background check responsibility of checking any
3 individual who may have unsupervised access to vulnerable adults,
4 children, or juveniles. Neither department may share the federal
5 background check results with any other state agency or person;

6 (6) To issue, revoke, or deny licenses to agencies pursuant to
7 this chapter. Licenses shall specify the category of care that an
8 agency is authorized to render and the ages and number of children to
9 be served;

10 (7) To prescribe the procedures and the form and contents of
11 reports necessary for the administration of this chapter and to
12 require regular reports from each licensee;

13 (8) To inspect agencies periodically to determine whether or not
14 there is compliance with this chapter and the requirements adopted
15 under this chapter;

16 (9) To review requirements adopted under this chapter at least
17 every two years and to adopt appropriate changes after consultation
18 with affected groups for child day care requirements; and

19 (10) To consult with public and private agencies in order to help
20 them improve their methods and facilities for the care and early
21 learning of children.

22 **Sec. 206.** RCW 43.215.215 and 2011 c 295 s 2 and 2011 c 253 s 4
23 are each reenacted and amended to read as follows:

24 (1) In determining whether an individual is of appropriate
25 character, suitability, and competence to provide child care and
26 early learning services to children, the department may consider the
27 history of past involvement of child protective services or law
28 enforcement agencies with the individual for the purpose of
29 establishing a pattern of conduct, behavior, or inaction with regard
30 to the health, safety, or welfare of a child. No report of child
31 abuse or neglect that has been destroyed or expunged under RCW
32 26.44.031 may be used for such purposes. No unfounded or inconclusive
33 allegation of child abuse or neglect as defined in RCW 26.44.020 may
34 be disclosed to a provider licensed under this chapter.

35 (2) In order to determine the suitability of individuals newly
36 applying for an agency license, new licensees, their new employees,
37 and other persons who newly have unsupervised access to children in
38 care, shall be fingerprinted.

1 (a) The fingerprints shall be forwarded to the Washington state
2 patrol and federal bureau of investigation for a criminal history
3 record check.

4 (b)(i) (~~Effective July 1, 2012,~~) All individuals applying for
5 first-time agency licenses, all new employees, and other persons who
6 have not been previously qualified by the department to have
7 unsupervised access to children in care must be fingerprinted and
8 obtain a criminal history record check pursuant to this section.

9 (ii) Persons required to be fingerprinted and obtain a criminal
10 (~~history~~) history record check pursuant to this section must pay
11 for the cost of this check as follows: The fee established by the
12 Washington state patrol for the criminal background history check,
13 including the cost of obtaining the fingerprints; and a fee paid to
14 the department for the cost of administering the individual-based/
15 portable background check clearance registry. The fee paid to the
16 department must be deposited into the individual-based/portable
17 background check clearance account established in RCW 43.215.218 (as
18 recodified by this act). The licensee may, but need not, pay these
19 costs on behalf of a prospective employee or reimburse the
20 prospective employee for these costs. The licensee and the
21 prospective employee may share these costs.

22 (c) The director shall use the fingerprint criminal history
23 record check information solely for the purpose of determining
24 eligibility for a license and for determining the character,
25 suitability, and competence of those persons or agencies, excluding
26 parents, not required to be licensed who are authorized to care for
27 children.

28 (d) Criminal justice agencies shall provide the director such
29 information as they may have and that the director may require for
30 such purpose.

31 (e) No later than July 1, 2013, all agency licensees holding
32 licenses prior to July 1, 2012, persons who were employees before
33 July 1, 2012, and persons who have been qualified by the department
34 before July 1, 2012, to have unsupervised access to children in care,
35 must submit a new background application to the department. The
36 department must require persons submitting a new background
37 application pursuant to this subsection (2)(e) to pay a fee to the
38 department for the cost of administering the individual-based/
39 portable background check clearance registry. This fee must be paid
40 into the individual-based/portable background check clearance account

1 established in RCW 43.215.218 (as recodified by this act). The
2 licensee may, but need not, pay these costs on behalf of a
3 prospective employee or reimburse the prospective employee for these
4 costs. The licensee and the prospective employee may share these
5 costs.

6 (f) The department shall issue a background check clearance card
7 or certificate to the applicant if after the completion of a
8 background check the department concludes the applicant is qualified
9 for unsupervised access to children in child care. The background
10 check clearance card or certificate is valid for three years from the
11 date of issuance. A valid card or certificate must be accepted by a
12 potential employer as proof that the applicant has successfully
13 completed a background check as required under this chapter.

14 (g) The original applicant for an agency license, licensees,
15 their employees, and other persons who have unsupervised access to
16 children in care shall submit a new background check application to
17 the department, on a form and by a date as determined by the
18 department.

19 (h) The applicant and agency shall maintain on-site for
20 inspection a copy of the background check clearance card or
21 certificate.

22 (i) Individuals who have been issued a background check clearance
23 card or certificate shall report nonconviction and conviction
24 information to the department within twenty-four hours of the event
25 constituting the nonconviction or conviction information.

26 (j) The department shall investigate and conduct a
27 redetermination of an applicant's or licensee's background clearance
28 if the department receives a complaint or information from
29 individuals, a law enforcement agency, or other federal, state, or
30 local government agency. Subject to the requirements contained in RCW
31 43.215.300 and 43.215.305 (as recodified by this act) and based on a
32 determination that an individual lacks the appropriate character,
33 suitability, or competence to provide child care or early learning
34 services to children, the department may: (i) Invalidate the
35 background card or certificate; or (ii) suspend, modify, or revoke
36 any license authorized by this chapter.

37 (3) To satisfy the shared background check requirements of the
38 department of (~~early learning~~) children, youth, and families and
39 the department of social and health services, each department shall
40 share federal fingerprint-based background check results as permitted

1 under the law. The purpose of this provision is to allow both
2 departments to fulfill their joint background check responsibility of
3 checking any individual who may have unsupervised access to
4 vulnerable adults, children, or juveniles. Neither department may
5 share the federal background check results with any other state
6 agency or person.

7 **Sec. 207.** RCW 43.215.216 and 2011 c 295 s 1 are each amended to
8 read as follows:

9 Subject to appropriation, the department (~~((of early learning))~~)
10 shall (~~((establish and))~~) maintain an individual-based or portable
11 background check clearance registry (~~((by July 1, 2012))~~). Any
12 individual seeking a child care license or employment in any child
13 care facility licensed or regulated under current law shall submit a
14 background application on a form prescribed by the department in
15 rule.

16 **Sec. 208.** RCW 43.215.217 and 2011 c 295 s 4 are each amended to
17 read as follows:

18 (~~((Effective July 1, 2011,))~~) All agency licensees shall pay the
19 department a one-time fee established by the department. When
20 establishing the fee, the department must consider the cost of
21 developing and administering the registry, and shall not set a fee
22 which is estimated to generate revenue beyond estimated costs for the
23 development and administration of the registry. Fee revenues must be
24 deposited in the individual-based/portable background check clearance
25 account created in RCW 43.215.218 (as recodified by this act) and may
26 be expended only for the costs of developing and administering the
27 individual-based/portable background check clearance registry created
28 in RCW 43.215.216 (as recodified by this act).

29 **Sec. 209.** RCW 43.215.218 and 2011 c 295 s 5 are each amended to
30 read as follows:

31 The individual-based/portable background check clearance account
32 is created in the custody of the state treasurer. All fees collected
33 pursuant to RCW 43.215.215 and 43.215.217 (as recodified by this act)
34 must be deposited in the account. Expenditures from the account may
35 be made only for development and administration, and implementation
36 of the individual-based/portable background check registry
37 established in RCW 43.215.216 (as recodified by this act). Only the

1 director (~~of the department of early learning~~) or the director's
2 designee may authorize expenditures from the account. The account is
3 subject to allotment procedures under chapter 43.88 RCW, but an
4 appropriation is not required for expenditures.

5 **Sec. 210.** RCW 43.215.405 and 2014 c 160 s 4 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout RCW 43.215.400 through 43.215.457 and
9 43.215.900 through 43.215.903 (as recodified by this act).

10 (1) "Advisory committee" means the advisory committee under RCW
11 43.215.420 (as recodified by this act).

12 (2) "Approved programs" means those state-supported education and
13 special assistance programs which are recognized by the department as
14 meeting the minimum program rules adopted by the department to
15 qualify under RCW 43.215.400 through 43.215.450 and 43.215.900
16 through 43.215.903 (as recodified by this act) and are designated as
17 eligible for funding by the department under RCW 43.215.430 and
18 43.215.440 (as recodified by this act).

19 (3) "Comprehensive" means an assistance program that focuses on
20 the needs of the child and includes education, health, and family
21 support services.

22 (4) (~~"Department" means the department of early learning.~~

23 ~~(5))~~ "Eligible child" means a child not eligible for
24 kindergarten whose family income is at or below one hundred ten
25 percent of the federal poverty level, as published annually by the
26 federal department of health and human services, and includes a child
27 whose family is eligible for public assistance, and who is not a
28 participant in a federal or state program providing comprehensive
29 services; a child eligible for special education due to disability
30 under RCW 28A.155.020; and may include children who are eligible
31 under rules adopted by the department if the number of such children
32 equals not more than ten percent of the total enrollment in the early
33 childhood program. Priority for enrollment shall be given to children
34 from families with the lowest income, children in foster care, or to
35 eligible children from families with multiple needs.

36 (~~(6))~~ (5) "Family support services" means providing
37 opportunities for parents to:

38 (a) Actively participate in their child's early childhood
39 program;

- 1 (b) Increase their knowledge of child development and parenting
- 2 skills;
- 3 (c) Further their education and training;
- 4 (d) Increase their ability to use needed services in the
- 5 community;
- 6 (e) Increase their self-reliance.

7 **Sec. 211.** RCW 43.215.420 and 2006 c 263 s 413 are each amended
8 to read as follows:

9 The department shall establish an advisory committee composed of
10 interested parents and representatives from the office of the
11 superintendent of public instruction, (~~the division of children and~~
12 ~~family services within the department of social and health~~
13 ~~services,~~) early childhood education and development staff
14 preparation programs, the head start programs, school districts, and
15 such other community and business organizations as deemed necessary
16 by the department to assist with the establishment of the preschool
17 program and advise the department on matters regarding the ongoing
18 promotion and operation of the program.

19 **Sec. 212.** RCW 43.215.495 and 2006 c 265 s 202 are each amended
20 to read as follows:

21 It shall be the policy of the state of Washington to:

22 (1) Recognize the family as the most important social and
23 economic unit of society and support the central role parents play in
24 child rearing. All parents are encouraged to care for and nurture
25 their children through the traditional methods of parental care at
26 home. The availability of quality, affordable child care is a concern
27 for working parents, the costs of care are often beyond the resources
28 of working parents, and child care facilities are not located
29 conveniently to workplaces and neighborhoods. Parents are encouraged
30 to participate fully in the effort to improve the quality of child
31 care services.

32 (2) Promote a variety of culturally and developmentally
33 appropriate child care settings and services of the highest possible
34 quality in accordance with the basic principle of continuity of care.
35 These settings shall include, but not be limited to, family day care
36 homes, mini-centers, centers and schools.

37 (3) Promote the growth, development and safety of children by
38 working with community groups including providers and parents to

1 establish standards for quality service, training of child care
2 providers, fair and equitable monitoring, and salary levels
3 commensurate with provider responsibilities and support services.

4 (4) Promote equal access to quality, affordable, socio-
5 economically integrated child care for all children and families.

6 (5) Facilitate broad community and private sector involvement in
7 the provision of quality child care services to foster economic
8 development and assist industry through the department (~~(of early~~
9 ~~learning)~~).

10 **Sec. 213.** RCW 43.215.545 and 2013 c 323 s 8 are each amended to
11 read as follows:

12 The department (~~(of early learning)~~) shall:

13 (1) Work in conjunction with the statewide child care resource
14 and referral network as well as local governments, nonprofit
15 organizations, businesses, and community child care advocates to
16 create local child care resource and referral organizations. These
17 organizations may carry out needs assessments, resource development,
18 provider training, technical assistance, and parent information and
19 training;

20 (2) Actively seek public and private money for distribution as
21 grants to the statewide child care resource and referral network and
22 to existing or potential local child care resource and referral
23 organizations;

24 (3) Adopt rules regarding the application for and distribution of
25 grants to local child care resource and referral organizations. The
26 rules shall, at a minimum, require an applicant to submit a plan for
27 achieving the following objectives:

28 (a) Provide parents with information about child care resources,
29 including location of services and subsidies;

30 (b) Carry out child care provider recruitment and training
31 programs, including training under RCW 74.25.040;

32 (c) Offer support services, such as parent and provider seminars,
33 toy-lending libraries, and substitute banks;

34 (d) Provide information for businesses regarding child care
35 supply and demand;

36 (e) Advocate for increased public and private sector resources
37 devoted to child care;

38 (f) Provide technical assistance to employers regarding employee
39 child care services; and

1 (g) Serve recipients of temporary assistance for needy families
2 and working parents with incomes at or below household incomes of two
3 hundred percent of the federal poverty line;

4 (4) Provide staff support and technical assistance to the
5 statewide child care resource and referral network and local child
6 care resource and referral organizations;

7 (5) Maintain a statewide child care licensing data bank and work
8 with department licensors to provide information to local child care
9 resource and referral organizations about licensed child care
10 providers in the state;

11 (6) Through the statewide child care resource and referral
12 network and local resource and referral organizations, compile data
13 about local child care needs and availability for future planning and
14 development;

15 (7) Coordinate with the statewide child care resource and
16 referral network and local child care resource and referral
17 organizations for the provision of training and technical assistance
18 to child care providers;

19 (8) Collect and assemble information regarding the availability
20 of insurance and of federal and other child care funding to assist
21 state and local agencies, businesses, and other child care providers
22 in offering child care services;

23 (9) Subject to the availability of amounts appropriated for this
24 specific purpose, (~~beginning September 1, 2013,~~) increase the base
25 rate for all child care providers by ten percent;

26 (10) Subject to the availability of amounts appropriated for this
27 specific purpose, provide tiered subsidy rate enhancements to child
28 care providers if the provider meets the following requirements:

29 (a) The provider enrolls in quality rating and improvement system
30 levels 2, 3, 4, or 5;

31 (b) The provider is actively participating in the early achievers
32 program;

33 (c) The provider continues to advance towards level 5 of the
34 early achievers program; and

35 (d) The provider must complete level 2 within thirty months or
36 the reimbursement rate returns the level 1 rate; and

37 (11) Require exempt providers to participate in continuing
38 education, if adequate funding is available.

1 **Sec. 214.** RCW 43.215.550 and 2006 c 265 s 203 are each amended
2 to read as follows:

3 An employer liaison position is established in the department
4 (~~(of early learning)~~) to be colocated with the department of
5 (~~(community, trade, and economic development)~~) commerce. The employer
6 liaison shall, within appropriated funds:

7 (1) Staff and assist the child care partnership in the
8 implementation of its duties;

9 (2) Provide technical assistance to employers regarding child
10 care services, working with and through local resource and referral
11 organizations whenever possible. Such technical assistance shall
12 include at a minimum:

13 (a) Assessing the child care needs of employees and prospective
14 employees;

15 (b) Reviewing options available to employers interested in
16 increasing access to child care for their employees;

17 (c) Developing techniques to permit small businesses to increase
18 access to child care for their employees;

19 (d) Reviewing methods of evaluating the impact of child care
20 activities on employers; and

21 (e) Preparing, collecting, and distributing current information
22 for employers on options for increasing involvement in child care;
23 and

24 (3) Provide assistance to local child care resource and referral
25 organizations to increase their capacity to provide quality technical
26 assistance to employers in their community.

27 **Sec. 215.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to
28 read as follows:

29 (1) Beginning with the 2007-08 school year, funding for voluntary
30 all-day kindergarten programs shall be phased-in beginning with
31 schools with the highest poverty levels, defined as those schools
32 with the highest percentages of students qualifying for free and
33 reduced-price lunch support in the prior school year. During the
34 2011-2013 biennium, funding shall continue to be phased-in each year
35 until full statewide implementation of all-day kindergarten is
36 achieved in the 2017-18 school year. Once a school receives funding
37 for the all-day kindergarten program, that school shall remain
38 eligible for funding in subsequent school years regardless of changes
39 in the school's percentage of students eligible for free and reduced-

1 price lunches as long as other program requirements are fulfilled.
2 Additionally, schools receiving all-day kindergarten program support
3 shall agree to the following conditions:

4 (a) Provide at least a one thousand-hour instructional program;

5 (b) Provide a curriculum that offers a rich, varied set of
6 experiences that assist students in:

7 (i) Developing initial skills in the academic areas of reading,
8 mathematics, and writing;

9 (ii) Developing a variety of communication skills;

10 (iii) Providing experiences in science, social studies, arts,
11 health and physical education, and a world language other than
12 English;

13 (iv) Acquiring large and small motor skills;

14 (v) Acquiring social and emotional skills including successful
15 participation in learning activities as an individual and as part of
16 a group; and

17 (vi) Learning through hands-on experiences;

18 (c) Establish learning environments that are developmentally
19 appropriate and promote creativity;

20 (d) Demonstrate strong connections and communication with early
21 learning community providers; and

22 (e) Participate in kindergarten program readiness activities with
23 early learning providers and parents.

24 (2)(a) It is the intent of the legislature that administration of
25 the Washington kindergarten inventory of developing skills as
26 required in this subsection (2) and RCW 28A.655.080 replace
27 administration of other assessments being required by school
28 districts or that other assessments only be administered if they seek
29 to obtain information not covered by the Washington kindergarten
30 inventory of developing skills.

31 (b) In addition to the requirements in subsection (1) of this
32 section and to the extent funds are available, beginning with the
33 2011-12 school year on a voluntary basis, schools must identify the
34 skills, knowledge, and characteristics of kindergarten students at
35 the beginning of the school year in order to support social-
36 emotional, physical, and cognitive growth and development of
37 individual children; support early learning provider and parent
38 involvement; and inform instruction. Kindergarten teachers shall
39 administer the Washington kindergarten inventory of developing
40 skills, as directed by the superintendent of public instruction in

1 consultation with the department of (~~early learning~~) children,
2 youth, and families and in collaboration with the nongovernmental
3 private-public partnership designated in RCW 43.215.070 (as
4 recodified by this act), and report the results to the
5 superintendent. The superintendent shall share the results with the
6 director of the department of (~~early learning~~) children, youth, and
7 families.

8 (c) School districts shall provide an opportunity for parents and
9 guardians to excuse their children from participation in the
10 Washington kindergarten inventory of developing skills.

11 (3) Subject to funds appropriated for this purpose, the
12 superintendent of public instruction shall designate one or more
13 school districts to serve as resources and examples of best practices
14 in designing and operating a high-quality all-day kindergarten
15 program. Designated school districts shall serve as lighthouse
16 programs and provide technical assistance to other school districts
17 in the initial stages of implementing an all-day kindergarten
18 program. Examples of topics addressed by the technical assistance
19 include strategic planning, developing the instructional program and
20 curriculum, working with early learning providers to identify
21 students and communicate with parents, and developing kindergarten
22 program readiness activities.

23 **Sec. 216.** RCW 28A.155.065 and 2016 c 57 s 3 are each amended to
24 read as follows:

25 (1) Each school district shall provide or contract for early
26 intervention services to all eligible children with disabilities from
27 birth to three years of age. Eligibility shall be determined
28 according to Part C of the federal individuals with disabilities
29 education act or other applicable federal and state laws, and as
30 specified in the Washington Administrative Code adopted by the state
31 lead agency, which is the department of (~~early learning~~) children,
32 youth, and families. School districts shall provide or contract, or
33 both, for early intervention services in partnership with local
34 birth-to-three lead agencies and birth-to-three providers. Services
35 provided under this section shall not supplant services or funding
36 currently provided in the state for early intervention services to
37 eligible children with disabilities from birth to three years of age.
38 The state-designated birth-to-three lead agency shall be payor of

1 last resort for birth-to-three early intervention services provided
2 under this section.

3 (2)(a) By October 1, 2016, the office of the superintendent of
4 public instruction shall provide the department of early learning, in
5 its role as state lead agency, with a full accounting of the school
6 district expenditures from the 2013-14 and 2014-15 school years,
7 disaggregated by district, for birth-to-three early intervention
8 services provided under this section.

9 (b) The reported expenditures must include, but are not limited
10 to per student allocations, per student expenditures, the number of
11 children served, detailed information on services provided by school
12 districts and contracted for by school districts, coordination and
13 transition services, and administrative costs.

14 (3) The services in this section are not part of the state's
15 program of basic education pursuant to Article IX of the state
16 Constitution.

17 **Sec. 217.** RCW 28A.210.070 and 2006 c 263 s 908 are each amended
18 to read as follows:

19 As used in RCW 28A.210.060 through 28A.210.170:

20 (1) "Chief administrator" shall mean the person with the
21 authority and responsibility for the immediate supervision of the
22 operation of a school or day care center as defined in this section
23 or, in the alternative, such other person as may hereafter be
24 designated in writing for the purposes of RCW 28A.210.060 through
25 28A.210.170 by the statutory or corporate board of directors of the
26 school district, school, or day care center or, if none, such other
27 persons or person with the authority and responsibility for the
28 general supervision of the operation of the school district, school
29 or day care center.

30 (2) "Full immunization" shall mean immunization against certain
31 vaccine-preventable diseases in accordance with schedules and with
32 immunizing agents approved by the state board of health.

33 (3) "Local health department" shall mean the city, town, county,
34 district or combined city-county health department, board of health,
35 or health officer which provides public health services.

36 (4) "School" shall mean and include each building, facility, and
37 location at or within which any or all portions of a preschool,
38 kindergarten and grades one through twelve program of education and
39 related activities are conducted for two or more children by or in

1 behalf of any public school district and by or in behalf of any
2 private school or private institution subject to approval by the
3 state board of education pursuant to RCW 28A.305.130, 28A.195.010
4 through 28A.195.050, and 28A.410.120.

5 (5) "Day care center" shall mean an agency which regularly
6 provides care for a group of thirteen or more children for periods of
7 less than twenty-four hours and is licensed pursuant to chapter
8 ~~((74.15))~~ 43.215 RCW (as recodified by this act).

9 (6) "Child" shall mean any person, regardless of age, in
10 attendance at a public or private school or a licensed day care
11 center.

12 **Sec. 218.** RCW 28A.215.020 and 2006 c 263 s 411 are each amended
13 to read as follows:

14 Expenditures under federal funds and/or state appropriations made
15 to carry out the purposes of RCW 28A.215.010 through 28A.215.050
16 shall be made by warrants issued by the state treasurer upon order of
17 the superintendent of public instruction. The superintendent of
18 public instruction shall make necessary rules to carry out the
19 purpose of RCW 28A.215.010. ~~((After being notified by the office of
20 the governor that there is an agency or department responsible for
21 early learning,))~~ The superintendent shall consult with ~~((that
22 agency))~~ the department of children, youth, and families when
23 establishing relevant rules.

24 **Sec. 219.** RCW 28A.320.191 and 2010 c 231 s 5 are each amended to
25 read as follows:

26 For the program of early learning established in RCW
27 ~~((43.215.141))~~ 43.215.455 (as recodified by this act), school
28 districts:

29 (1) Shall work cooperatively with program providers to coordinate
30 the transition from preschool to kindergarten so that children and
31 their families are well-prepared and supported; and

32 (2) May contract with the department of ~~((early learning))~~
33 children, youth, and families to deliver services under the program.

34 **Sec. 220.** RCW 28A.400.303 and 2014 c 50 s 1 are each amended to
35 read as follows:

36 (1) School districts, educational service districts, the
37 Washington state center for childhood deafness and hearing loss, the

1 state school for the blind, and their contractors hiring employees
2 who will have regularly scheduled unsupervised access to children
3 shall require a record check through the Washington state patrol
4 criminal identification system under RCW 43.43.830 through 43.43.834,
5 10.97.030, and 10.97.050 and through the federal bureau of
6 investigation before hiring an employee. The record check shall
7 include a fingerprint check using a complete Washington state
8 criminal identification fingerprint card. The requesting entity shall
9 provide a copy of the record report to the applicant. When necessary,
10 applicants may be employed on a conditional basis pending completion
11 of the investigation. If the applicant has had a record check within
12 the previous two years, the district, the Washington state center for
13 childhood deafness and hearing loss, the state school for the blind,
14 or contractor may waive the requirement. Except as provided in
15 subsection (2) of this section, the district, pursuant to chapter
16 41.59 or 41.56 RCW, the Washington state center for childhood
17 deafness and hearing loss, the state school for the blind, or
18 contractor hiring the employee shall determine who shall pay costs
19 associated with the record check.

20 (2) Federal bureau of Indian affairs-funded schools may use the
21 process in subsection (1) of this section to perform record checks
22 for their employees and applicants for employment.

23 (3) Individuals who hold a valid portable background check
24 clearance card issued by the department of ((early—learning))
25 children, youth, and families consistent with RCW 43.215.215 (as
26 recodified by this act) can meet the requirements in subsection (1)
27 of this section by providing a true and accurate copy of their
28 Washington state patrol and federal bureau of investigation
29 background report results to the office of the superintendent of
30 public instruction.

31 **Sec. 221.** RCW 28A.410.010 and 2014 c 50 s 2 are each amended to
32 read as follows:

33 (1)(a) The Washington professional educator standards board shall
34 establish, publish, and enforce rules determining eligibility for and
35 certification of personnel employed in the common schools of this
36 state, including certification for emergency or temporary, substitute
37 or provisional duty and under such certificates or permits as the
38 board shall deem proper or as otherwise prescribed by law. The rules
39 shall require that the initial application for certification shall

1 require a record check of the applicant through the Washington state
2 patrol criminal identification system and through the federal bureau
3 of investigation at the applicant's expense. The record check shall
4 include a fingerprint check using a complete Washington state
5 criminal identification fingerprint card. An individual who holds a
6 valid portable background check clearance card issued by the
7 department of ((early learning)) children, youth, and families
8 consistent with RCW 43.215.215 (as recodified by this act) is exempt
9 from the office of the superintendent of public instruction
10 fingerprint background check if the individual provides a true and
11 accurate copy of his or her Washington state patrol and federal
12 bureau of investigation background report results to the office of
13 the superintendent of public instruction. The superintendent of
14 public instruction may waive the record check for any applicant who
15 has had a record check within the two years before application. The
16 rules shall permit a holder of a lapsed certificate but not a revoked
17 or suspended certificate to be employed on a conditional basis by a
18 school district with the requirement that the holder must complete
19 any certificate renewal requirements established by the state board
20 of education within two years of initial reemployment.

21 (b) In establishing rules pertaining to the qualifications of
22 instructors of American sign language the board shall consult with
23 the national association of the deaf, "sign instructors guidance
24 network" (s.i.g.n.), and the Washington state association of the deaf
25 for evaluation and certification of sign language instructors.

26 (c) The board shall develop rules consistent with RCW 18.340.020
27 for the certification of spouses of military personnel.

28 (2) The superintendent of public instruction shall act as the
29 administrator of any such rules and have the power to issue any
30 certificates or permits and revoke the same in accordance with board
31 rules.

32 **Sec. 222.** RCW 42.56.230 and 2015 c 224 s 2 and 2015 c 47 s 1 are
33 each reenacted and amended to read as follows:

34 The following personal information is exempt from public
35 inspection and copying under this chapter:

36 (1) Personal information in any files maintained for students in
37 public schools, patients or clients of public institutions or public
38 health agencies, or welfare recipients;

39 (2)(a) Personal information:

1 (i) For a child enrolled in licensed child care in any files
2 maintained by the department of (~~early learning~~) children, youth,
3 and families;

4 (ii) For a child enrolled in a public or nonprofit program
5 serving or pertaining to children, adolescents, or students,
6 including but not limited to early learning or child care services,
7 parks and recreation programs, youth development programs, and after-
8 school programs; or

9 (iii) For the family members or guardians of a child who is
10 subject to the exemption under this subsection (2) if the family
11 member or guardian has the same last name (~~of~~~~as~~) as the child or
12 if the family member or guardian resides at the same address (~~of~~
13 ~~as~~) as the child and disclosure of the family member's or
14 guardian's information would result in disclosure of the personal
15 information exempted under (a)(i) and (ii) of this subsection.

16 (b) Emergency contact information under this subsection (2) may
17 be provided to appropriate authorities and medical personnel for the
18 purpose of treating the individual during an emergency situation;

19 (3) Personal information in files maintained for employees,
20 appointees, or elected officials of any public agency to the extent
21 that disclosure would violate their right to privacy;

22 (4) Information required of any taxpayer in connection with the
23 assessment or collection of any tax if the disclosure of the
24 information to other persons would: (a) Be prohibited to such persons
25 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
26 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
27 to privacy or result in unfair competitive disadvantage to the
28 taxpayer;

29 (5) Credit card numbers, debit card numbers, electronic check
30 numbers, card expiration dates, or bank or other financial
31 information as defined in RCW 9.35.005 including social security
32 numbers, except when disclosure is expressly required by or governed
33 by other law;

34 (6) Personal and financial information related to a small loan or
35 any system of authorizing a small loan in RCW 31.45.093;

36 (7)(a) Any record used to prove identity, age, residential
37 address, social security number, or other personal information
38 required to apply for a driver's license or identicard.

39 (b) Information provided under RCW 46.20.111 that indicates that
40 an applicant declined to register with the selective service system.

1 (c) Any record pertaining to a vehicle license plate, driver's
2 license, or identicard issued under RCW 46.08.066 that, alone or in
3 combination with any other records, may reveal the identity of an
4 individual, or reveal that an individual is or was, performing an
5 undercover or covert law enforcement, confidential public health
6 work, public assistance fraud, or child support investigative
7 activity. This exemption does not prevent the release of the total
8 number of vehicle license plates, drivers' licenses, or identicards
9 that, under RCW 46.08.066, an agency or department has applied for,
10 been issued, denied, returned, destroyed, lost, and reported for
11 misuse.

12 (d) Any record pertaining to a vessel registration issued under
13 RCW 88.02.330 that, alone or in combination with any other records,
14 may reveal the identity of an individual, or reveal that an
15 individual is or was, performing an undercover or covert law
16 enforcement activity. This exemption does not prevent the release of
17 the total number of vessel registrations that, under RCW 88.02.330,
18 an agency or department has applied for, been issued, denied,
19 returned, destroyed, lost, and reported for misuse; (~~and~~)

20 (8) All information related to individual claims resolution
21 structured settlement agreements submitted to the board of industrial
22 insurance appeals under RCW 51.04.063, other than final orders from
23 the board of industrial insurance appeals.

24 Upon request by the legislature, the department of licensing
25 shall provide a report to the legislature containing all of the
26 information in subsection (7)(c) and (d) of this section that is
27 subject to public disclosure(~~(-)~~); and

28 (9) Voluntarily submitted information contained in a database
29 that is part of or associated with enhanced 911 emergency
30 communications systems, or information contained or used in emergency
31 notification systems as provided under RCW 38.52.575 and 38.52.577.

32 **Sec. 223.** RCW 43.41.400 and 2016 c 72 s 108 are each amended to
33 read as follows:

34 (1) An education data center shall be established in the office
35 of financial management. The education data center shall jointly,
36 with the legislative evaluation and accountability program committee,
37 conduct collaborative analyses of early learning, K-12, and higher
38 education programs and education issues across the P-20 system, which
39 includes the department of (~~early learning~~) children, youth, and

1 families, the superintendent of public instruction, the professional
2 educator standards board, the state board of education, the state
3 board for community and technical colleges, the workforce training
4 and education coordinating board, the student achievement council,
5 public and private nonprofit four-year institutions of higher
6 education, and the employment security department. The education data
7 center shall conduct collaborative analyses under this section with
8 the legislative evaluation and accountability program committee and
9 provide data electronically to the legislative evaluation and
10 accountability program committee, to the extent permitted by state
11 and federal confidentiality requirements. The education data center
12 shall be considered an authorized representative of the state
13 educational agencies in this section under applicable federal and
14 state statutes for purposes of accessing and compiling student record
15 data for research purposes.

16 (2) The education data center shall:

17 (a) In consultation with the legislative evaluation and
18 accountability program committee and the agencies and organizations
19 participating in the education data center, identify the critical
20 research and policy questions that are intended to be addressed by
21 the education data center and the data needed to address the
22 questions;

23 (b) Coordinate with other state education agencies to compile and
24 analyze education data, including data on student demographics that
25 is disaggregated by distinct ethnic categories within racial
26 subgroups, and complete P-20 research projects;

27 (c) Collaborate with the legislative evaluation and
28 accountability program committee and the education and fiscal
29 committees of the legislature in identifying the data to be compiled
30 and analyzed to ensure that legislative interests are served;

31 (d) Annually provide to the K-12 data governance group a list of
32 data elements and data quality improvements that are necessary to
33 answer the research and policy questions identified by the education
34 data center and have been identified by the legislative committees in
35 (c) of this subsection. Within three months of receiving the list,
36 the K-12 data governance group shall develop and transmit to the
37 education data center a feasibility analysis of obtaining or
38 improving the data, including the steps required, estimated time
39 frame, and the financial and other resources that would be required.
40 Based on the analysis, the education data center shall submit, if

1 necessary, a recommendation to the legislature regarding any
2 statutory changes or resources that would be needed to collect or
3 improve the data;

4 (e) Monitor and evaluate the education data collection systems of
5 the organizations and agencies represented in the education data
6 center ensuring that data systems are flexible, able to adapt to
7 evolving needs for information, and to the extent feasible and
8 necessary, include data that are needed to conduct the analyses and
9 provide answers to the research and policy questions identified in
10 (a) of this subsection;

11 (f) Track enrollment and outcomes through the public centralized
12 higher education enrollment system;

13 (g) Assist other state educational agencies' collaborative
14 efforts to develop a long-range enrollment plan for higher education
15 including estimates to meet demographic and workforce needs;

16 (h) Provide research that focuses on student transitions within
17 and among the early learning, K-12, and higher education sectors in
18 the P-20 system;

19 (i) Prepare a regular report on the educational and workforce
20 outcomes of youth in the juvenile justice system, using data
21 disaggregated by age, and by ethnic categories and racial subgroups
22 in accordance with RCW 28A.300.042; and

23 (j) Make recommendations to the legislature as necessary to help
24 ensure the goals and objectives of this section and RCW 28A.655.210
25 and 28A.300.507 are met.

26 (3) The department of (~~early learning~~) children, youth, and
27 families, superintendent of public instruction, professional educator
28 standards board, state board of education, state board for community
29 and technical colleges, workforce training and education coordinating
30 board, student achievement council, public four-year institutions of
31 higher education, department of social and health services, and
32 employment security department shall work with the education data
33 center to develop data-sharing and research agreements, consistent
34 with applicable security and confidentiality requirements, to
35 facilitate the work of the center. The education data center shall
36 also develop data-sharing and research agreements with the
37 administrative office of the courts to conduct research on
38 educational and workforce outcomes using data maintained under RCW
39 13.50.010(12) related to juveniles. Private, nonprofit institutions
40 of higher education that provide programs of education beyond the

1 high school level leading at least to the baccalaureate degree and
2 are accredited by the Northwest association of schools and colleges
3 or their peer accreditation bodies may also develop data-sharing and
4 research agreements with the education data center, consistent with
5 applicable security and confidentiality requirements. The education
6 data center shall make data from collaborative analyses available to
7 the education agencies and institutions that contribute data to the
8 education data center to the extent allowed by federal and state
9 security and confidentiality requirements applicable to the data of
10 each contributing agency or institution.

11 **Sec. 224.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
12 each reenacted and amended to read as follows:

13 (1) The Washington state patrol identification and criminal
14 history section shall disclose conviction records as follows:

15 (a) An applicant's conviction record, upon the request of a
16 business or organization as defined in RCW 43.43.830, a
17 developmentally disabled person, or a vulnerable adult as defined in
18 RCW 43.43.830 or his or her guardian;

19 (b) The conviction record of an applicant for certification, upon
20 the request of the Washington professional educator standards board;

21 (c) Any conviction record to aid in the investigation and
22 prosecution of child, developmentally disabled person, and vulnerable
23 adult abuse cases and to protect children and adults from further
24 incidents of abuse, upon the request of a law enforcement agency, the
25 office of the attorney general, prosecuting authority, or the
26 department of social and health services; and

27 (d) A prospective client's or resident's conviction record, upon
28 the request of a business or organization that qualifies for
29 exemption under section 501(c)(3) of the internal revenue code of
30 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
31 or transitional housing for children, persons with developmental
32 disabilities, or vulnerable adults.

33 (2) The secretary of the department of social and health services
34 and the director of children, youth, and families must establish
35 rules and set standards to require specific action when considering
36 the information received pursuant to subsection (1) of this section,
37 and when considering additional information including but not limited
38 to civil adjudication proceedings as defined in RCW 43.43.830 and any
39 out-of-state equivalent, in the following circumstances:

1 (a) When considering persons for state employment in positions
2 directly responsible for the supervision, care, or treatment of
3 children, vulnerable adults, or individuals with mental illness or
4 developmental disabilities;

5 (b) When considering persons for state positions involving
6 unsupervised access to vulnerable adults to conduct comprehensive
7 assessments, financial eligibility determinations, licensing and
8 certification activities, investigations, surveys, or case
9 management; or for state positions otherwise required by federal law
10 to meet employment standards;

11 (c) When licensing agencies or facilities with individuals in
12 positions directly responsible for the care, supervision, or
13 treatment of children, developmentally disabled persons, or
14 vulnerable adults, including but not limited to agencies or
15 facilities licensed under chapter 74.15 or 18.51 RCW;

16 (d) When contracting with individuals or businesses or
17 organizations for the care, supervision, case management, or
18 treatment, including peer counseling, of children, developmentally
19 disabled persons, or vulnerable adults, including but not limited to
20 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
21 or 74.39A RCW or Title 71A RCW;

22 (e) When individual providers are paid by the state or providers
23 are paid by home care agencies to provide in-home services involving
24 unsupervised access to persons with physical, mental, or
25 developmental disabilities or mental illness, or to vulnerable adults
26 as defined in chapter 74.34 RCW, including but not limited to
27 services provided under chapter 74.39 or 74.39A RCW.

28 (3) The director of the department of (~~early learning~~)
29 children, youth, and families shall investigate the conviction
30 records, pending charges, and other information including civil
31 adjudication proceeding records of current employees and of any
32 person actively being considered for any position with the department
33 who will or may have unsupervised access to children, or for state
34 positions otherwise required by federal law to meet employment
35 standards. "Considered for any position" includes decisions about (a)
36 initial hiring, layoffs, reallocations, transfers, promotions, or
37 demotions, or (b) other decisions that result in an individual being
38 in a position that will or may have unsupervised access to children
39 as an employee, an intern, or a volunteer.

1 (4) The director of the department of (~~early learning~~)
2 children, youth, and families shall adopt rules and investigate
3 conviction records, pending charges, and other information including
4 civil adjudication proceeding records, in the following
5 circumstances:

6 (a) When licensing or certifying agencies with individuals in
7 positions that will or may have unsupervised access to children who
8 are in child day care, in early learning programs, or receiving early
9 childhood education services, including but not limited to licensees,
10 agency staff, interns, volunteers, contracted providers, and persons
11 living on the premises who are sixteen years of age or older;

12 (b) When authorizing individuals who will or may have
13 unsupervised access to children who are in child day care, in early
14 learning programs, or receiving early childhood learning education
15 services in licensed or certified agencies, including but not limited
16 to licensees, agency staff, interns, volunteers, contracted
17 providers, and persons living on the premises who are sixteen years
18 of age or older;

19 (c) When contracting with any business or organization for
20 activities that will or may have unsupervised access to children who
21 are in child day care, in early learning programs, or receiving early
22 childhood learning education services;

23 (d) When establishing the eligibility criteria for individual
24 providers to receive state paid subsidies to provide child day care
25 or early learning services that will or may involve unsupervised
26 access to children.

27 (5) Whenever a state conviction record check is required by state
28 law, persons may be employed or engaged as volunteers or independent
29 contractors on a conditional basis pending completion of the state
30 background investigation. Whenever a national criminal record check
31 through the federal bureau of investigation is required by state law,
32 a person may be employed or engaged as a volunteer or independent
33 contractor on a conditional basis pending completion of the national
34 check. The Washington personnel resources board shall adopt rules to
35 accomplish the purposes of this subsection as it applies to state
36 employees.

37 (6)(a) For purposes of facilitating timely access to criminal
38 background information and to reasonably minimize the number of
39 requests made under this section, recognizing that certain health
40 care providers change employment frequently, health care facilities

1 may, upon request from another health care facility, share copies of
2 completed criminal background inquiry information.

3 (b) Completed criminal background inquiry information may be
4 shared by a willing health care facility only if the following
5 conditions are satisfied: The licensed health care facility sharing
6 the criminal background inquiry information is reasonably known to be
7 the person's most recent employer, no more than twelve months has
8 elapsed from the date the person was last employed at a licensed
9 health care facility to the date of their current employment
10 application, and the criminal background information is no more than
11 two years old.

12 (c) If criminal background inquiry information is shared, the
13 health care facility employing the subject of the inquiry must
14 require the applicant to sign a disclosure statement indicating that
15 there has been no conviction or finding as described in RCW 43.43.842
16 since the completion date of the most recent criminal background
17 inquiry.

18 (d) Any health care facility that knows or has reason to believe
19 that an applicant has or may have a disqualifying conviction or
20 finding as described in RCW 43.43.842, subsequent to the completion
21 date of their most recent criminal background inquiry, shall be
22 prohibited from relying on the applicant's previous employer's
23 criminal background inquiry information. A new criminal background
24 inquiry shall be requested pursuant to RCW 43.43.830 through
25 43.43.842.

26 (e) Health care facilities that share criminal background inquiry
27 information shall be immune from any claim of defamation, invasion of
28 privacy, negligence, or any other claim in connection with any
29 dissemination of this information in accordance with this subsection.

30 (f) Health care facilities shall transmit and receive the
31 criminal background inquiry information in a manner that reasonably
32 protects the subject's rights to privacy and confidentiality.

33 **Sec. 225.** RCW 43.43.837 and 2012 c 164 s 506 are each amended to
34 read as follows:

35 (1) Except as provided in subsection (2) of this section, in
36 order to determine the character, competence, and suitability of any
37 applicant or service provider to have unsupervised access, the
38 secretary of the department of social and health services and the
39 director of the department of children, youth, and families may

1 require a fingerprint-based background check through both the
2 Washington state patrol and the federal bureau of investigation at
3 any time, but shall require a fingerprint-based background check when
4 the applicant or service provider has resided in the state less than
5 three consecutive years before application, and:

6 (a) Is an applicant or service provider providing services to
7 children or people with developmental disabilities under RCW
8 74.15.030;

9 (b) Is an individual residing in an applicant or service
10 provider's home, facility, entity, agency, or business or who is
11 authorized by the department of social and health services or the
12 department of children, youth, and families to provide services to
13 children or people with developmental disabilities under RCW
14 74.15.030; or

15 (c) Is an applicant or service provider providing in-home
16 services funded by:

17 (i) Medicaid personal care under RCW 74.09.520;

18 (ii) Community options program entry system waiver services under
19 RCW 74.39A.030;

20 (iii) Chore services under RCW 74.39A.110; or

21 (iv) Other home and community long-term care programs,
22 established pursuant to chapters 74.39 and 74.39A RCW, administered
23 by the department of social and health services or the department of
24 children, youth, and families.

25 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
26 hired after January 7, 2012, are subject to background checks under
27 RCW 74.39A.056.

28 (3) To satisfy the shared background check requirements provided
29 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
30 department of ~~((early learning))~~ children, youth, and families and
31 the department of social and health services shall share federal
32 fingerprint-based background check results as permitted under the
33 law. The purpose of this provision is to allow both departments to
34 fulfill their joint background check responsibility of checking any
35 individual who may have unsupervised access to vulnerable adults,
36 children, or juveniles. Neither department may share the federal
37 background check results with any other state agency or person.

38 (4) The ~~((secretary))~~ director of the department of children,
39 youth, and families shall require a fingerprint-based background
40 check through the Washington state patrol identification and criminal

1 history section and the federal bureau of investigation when the
2 department seeks to approve an applicant or service provider for a
3 foster or adoptive placement of children in accordance with federal
4 and state law. Fees charged by the Washington state patrol and the
5 federal bureau of investigation for fingerprint-based background
6 checks shall be paid by the department of children, youth, and
7 families for applicant and service providers providing foster care as
8 required in RCW 74.15.030.

9 (5) Any secure facility operated by the department of social and
10 health services or the department of children, youth, and families
11 under chapter 71.09 RCW shall require applicants and service
12 providers to undergo a fingerprint-based background check through the
13 Washington state patrol identification and criminal history section
14 and the federal bureau of investigation.

15 (6) Service providers and service provider applicants who are
16 required to complete a fingerprint-based background check may be
17 hired for a one hundred twenty-day provisional period as allowed
18 under law or program rules when:

19 (a) A fingerprint-based background check is pending; and

20 (b) The applicant or service provider is not disqualified based
21 on the immediate result of the background check.

22 (7) Fees charged by the Washington state patrol and the federal
23 bureau of investigation for fingerprint-based background checks shall
24 be paid by the applicable department for applicants or service
25 providers providing:

26 (a) Services to people with a developmental disability under RCW
27 74.15.030;

28 (b) In-home services funded by medicaid personal care under RCW
29 74.09.520;

30 (c) Community options program entry system waiver services under
31 RCW 74.39A.030;

32 (d) Chore services under RCW 74.39A.110;

33 (e) Services under other home and community long-term care
34 programs, established pursuant to chapters 74.39 and 74.39A RCW,
35 administered by the department of social and health services or the
36 department of children, youth, and families; and

37 (f) Services in, or to residents of, a secure facility under RCW
38 71.09.115(~~(; and~~

39 ~~(g) Foster care as required under RCW 74.15.030)).~~

1 (8) Service providers licensed under RCW 74.15.030 must pay fees
2 charged by the Washington state patrol and the federal bureau of
3 investigation for conducting fingerprint-based background checks.

4 (9) (~~Children's administration~~) Department of children, youth,
5 and families service providers licensed under RCW 74.15.030 may not
6 pass on the cost of the background check fees to their applicants
7 unless the individual is determined to be disqualified due to the
8 background information.

9 (10) The department of social and health services and the
10 department of children, youth, and families shall develop rules
11 identifying the financial responsibility of service providers,
12 applicants, and the department for paying the fees charged by law
13 enforcement to roll, print, or scan fingerprints-based for the
14 purpose of a Washington state patrol or federal bureau of
15 investigation fingerprint-based background check.

16 (11) For purposes of this section, unless the context plainly
17 indicates otherwise:

18 (a) "Applicant" means a current or prospective department of
19 social and health services, department of children, youth, and
20 families, or service provider employee, volunteer, student, intern,
21 researcher, contractor, or any other individual who will or may have
22 unsupervised access because of the nature of the work or services he
23 or she provides. "Applicant" includes but is not limited to any
24 individual who will or may have unsupervised access and is:

25 (i) Applying for a license or certification from the department
26 of social and health services or the department of children, youth,
27 and families;

28 (ii) Seeking a contract with the department of social and health
29 services, the department of children, youth, and families, or a
30 service provider;

31 (iii) Applying for employment, promotion, reallocation, or
32 transfer;

33 (iv) An individual that a department of social and health
34 services or the department of children, youth, and families client or
35 guardian of a department of social and health services or department
36 of children, youth, and families client chooses to hire or engage to
37 provide services to himself or herself or another vulnerable adult,
38 juvenile, or child and who might be eligible to receive payment from
39 the department of social and health services or the department of
40 children, youth, and families for services rendered; or

1 (v) A department of social and health services or department of
2 children, youth, and families applicant who will or may work in a
3 department-covered position.

4 (b) "Authorized" means the department of social and health
5 services or the department of children, youth, and families grants an
6 applicant, home, or facility permission to:

7 (i) Conduct licensing, certification, or contracting activities;

8 (ii) Have unsupervised access to vulnerable adults, juveniles,
9 and children;

10 (iii) Receive payments from a department of social and health
11 services or department of children, youth, and families program; or

12 (iv) Work or serve in a department of social and health services
13 or department of children, youth, and families-covered position.

14 (c) (~~"Department" means the department of social and health~~
15 ~~services~~) "Director" means the director of the department of
16 children, youth, and families.

17 (d) "Secretary" means the secretary of the department of social
18 and health services.

19 (e) "Secure facility" has the meaning provided in RCW 71.09.020.

20 (f) "Service provider" means entities, facilities, agencies,
21 businesses, or individuals who are licensed, certified, authorized,
22 or regulated by, receive payment from, or have contracts or
23 agreements with the department of social and health services or the
24 department of children, youth, and families to provide services to
25 vulnerable adults, juveniles, or children. "Service provider"
26 includes individuals whom a department of social and health services
27 or department of children, youth, and families client or guardian of
28 a department of social and health services or department of children,
29 youth, and families client may choose to hire or engage to provide
30 services to himself or herself or another vulnerable adult, juvenile,
31 or child and who might be eligible to receive payment from the
32 department of social and health services or the department of
33 children, youth, and families for services rendered. "Service
34 provider" does not include those certified under chapter 70.96A RCW.

35 **Sec. 226.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to
36 read as follows:

37 (1) After January 1, 1988, and notwithstanding any provision of
38 RCW 43.43.700 through 43.43.810 to the contrary, the state patrol
39 shall furnish a transcript of the conviction record pertaining to any

1 person for whom the state patrol or the federal bureau of
2 investigation has a record upon the written request of:

3 (a) The subject of the inquiry;

4 (b) Any business or organization for the purpose of conducting
5 evaluations under RCW 43.43.832;

6 (c) The department of social and health services;

7 (d) Any law enforcement agency, prosecuting authority, or the
8 office of the attorney general;

9 (e) The department of social and health services for the purpose
10 of meeting responsibilities set forth in chapter ~~((74.15,))~~ 18.51,
11 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to
12 regulate or license a facility which handles vulnerable adults(~~(-~~
13 ~~However, access to conviction records pursuant to this subsection~~
14 ~~(1)(e) does not limit or restrict the ability of the department to~~
15 ~~obtain additional information regarding conviction records and~~
16 ~~pending charges as set forth in RCW 74.15.030(2)(b))~~); or

17 (f) The department of ~~((early learning))~~ children, youth, and
18 families for the purpose of meeting responsibilities in chapters
19 43.215 (as recodified by this act) and 74.15 RCW. However, access to
20 conviction records pursuant to this subsection (1)(f) does not limit
21 or restrict the ability of department of children, youth, and
22 families to obtain additional information regarding conviction
23 records and pending charges as provided in RCW 74.15.030(2)(b).

24 (2) The state patrol shall by rule establish fees for
25 disseminating records under this section to recipients identified in
26 subsection (1)(a) and (b) of this section. The state patrol shall
27 also by rule establish fees for disseminating records in the custody
28 of the national crime information center. The revenue from the fees
29 shall cover, as nearly as practicable, the direct and indirect costs
30 to the state patrol of disseminating the records. No fee shall be
31 charged to a nonprofit organization for the records check. Record
32 checks requested by school districts and educational service
33 districts using only name and date of birth will be provided free of
34 charge.

35 (3) No employee of the state, employee of a business or
36 organization, or the business or organization is liable for
37 defamation, invasion of privacy, negligence, or any other claim in
38 connection with any lawful dissemination of information under RCW
39 43.43.830 through 43.43.840 or 43.43.760.

1 (4) Before July 26, 1987, the state patrol shall adopt rules and
2 forms to implement this section and to provide for security and
3 privacy of information disseminated under this section, giving first
4 priority to the criminal justice requirements of this chapter. The
5 rules may include requirements for users, audits of users, and other
6 procedures to prevent use of civil adjudication record information or
7 criminal history record information inconsistent with this chapter.

8 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
9 employer to make an inquiry not specifically authorized by this
10 chapter, or be construed to affect the policy of the state declared
11 in chapter 9.96A RCW.

12 **Sec. 227.** RCW 43.88.096 and 2013 2nd sp.s. c 32 s 1 are each
13 amended to read as follows:

14 (1) As used in this section:

15 (a) "Designated state agency" means the department of social and
16 health services, the department of health, the health care authority,
17 the department of commerce, the department of ecology, the department
18 of fish and wildlife, the office of the superintendent of public
19 instruction, and the department of ((early learning)) children,
20 youth, and families.

21 (b) "Federal receipts" means the federal financial assistance, as
22 defined in 31 U.S.C. Sec. 7501 on September 28, 2013, that is
23 reported as part of a single audit.

24 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501 on
25 September 28, 2013.

26 (2) Subject to subsection (3) of this section, a designated state
27 agency shall prepare as part of the agency's biennial budget
28 submittal under this chapter a report that:

29 (a) Reports the aggregate value of federal receipts the
30 designated state agency estimated for the ensuing biennium;

31 (b) Calculates the percentage of the designated state agency's
32 total budget for the ensuing biennium that constitutes federal
33 receipts that the designated state agency received; and

34 (c) Develops plans for operating the designated state agency if
35 there is a reduction of:

36 (i) Five percent or more in the federal receipts that the
37 designated state agency receives; and

38 (ii) Twenty-five percent or more in the federal receipts that the
39 designated state agency receives.

1 (3) The report required by subsection (2) of this section
2 prepared by the superintendent of public instruction shall include
3 the information required by subsection (2)(a) through (c) of this
4 section for each school district within the state.

5 **PART III**

6 **TRANSFER OF CHILD WELFARE POLICIES AND PROGRAMS**

7 **Sec. 301.** RCW 4.24.595 and 2012 c 259 s 13 are each amended to
8 read as follows:

9 (1) Governmental entities, and their officers, agents, employees,
10 and volunteers, are not liable in tort for any of their acts or
11 omissions in emergent placement investigations of child abuse or
12 neglect under chapter 26.44 RCW including, but not limited to, any
13 determination to leave a child with a parent, custodian, or guardian,
14 or to return a child to a parent, custodian, or guardian, unless the
15 act or omission constitutes gross negligence. Emergent placement
16 investigations are those conducted prior to a shelter care hearing
17 under RCW 13.34.065.

18 (2) The department of (~~social and health services~~) children,
19 youth, and families and its employees shall comply with the orders of
20 the court, including shelter care and other dependency orders, and
21 are not liable for acts performed to comply with such court orders.
22 In providing reports and recommendations to the court, employees of
23 the department of (~~social and health services~~) children, youth, and
24 families are entitled to the same witness immunity as would be
25 provided to any other witness.

26 **Sec. 302.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2
27 are each reenacted and amended to read as follows:

28 (~~For purposes of~~) The definitions in this section apply
29 throughout this chapter((+)) unless the context clearly requires
30 otherwise.

31 (1) "Abandoned" means when the child's parent, guardian, or other
32 custodian has expressed, either by statement or conduct, an intent to
33 forego, for an extended period, parental rights or responsibilities
34 despite an ability to exercise such rights and responsibilities. If
35 the court finds that the petitioner has exercised due diligence in
36 attempting to locate the parent, no contact between the child and the
37 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean((s)):

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that
12 begins with the most recent date that the child was removed from the
13 home of the parent, guardian, or legal custodian for purposes of
14 placement in out-of-home care and continues until: (a) The child
15 returns home; (b) an adoption decree, a permanent custody order, or
16 guardianship order is entered; or (c) the dependency is dismissed,
17 whichever occurs first.

18 (4) "Department" means the department of (~~social and health~~
19 ~~services~~) children, youth, and families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
27 person legally responsible for the care of the child;

28 (c) Has no parent, guardian, or custodian capable of adequately
29 caring for the child, such that the child is in circumstances which
30 constitute a danger of substantial damage to the child's
31 psychological or physical development; or

32 (d) Is receiving extended foster care services, as authorized by
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the
37 secretary of the department of social and health services to be
38 closely related to an intellectual disability or to require treatment
39 similar to that required for individuals with intellectual
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to
2 continue indefinitely, and which constitutes a substantial limitation
3 to the individual.

4 (8) "Educational liaison" means a person who has been appointed
5 by the court to fulfill responsibilities outlined in RCW 13.34.046.

6 (9) "Extended foster care services" means residential and other
7 support services the department is authorized to provide under RCW
8 74.13.031. These services may include placement in licensed,
9 relative, or otherwise approved care, or supervised independent
10 living settings; assistance in meeting basic needs; independent
11 living services; medical assistance; and counseling or treatment.

12 (10) "Guardian" means the person or agency that: (a) Has been
13 appointed as the guardian of a child in a legal proceeding, including
14 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
15 legal right to custody of the child pursuant to such appointment. The
16 term "guardian" does not include a "dependency guardian" appointed
17 pursuant to a proceeding under this chapter.

18 (11) "Guardian ad litem" means a person, appointed by the court
19 to represent the best interests of a child in a proceeding under this
20 chapter, or in any matter which may be consolidated with a proceeding
21 under this chapter. A "court-appointed special advocate" appointed by
22 the court to be the guardian ad litem for the child, or to perform
23 substantially the same duties and functions as a guardian ad litem,
24 shall be deemed to be guardian ad litem for all purposes and uses of
25 this chapter.

26 (12) "Guardian ad litem program" means a court-authorized
27 volunteer program, which is or may be established by the superior
28 court of the county in which such proceeding is filed, to manage all
29 aspects of volunteer guardian ad litem representation for children
30 alleged or found to be dependent. Such management shall include but
31 is not limited to: Recruitment, screening, training, supervision,
32 assignment, and discharge of volunteers.

33 (13) "Housing assistance" means appropriate referrals by the
34 department or other supervising agencies to federal, state, local, or
35 private agencies or organizations, assistance with forms,
36 applications, or financial subsidies or other monetary assistance for
37 housing. For purposes of this chapter, "housing assistance" is not a
38 remedial service or time-limited family reunification service as
39 described in RCW 13.34.025(2).

1 (14) "Indigent" means a person who, at any stage of a court
2 proceeding, is:

3 (a) Receiving one of the following types of public assistance:
4 Temporary assistance for needy families, aged, blind, or disabled
5 assistance benefits, medical care services under RCW 74.09.035,
6 pregnant women assistance benefits, poverty-related veterans'
7 benefits, food stamps or food stamp benefits transferred
8 electronically, refugee resettlement benefits, medicaid, or
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility;
11 or

12 (c) Receiving an annual income, after taxes, of one hundred
13 twenty-five percent or less of the federally established poverty
14 level; or

15 (d) Unable to pay the anticipated cost of counsel for the matter
16 before the court because his or her available funds are insufficient
17 to pay any amount for the retention of counsel.

18 (15) "Nonminor dependent" means any individual age eighteen to
19 twenty-one years who is participating in extended foster care
20 services authorized under RCW 74.13.031.

21 (16) "Out-of-home care" means placement in a foster family home
22 or group care facility licensed pursuant to chapter 74.15 RCW or
23 placement in a home, other than that of the child's parent, guardian,
24 or legal custodian, not required to be licensed pursuant to chapter
25 74.15 RCW.

26 (17) "Preventive services" means preservation services, as
27 defined in chapter 74.14C RCW, and other reasonably available
28 services, including housing assistance, capable of preventing the
29 need for out-of-home placement while protecting the child.

30 (18) "Shelter care" means temporary physical care in a facility
31 licensed pursuant to RCW 74.15.030 or in a home not required to be
32 licensed pursuant to RCW 74.15.030.

33 (19) "Sibling" means a child's birth brother, birth sister,
34 adoptive brother, adoptive sister, half-brother, or half-sister, or
35 as defined by the law or custom of the Indian child's tribe for an
36 Indian child as defined in RCW 13.38.040.

37 (20) "Social study" means a written evaluation of matters
38 relevant to the disposition of the case and shall contain the
39 following information:

1 (a) A statement of the specific harm or harms to the child that
2 intervention is designed to alleviate;

3 (b) A description of the specific services and activities, for
4 both the parents and child, that are needed in order to prevent
5 serious harm to the child; the reasons why such services and
6 activities are likely to be useful; the availability of any proposed
7 services; and the agency's overall plan for ensuring that the
8 services will be delivered. The description shall identify the
9 services chosen and approved by the parent;

10 (c) If removal is recommended, a full description of the reasons
11 why the child cannot be protected adequately in the home, including a
12 description of any previous efforts to work with the parents and the
13 child in the home; the in-home treatment programs that have been
14 considered and rejected; the preventive services, including housing
15 assistance, that have been offered or provided and have failed to
16 prevent the need for out-of-home placement, unless the health,
17 safety, and welfare of the child cannot be protected adequately in
18 the home; and the parents' attitude toward placement of the child;

19 (d) A statement of the likely harms the child will suffer as a
20 result of removal;

21 (e) A description of the steps that will be taken to minimize the
22 harm to the child that may result if separation occurs including an
23 assessment of the child's relationship and emotional bond with any
24 siblings, and the agency's plan to provide ongoing contact between
25 the child and the child's siblings if appropriate; and

26 (f) Behavior that will be expected before determination that
27 supervision of the family or placement is no longer necessary.

28 (21) "Supervised independent living" includes, but is not limited
29 to, apartment living, room and board arrangements, college or
30 university dormitories, and shared roommate settings. Supervised
31 independent living settings must be approved by the children's
32 administration or the court.

33 (22) "Supervising agency" means an agency licensed by the state
34 under RCW 74.15.090, or licensed by a federally recognized Indian
35 tribe located in this state under RCW 74.15.190, that has entered
36 into a performance-based contract with the department to provide case
37 management for the delivery and documentation of child welfare
38 services as defined in RCW 74.13.020.

39 (23) "Voluntary placement agreement" means, for the purposes of
40 extended foster care services, a written voluntary agreement between

1 a nonminor dependent who agrees to submit to the care and authority
2 of the department for the purposes of participating in the extended
3 foster care program.

4 **Sec. 303.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to
5 read as follows:

6 (1) Any party has a right to be represented by an attorney in all
7 proceedings under this chapter, to introduce evidence, to be heard in
8 his or her own behalf, to examine witnesses, to receive a decision
9 based solely on the evidence adduced at the hearing, and to an
10 unbiased fact finder.

11 (2) At all stages of a proceeding in which a child is alleged to
12 be dependent, the child's parent, guardian, or legal custodian has
13 the right to be represented by counsel, and if indigent, to have
14 counsel appointed for him or her by the court. Unless waived in
15 court, counsel shall be provided to the child's parent, guardian, or
16 legal custodian, if such person (a) has appeared in the proceeding or
17 requested the court to appoint counsel and (b) is financially unable
18 to obtain counsel because of indigency.

19 (3) If a party to an action under this chapter is represented by
20 counsel, no order shall be provided to that party for his or her
21 signature without prior notice and provision of the order to counsel.

22 (4) Copies of department (~~of social and health services~~) or
23 supervising agency records to which parents have legal access
24 pursuant to chapter 13.50 RCW shall be given to the child's parent,
25 guardian, legal custodian, or his or her legal counsel, prior to any
26 shelter care hearing and within fifteen days after the department or
27 supervising agency receives a written request for such records from
28 the parent, guardian, legal custodian, or his or her legal counsel.
29 These records shall be provided to the child's parents, guardian,
30 legal custodian, or legal counsel a reasonable period of time prior
31 to the shelter care hearing in order to allow an opportunity to
32 review the records prior to the hearing. These records shall be
33 legible and shall be provided at no expense to the parents, guardian,
34 legal custodian, or his or her counsel. When the records are served
35 on legal counsel, legal counsel shall have the opportunity to review
36 the records with the parents and shall review the records with the
37 parents prior to the shelter care hearing.

1 **Sec. 304.** RCW 13.34.096 and 2016 c 180 s 1 are each amended to
2 read as follows:

3 (1) The department or supervising agency shall provide the
4 child's foster parents, preadoptive parents, or other caregivers with
5 timely and adequate notice of their right to be heard prior to each
6 proceeding held with respect to the child in juvenile court under
7 this chapter. For purposes of this section, "timely and adequate
8 notice" means notice at the time the department would be required to
9 give notice to parties to the case and by any means reasonably
10 certain of notifying the foster parents, preadoptive parents, or
11 other caregivers, including but not limited to written, telephone, or
12 in person oral notification. For emergency hearings, the department
13 shall give notice to foster parents, preadoptive parents, or other
14 caregivers as soon as is practicable. For six-month review and annual
15 permanency hearings, the department shall give notice to foster
16 parents upon placement or as soon as practicable.

17 (2) The court shall establish and include in the court record
18 after every hearing for which the department or supervising agency is
19 required to provide notice to the child's foster parents, preadoptive
20 parents, and caregivers whether the department provided adequate and
21 timely notice, whether a caregiver's report was received by the
22 court, and whether the court provided the child's foster parents,
23 preadoptive parents, or caregivers with an opportunity to be heard in
24 court. For purposes of this section, "caregiver's report" means a
25 form provided by the department (~~(of social and health services)~~) to
26 a child's foster parents, preadoptive parents, or caregivers that
27 provides an opportunity for those individuals to share information
28 about the child with the court before a court hearing. A caregiver's
29 report shall not include information related to a child's biological
30 parent that is not directly related to the child's well-being.

31 (3) Absent exigent circumstances, the department shall provide
32 the child's foster family home notice of expected placement changes
33 as required by RCW 74.13.300.

34 (4) The rights to notice and to be heard apply only to persons
35 with whom a child has been placed by the department or supervising
36 agency and who are providing care to the child at the time of the
37 proceeding. This section shall not be construed to grant party status
38 to any person solely on the basis of such notice and right to be
39 heard.

1 **Sec. 305.** RCW 13.34.110 and 2007 c 220 s 9 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing on the petition
4 and, unless the court dismisses the petition, shall make written
5 findings of fact, stating the reasons therefor. The rules of evidence
6 shall apply at the fact-finding hearing and the parent, guardian, or
7 legal custodian of the child shall have all of the rights provided in
8 RCW 13.34.090(1). The petitioner shall have the burden of
9 establishing by a preponderance of the evidence that the child is
10 dependent within the meaning of RCW 13.34.030.

11 (2) The court in a fact-finding hearing may consider the history
12 of past involvement of child protective services or law enforcement
13 agencies with the family for the purpose of establishing a pattern of
14 conduct, behavior, or inaction with regard to the health, safety, or
15 welfare of the child on the part of the child's parent, guardian, or
16 legal custodian, or for the purpose of establishing that reasonable
17 efforts have been made by the department to prevent or eliminate the
18 need for removal of the child from the child's home. No report of
19 child abuse or neglect that has been destroyed or expunged under RCW
20 26.44.031 may be used for such purposes.

21 (3)(a) The parent, guardian, or legal custodian of the child may
22 waive his or her right to a fact-finding hearing by stipulating or
23 agreeing to the entry of an order of dependency establishing that the
24 child is dependent within the meaning of RCW 13.34.030. The parent,
25 guardian, or legal custodian may also stipulate or agree to an order
26 of disposition pursuant to RCW 13.34.130 at the same time. Any
27 stipulated or agreed order of dependency or disposition must be
28 signed by the parent, guardian, or legal custodian and his or her
29 attorney, unless the parent, guardian, or legal custodian has waived
30 his or her right to an attorney in open court, and by the petitioner
31 and the attorney, guardian ad litem, or court-appointed special
32 advocate for the child, if any. If the department (~~of social and~~
33 ~~health services~~) is not the petitioner and is required by the order
34 to supervise the placement of the child or provide services to any
35 party, the department must also agree to and sign the order.

36 (b) Entry of any stipulated or agreed order of dependency or
37 disposition is subject to approval by the court. The court shall
38 receive and review a social study before entering a stipulated or
39 agreed order and shall consider whether the order is consistent with
40 the allegations of the dependency petition and the problems that

1 necessitated the child's placement in out-of-home care. No social
2 file or social study may be considered by the court in connection
3 with the fact-finding hearing or prior to factual determination,
4 except as otherwise admissible under the rules of evidence.

5 (c) Prior to the entry of any stipulated or agreed order of
6 dependency, the parent, guardian, or legal custodian of the child and
7 his or her attorney must appear before the court and the court within
8 available resources must inquire and establish on the record that:

9 (i) The parent, guardian, or legal custodian understands the
10 terms of the order or orders he or she has signed, including his or
11 her responsibility to participate in remedial services as provided in
12 any disposition order;

13 (ii) The parent, guardian, or legal custodian understands that
14 entry of the order starts a process that could result in the filing
15 of a petition to terminate his or her relationship with the child
16 within the time frames required by state and federal law if he or she
17 fails to comply with the terms of the dependency or disposition
18 orders or fails to substantially remedy the problems that
19 necessitated the child's placement in out-of-home care;

20 (iii) The parent, guardian, or legal custodian understands that
21 the entry of the stipulated or agreed order of dependency is an
22 admission that the child is dependent within the meaning of RCW
23 13.34.030 and shall have the same legal effect as a finding by the
24 court that the child is dependent by at least a preponderance of the
25 evidence, and that the parent, guardian, or legal custodian shall not
26 have the right in any subsequent proceeding for termination of
27 parental rights or dependency guardianship pursuant to this chapter
28 or nonparental custody pursuant to chapter 26.10 RCW to challenge or
29 dispute the fact that the child was found to be dependent; and

30 (iv) The parent, guardian, or legal custodian knowingly and
31 willingly stipulated and agreed to and signed the order or orders,
32 without duress, and without misrepresentation or fraud by any other
33 party.

34 If a parent, guardian, or legal custodian fails to appear before
35 the court after stipulating or agreeing to entry of an order of
36 dependency, the court may enter the order upon a finding that the
37 parent, guardian, or legal custodian had actual notice of the right
38 to appear before the court and chose not to do so. The court may
39 require other parties to the order, including the attorney for the
40 parent, guardian, or legal custodian, to appear and advise the court

1 of the parent's, guardian's, or legal custodian's notice of the right
2 to appear and understanding of the factors specified in this
3 subsection. A parent, guardian, or legal custodian may choose to
4 waive his or her presence at the in-court hearing for entry of the
5 stipulated or agreed order of dependency by submitting to the court
6 through counsel a completed stipulated or agreed dependency fact-
7 finding/disposition statement in a form determined by the Washington
8 state supreme court pursuant to General Rule GR 9.

9 (4) Immediately after the entry of the findings of fact, the
10 court shall hold a disposition hearing, unless there is good cause
11 for continuing the matter for up to fourteen days. If good cause is
12 shown, the case may be continued for longer than fourteen days.
13 Notice of the time and place of the continued hearing may be given in
14 open court. If notice in open court is not given to a party, that
15 party shall be notified by certified mail of the time and place of
16 any continued hearing. Unless there is reasonable cause to believe
17 the health, safety, or welfare of the child would be jeopardized or
18 efforts to reunite the parent and child would be hindered, the court
19 shall direct the department to notify those adult persons who: (a)
20 Are related by blood or marriage to the child in the following
21 degrees: Parent, grandparent, brother, sister, stepparent,
22 stepbrother, stepsister, uncle, or aunt; (b) are known to the
23 department as having been in contact with the family or child within
24 the past twelve months; and (c) would be an appropriate placement for
25 the child. Reasonable cause to dispense with notification to a parent
26 under this section must be proved by clear, cogent, and convincing
27 evidence.

28 The parties need not appear at the fact-finding or dispositional
29 hearing if the parties, their attorneys, the guardian ad litem, and
30 court-appointed special advocates, if any, are all in agreement.

31 **Sec. 306.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to
32 read as follows:

33 (1) Whenever a child is ordered removed from the home, a
34 permanency plan shall be developed no later than sixty days from the
35 time the supervising agency assumes responsibility for providing
36 services, including placing the child, or at the time of a hearing
37 under RCW 13.34.130, whichever occurs first. The permanency planning
38 process continues until a permanency planning goal is achieved or

1 dependency is dismissed. The planning process shall include
2 reasonable efforts to return the child to the parent's home.

3 (2) The agency supervising the dependency shall submit a written
4 permanency plan to all parties and the court not less than fourteen
5 days prior to the scheduled hearing. Responsive reports of parties
6 not in agreement with the department's or supervising agency's
7 proposed permanency plan must be provided to the department or
8 supervising agency, all other parties, and the court at least seven
9 days prior to the hearing.

10 The permanency plan shall include:

11 (a) A permanency plan of care that shall identify one of the
12 following outcomes as a primary goal and may identify additional
13 outcomes as alternative goals: Return of the child to the home of the
14 child's parent, guardian, or legal custodian; adoption, including a
15 tribal customary adoption as defined in RCW 13.38.040; guardianship;
16 permanent legal custody; long-term relative or foster care, if the
17 child is between ages sixteen and eighteen, with a written agreement
18 between the parties and the care provider; successful completion of a
19 responsible living skills program; or independent living, if
20 appropriate and if the child is age sixteen or older. Although a
21 permanency plan of care may only identify long-term relative or
22 foster care for children between ages sixteen and eighteen, children
23 under sixteen may remain placed with relatives or in foster care. The
24 department or supervising agency shall not discharge a child to an
25 independent living situation before the child is eighteen years of
26 age unless the child becomes emancipated pursuant to chapter 13.64
27 RCW;

28 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
29 that a termination petition be filed, a specific plan as to where the
30 child will be placed, what steps will be taken to return the child
31 home, what steps the supervising agency or the department will take
32 to promote existing appropriate sibling relationships and/or
33 facilitate placement together or contact in accordance with the best
34 interests of each child, and what actions the department or
35 supervising agency will take to maintain parent-child ties. All
36 aspects of the plan shall include the goal of achieving permanence
37 for the child.

38 (i) The department's or supervising agency's plan shall specify
39 what services the parents will be offered to enable them to resume

1 custody, what requirements the parents must meet to resume custody,
2 and a time limit for each service plan and parental requirement.

3 (A) If the parent is incarcerated, the plan must address how the
4 parent will participate in the case conference and permanency
5 planning meetings and, where possible, must include treatment that
6 reflects the resources available at the facility where the parent is
7 confined. The plan must provide for visitation opportunities, unless
8 visitation is not in the best interests of the child.

9 (B) If a parent has a developmental disability according to the
10 definition provided in RCW 71A.10.020, and that individual is
11 eligible for services provided by the department of social and health
12 services developmental disabilities administration, the department
13 shall make reasonable efforts to consult with the department of
14 social and health services developmental disabilities administration
15 to create an appropriate plan for services. For individuals who meet
16 the definition of developmental disability provided in RCW 71A.10.020
17 and who are eligible for services through the developmental
18 disabilities administration, the plan for services must be tailored
19 to correct the parental deficiency taking into consideration the
20 parent's disability and the department shall also determine an
21 appropriate method to offer those services based on the parent's
22 disability.

23 (ii)(A) Visitation is the right of the family, including the
24 child and the parent, in cases in which visitation is in the best
25 interest of the child. Early, consistent, and frequent visitation is
26 crucial for maintaining parent-child relationships and making it
27 possible for parents and children to safely reunify. The supervising
28 agency or department shall encourage the maximum parent and child and
29 sibling contact possible, when it is in the best interest of the
30 child, including regular visitation and participation by the parents
31 in the care of the child while the child is in placement.

32 (B) Visitation shall not be limited as a sanction for a parent's
33 failure to comply with court orders or services where the health,
34 safety, or welfare of the child is not at risk as a result of the
35 visitation.

36 (C) Visitation may be limited or denied only if the court
37 determines that such limitation or denial is necessary to protect the
38 child's health, safety, or welfare. When a parent or sibling has been
39 identified as a suspect in an active criminal investigation for a
40 violent crime that, if the allegations are true, would impact the

1 safety of the child, the department shall make a concerted effort to
2 consult with the assigned law enforcement officer in the criminal
3 case before recommending any changes in parent/child or child/sibling
4 contact. In the event that the law enforcement officer has
5 information pertaining to the criminal case that may have serious
6 implications for child safety or well-being, the law enforcement
7 officer shall provide this information to the department during the
8 consultation. The department may only use the information provided by
9 law enforcement during the consultation to inform family visitation
10 plans and may not share or otherwise distribute the information to
11 any person or entity. Any information provided to the department by
12 law enforcement during the consultation is considered investigative
13 information and is exempt from public inspection pursuant to RCW
14 42.56.240. The results of the consultation shall be communicated to
15 the court.

16 (D) The court and the department or supervising agency should
17 rely upon community resources, relatives, foster parents, and other
18 appropriate persons to provide transportation and supervision for
19 visitation to the extent that such resources are available, and
20 appropriate, and the child's safety would not be compromised.

21 (iii)(A) The department, court, or caregiver in the out-of-home
22 placement may not limit visitation or contact between a child and
23 sibling as a sanction for a child's behavior or as an incentive to
24 the child to change his or her behavior.

25 (B) Any exceptions, limitation, or denial of contacts or
26 visitation must be approved by the supervisor of the department
27 caseworker and documented. The child, parent, department, guardian ad
28 litem, or court-appointed special advocate may challenge the denial
29 of visits in court.

30 (iv) A child shall be placed as close to the child's home as
31 possible, preferably in the child's own neighborhood, unless the
32 court finds that placement at a greater distance is necessary to
33 promote the child's or parents' well-being.

34 (v) The plan shall state whether both in-state and, where
35 appropriate, out-of-state placement options have been considered by
36 the department or supervising agency.

37 (vi) Unless it is not in the best interests of the child,
38 whenever practical, the plan should ensure the child remains enrolled
39 in the school the child was attending at the time the child entered
40 foster care.

1 (vii) The supervising agency or department shall provide all
2 reasonable services that are available within the department or
3 supervising agency, or within the community, or those services which
4 the department has existing contracts to purchase. It shall report to
5 the court if it is unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
7 a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to achieve permanency
9 for the child, services to be offered or provided to the child, and,
10 if visitation would be in the best interests of the child, a
11 recommendation to the court regarding visitation between parent and
12 child pending a fact-finding hearing on the termination petition. The
13 department or supervising agency shall not be required to develop a
14 plan of services for the parents or provide services to the parents
15 if the court orders a termination petition be filed. However,
16 reasonable efforts to ensure visitation and contact between siblings
17 shall be made unless there is reasonable cause to believe the best
18 interests of the child or siblings would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest
20 possible date. If the child has been in out-of-home care for fifteen
21 of the most recent twenty-two months, and the court has not made a
22 good cause exception, the court shall require the department or
23 supervising agency to file a petition seeking termination of parental
24 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
25 parental rights have been terminated, the child is legally free for
26 adoption, and adoption has been identified as the primary permanency
27 planning goal, it shall be a goal to complete the adoption within six
28 months following entry of the termination order.

29 (4) If the court determines that the continuation of reasonable
30 efforts to prevent or eliminate the need to remove the child from his
31 or her home or to safely return the child home should not be part of
32 the permanency plan of care for the child, reasonable efforts shall
33 be made to place the child in a timely manner and to complete
34 whatever steps are necessary to finalize the permanent placement of
35 the child.

36 (5) The identified outcomes and goals of the permanency plan may
37 change over time based upon the circumstances of the particular case.

38 (6) The court shall consider the child's relationships with the
39 child's siblings in accordance with RCW 13.34.130(6). Whenever the
40 permanency plan for a child is adoption, the court shall encourage

1 the prospective adoptive parents, birth parents, foster parents,
2 kinship caregivers, and the department or other supervising agency to
3 seriously consider the long-term benefits to the child adoptee and
4 his or her siblings of providing for and facilitating continuing
5 postadoption contact between the siblings. To the extent that it is
6 feasible, and when it is in the best interests of the child adoptee
7 and his or her siblings, contact between the siblings should be
8 frequent and of a similar nature as that which existed prior to the
9 adoption. If the child adoptee or his or her siblings are represented
10 by an attorney or guardian ad litem in a proceeding under this
11 chapter or in any other child custody proceeding, the court shall
12 inquire of each attorney and guardian ad litem regarding the
13 potential benefits of continuing contact between the siblings and the
14 potential detriments of severing contact. This section does not
15 require the department (~~of social and health services~~) or other
16 supervising agency to agree to any specific provisions in an open
17 adoption agreement and does not create a new obligation for the
18 department to provide supervision or transportation for visits
19 between siblings separated by adoption from foster care.

20 (7) For purposes related to permanency planning:

21 (a) "Guardianship" means a dependency guardianship or a legal
22 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
23 another state or a federally recognized Indian tribe.

24 (b) "Permanent custody order" means a custody order entered
25 pursuant to chapter 26.10 RCW.

26 (c) "Permanent legal custody" means legal custody pursuant to
27 chapter 26.10 RCW or equivalent laws of another state or a federally
28 recognized Indian tribe.

29 **Sec. 307.** RCW 13.34.141 and 2009 c 484 s 1 are each amended to
30 read as follows:

31 (1) After entry of a dispositional order pursuant to RCW
32 13.34.130 ordering placement of a child in out-of-home care, the
33 department shall continue to encourage the parent, guardian, or
34 custodian of the child to engage in services and maintain contact
35 with the child, which shall be accomplished by attaching a standard
36 notice to the services and safety plan to be provided in advance of
37 hearings conducted pursuant to RCW 13.34.138.

1 (2) The notice shall be photocopied on contrasting paper to
2 distinguish it from the services and safety plan to which it is
3 attached, and shall be in substantially the following form:

4 "NOTICE

5 If you have not been maintaining consistent contact with your
6 child in out-of-home care, your ability to reunify with your child
7 may be jeopardized. If this is your situation, you need to be aware
8 that you have important legal rights and must take steps to protect
9 your interests.

10 1. The department of (~~social and health services~~) children,
11 youth, and families (or other supervising agency) and the court have
12 created a permanency plan for your child, including a primary
13 placement plan and a secondary placement plan, and recommending
14 services needed before your child can be placed in the primary or
15 secondary placement. If you want the court to order that your child
16 be reunified with you, you should notify your lawyer and the
17 department, and you should carefully comply with court orders for
18 services and participate regularly in visitation with your child.
19 Failure to promptly engage in services or to maintain contact with
20 your child may lead to the filing of a petition to terminate your
21 rights as a parent.

22 2. Primary and secondary permanency plans are intended to run at
23 the same time so that your child will have a permanent home as
24 quickly as possible. Even if you want another parent or person to be
25 the primary placement choice for your child, you should tell your
26 lawyer, the department, and the court if you want to be the secondary
27 placement option, and you should comply with any court orders for
28 services and participate in visitation with your child. Early and
29 consistent involvement in your child's case plan is important for the
30 well-being of your child.

31 3. Dependency review hearings, and all other dependency case
32 hearings, are legal proceedings with potentially serious
33 consequences. Failure to participate, respond, or comply with court
34 orders may lead to the loss of your parental rights."

35 **Sec. 308.** RCW 13.34.180 and 2013 c 173 s 4 are each amended to
36 read as follows:

37 (1) A petition seeking termination of a parent and child
38 relationship may be filed in juvenile court by any party, including

1 the supervising agency, to the dependency proceedings concerning that
2 child. Such petition shall conform to the requirements of RCW
3 13.34.040, shall be served upon the parties as provided in RCW
4 13.34.070(8), and shall allege all of the following unless subsection
5 (3) or (4) of this section applies:

6 (a) That the child has been found to be a dependent child;

7 (b) That the court has entered a dispositional order pursuant to
8 RCW 13.34.130;

9 (c) That the child has been removed or will, at the time of the
10 hearing, have been removed from the custody of the parent for a
11 period of at least six months pursuant to a finding of dependency;

12 (d) That the services ordered under RCW 13.34.136 have been
13 expressly and understandably offered or provided and all necessary
14 services, reasonably available, capable of correcting the parental
15 deficiencies within the foreseeable future have been expressly and
16 understandably offered or provided;

17 (e) That there is little likelihood that conditions will be
18 remedied so that the child can be returned to the parent in the near
19 future. A parent's failure to substantially improve parental
20 deficiencies within twelve months following entry of the
21 dispositional order shall give rise to a rebuttable presumption that
22 there is little likelihood that conditions will be remedied so that
23 the child can be returned to the parent in the near future. The
24 presumption shall not arise unless the petitioner makes a showing
25 that all necessary services reasonably capable of correcting the
26 parental deficiencies within the foreseeable future have been clearly
27 offered or provided. In determining whether the conditions will be
28 remedied the court may consider, but is not limited to, the following
29 factors:

30 (i) Use of intoxicating or controlled substances so as to render
31 the parent incapable of providing proper care for the child for
32 extended periods of time or for periods of time that present a risk
33 of imminent harm to the child, and documented unwillingness of the
34 parent to receive and complete treatment or documented multiple
35 failed treatment attempts;

36 (ii) Psychological incapacity or mental deficiency of the parent
37 that is so severe and chronic as to render the parent incapable of
38 providing proper care for the child for extended periods of time or
39 for periods of time that present a risk of imminent harm to the
40 child, and documented unwillingness of the parent to receive and

1 complete treatment or documentation that there is no treatment that
2 can render the parent capable of providing proper care for the child
3 in the near future; or

4 (iii) Failure of the parent to have contact with the child for an
5 extended period of time after the filing of the dependency petition
6 if the parent was provided an opportunity to have a relationship with
7 the child by the department or the court and received documented
8 notice of the potential consequences of this failure, except that the
9 actual inability of a parent to have visitation with the child
10 including, but not limited to, mitigating circumstances such as a
11 parent's current or prior incarceration or service in the military
12 does not in and of itself constitute failure to have contact with the
13 child; and

14 (f) That continuation of the parent and child relationship
15 clearly diminishes the child's prospects for early integration into a
16 stable and permanent home. If the parent is incarcerated, the court
17 shall consider whether a parent maintains a meaningful role in his or
18 her child's life based on factors identified in RCW 13.34.145(5)(b);
19 whether the department or supervising agency made reasonable efforts
20 as defined in this chapter; and whether particular barriers existed
21 as described in RCW 13.34.145(5)(b) including, but not limited to,
22 delays or barriers experienced in keeping the agency apprised of his
23 or her location and in accessing visitation or other meaningful
24 contact with the child.

25 (2) As evidence of rebuttal to any presumption established
26 pursuant to subsection (1)(e) of this section, the court may consider
27 the particular constraints of a parent's current or prior
28 incarceration. Such evidence may include, but is not limited to,
29 delays or barriers a parent may experience in keeping the agency
30 apprised of his or her location and in accessing visitation or other
31 meaningful contact with the child.

32 (3) In lieu of the allegations in subsection (1) of this section,
33 the petition may allege that the child was found under such
34 circumstances that the whereabouts of the child's parent are unknown
35 and no person has acknowledged paternity or maternity and requested
36 custody of the child within two months after the child was found.

37 (4) In lieu of the allegations in subsection (1)(b) through (f)
38 of this section, the petition may allege that the parent has been
39 convicted of:

1 (a) Murder in the first degree, murder in the second degree, or
2 homicide by abuse as defined in chapter 9A.32 RCW against another
3 child of the parent;

4 (b) Manslaughter in the first degree or manslaughter in the
5 second degree, as defined in chapter 9A.32 RCW against another child
6 of the parent;

7 (c) Attempting, conspiring, or soliciting another to commit one
8 or more of the crimes listed in (a) or (b) of this subsection; or

9 (d) Assault in the first or second degree, as defined in chapter
10 9A.36 RCW, against the surviving child or another child of the
11 parent.

12 (5) When a parent has been sentenced to a long-term incarceration
13 and has maintained a meaningful role in the child's life considering
14 the factors provided in RCW 13.34.145(5)(b), and it is in the best
15 interest of the child, the department should consider a permanent
16 placement that allows the parent to maintain a relationship with his
17 or her child, such as, but not limited to, a guardianship pursuant to
18 chapter 13.36 RCW.

19 (6) Notice of rights shall be served upon the parent, guardian,
20 or legal custodian with the petition and shall be in substantially
21 the following form:

22 "NOTICE

23 A petition for termination of parental rights has been filed
24 against you. You have important legal rights and you must
25 take steps to protect your interests. This petition could
26 result in permanent loss of your parental rights.

27 1. You have the right to a fact-finding hearing before a
28 judge.

29 2. You have the right to have a lawyer represent you at
30 the hearing. A lawyer can look at the files in your case,
31 talk to the department of (~~social and health services~~)
32 children, youth, and families or the supervising agency and
33 other agencies, tell you about the law, help you understand
34 your rights, and help you at hearings. If you cannot afford a
35 lawyer, the court will appoint one to represent you. To get a
36 court-appointed lawyer you must contact: _____ (explain local
37 procedure)_____.

38 3. At the hearing, you have the right to speak on your
39 own behalf, to introduce evidence, to examine witnesses, and

1 to receive a decision based solely on the evidence presented
2 to the judge.

3 You should be present at this hearing.

4 You may call (insert agency) for more information
5 about your child. The agency's name and telephone number are
6 (insert name and telephone number) ."

7 **Sec. 309.** RCW 13.34.820 and 2016 c 180 s 2 are each amended to
8 read as follows:

9 (1) The administrative office of the courts, in consultation with
10 the attorney general's office and the department (~~of social and~~
11 ~~health services~~), shall compile an annual report, providing
12 information about cases that fail to meet statutory guidelines to
13 achieve permanency for dependent children.

14 (2) The administrative office of the courts shall submit the
15 annual report required by this section to appropriate committees of
16 the legislature by December 1st of each year, beginning on December
17 1, 2007. The administrative office of the courts shall also submit
18 the annual report to a representative of the foster parent
19 association of Washington state.

20 (3) The annual report shall include information regarding whether
21 foster parents received timely notification of dependency hearings as
22 required by RCW 13.34.096 and 13.34.145 and whether caregivers
23 submitted reports to the court.

24 **Sec. 310.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
25 and amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Child" means any individual under the age of eighteen years.

29 (2) "Department" means the department of (~~social and health~~
30 ~~services~~) children, youth, and families.

31 (3) "Dependent child" means a child who has been found by a court
32 to be dependent in a proceeding under chapter 13.34 RCW.

33 (4) "Guardian" means a person who: (a) Has been appointed by the
34 court as the guardian of a child in a legal proceeding under this
35 chapter; and (b) has the legal right to custody of the child pursuant
36 to court order. The term "guardian" does not include a "dependency
37 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
38 for the purpose of assisting the court in supervising the dependency.

1 (5) "Relative" means a person related to the child in the
2 following ways: (a) Any blood relative, including those of half-
3 blood, and including first cousins, second cousins, nephews or
4 nieces, and persons of preceding generations as denoted by prefixes
5 of grand, great, or great-great; (b) stepfather, stepmother,
6 stepbrother, and stepsister; (c) a person who legally adopts a child
7 or the child's parent as well as the natural and other legally
8 adopted children of such persons, and other relatives of the adoptive
9 parents in accordance with state law; (d) spouses of any persons
10 named in (a), (b), or (c) of this subsection, even after the marriage
11 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
12 this subsection, of any half sibling of the child; or (f) extended
13 family members, as defined by the law or custom of the Indian child's
14 tribe or, in the absence of such law or custom, a person who has
15 reached the age of eighteen and who is the Indian child's
16 grandparent, aunt or uncle, brother or sister, brother-in-law or
17 sister-in-law, niece or nephew, first or second cousin, or stepparent
18 who provides care in the family abode on a twenty-four hour basis to
19 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

20 (6) "Suitable person" means a nonrelative with whom the child or
21 the child's family has a preexisting relationship; who has completed
22 all required criminal history background checks and otherwise appears
23 to be suitable and competent to provide care for the child; and with
24 whom the child has been placed pursuant to RCW 13.34.130.

25 (7) "Supervising agency" means an agency licensed by the state
26 under RCW 74.15.090, or licensed by a federally recognized Indian
27 tribe located in this state under RCW 74.15.190, that has entered
28 into a performance-based contract with the department to provide case
29 management for the delivery and documentation of child welfare
30 services as defined in RCW 74.13.020.

31 **Sec. 311.** RCW 13.38.040 and 2011 c 309 s 4 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Active efforts" means the following:

36 (a) In any foster care placement or termination of parental
37 rights proceeding of an Indian child under chapter 13.34 RCW and this
38 chapter where the department or a supervising agency as defined in
39 RCW 74.13.020 has a statutory or contractual duty to provide services

1 to, or procure services for, the parent or parents or Indian
2 custodian, or is providing services to a parent or parents or Indian
3 custodian pursuant to a disposition order entered pursuant to RCW
4 13.34.130, the department or supervising agency shall make timely and
5 diligent efforts to provide or procure such services, including
6 engaging the parent or parents or Indian custodian in reasonably
7 available and culturally appropriate preventive, remedial, or
8 rehabilitative services. This shall include those services offered by
9 tribes and Indian organizations whenever possible. At a minimum
10 "active efforts" shall include:

11 (i) In any dependency proceeding under chapter 13.34 RCW seeking
12 out-of-home placement of an Indian child in which the department or
13 supervising agency provided voluntary services to the parent,
14 parents, or Indian custodian prior to filing the dependency petition,
15 a showing to the court that the department or supervising agency
16 social workers actively worked with the parent, parents, or Indian
17 custodian to engage them in remedial services and rehabilitation
18 programs to prevent the breakup of the family beyond simply providing
19 referrals to such services.

20 (ii) In any dependency proceeding under chapter 13.34 RCW, in
21 which the petitioner is seeking the continued out-of-home placement
22 of an Indian child, the department or supervising agency must show to
23 the court that it has actively worked with the parent, parents, or
24 Indian custodian in accordance with existing court orders and the
25 individual service plan to engage them in remedial services and
26 rehabilitative programs to prevent the breakup of the family beyond
27 simply providing referrals to such services.

28 (iii) In any termination of parental rights proceeding regarding
29 an Indian child under chapter 13.34 RCW in which the department or
30 supervising agency provided services to the parent, parents, or
31 Indian custodian, a showing to the court that the department or
32 supervising agency social workers actively worked with the parent,
33 parents, or Indian custodian to engage them in remedial services and
34 rehabilitation programs ordered by the court or identified in the
35 department or supervising agency's individual service and safety plan
36 beyond simply providing referrals to such services.

37 (b) In any foster care placement or termination of parental
38 rights proceeding in which the petitioner does not otherwise have a
39 statutory or contractual duty to directly provide services to, or
40 procure services for, the parent or Indian custodian, "active

1 efforts" means a documented, concerted, and good faith effort to
2 facilitate the parent's or Indian custodian's receipt of and
3 engagement in services capable of meeting the criteria set out in (a)
4 of this subsection.

5 (2) "Best interests of the Indian child" means the use of
6 practices in accordance with the federal Indian child welfare act,
7 this chapter, and other applicable law, that are designed to
8 accomplish the following: (a) Protect the safety, well-being,
9 development, and stability of the Indian child; (b) prevent the
10 unnecessary out-of-home placement of the Indian child; (c)
11 acknowledge the right of Indian tribes to maintain their existence
12 and integrity which will promote the stability and security of their
13 children and families; (d) recognize the value to the Indian child of
14 establishing, developing, or maintaining a political, cultural,
15 social, and spiritual relationship with the Indian child's tribe and
16 tribal community; and (e) in a proceeding under this chapter where
17 out-of-home placement is necessary, to prioritize placement of the
18 Indian child in accordance with the placement preferences of this
19 chapter.

20 (3) "Child custody proceeding" includes:

21 (a) "Foster care placement" which means any action removing an
22 Indian child from his or her parent or Indian custodian for temporary
23 placement in a foster home, institution, or with a relative,
24 guardian, conservator, or suitable other person where the parent or
25 Indian custodian cannot have the child returned upon demand, but
26 where parental rights have not been terminated;

27 (b) "Termination of parental rights" which means any action
28 resulting in the termination of the parent-child relationship;

29 (c) "Preadoptive placement" which means the temporary placement
30 of an Indian child in a foster home or institution after the
31 termination of parental rights but before or in lieu of adoptive
32 placement; and

33 (d) "Adoptive placement" which means the permanent placement of
34 an Indian child for adoption, including any action resulting in a
35 final decree of adoption.

36 These terms shall not include a placement based upon an act
37 which, if committed by an adult, would be deemed a crime or upon an
38 award, in a dissolution proceeding of custody to one of the parents.

39 (4) "Court of competent jurisdiction" means a federal court, or a
40 state court that entered an order in a child custody proceeding

1 involving an Indian child, as long as the state court had proper
2 subject matter jurisdiction in accordance with this chapter and the
3 laws of that state, or a tribal court that had or has exclusive or
4 concurrent jurisdiction pursuant to 25 U.S.C. Sec. 1911.

5 (5) "Department" means the department of (~~social and health~~
6 ~~services~~) children, youth, and families and any of its divisions.
7 "Department" also includes supervising agencies as defined in RCW
8 74.13.020(~~(+12)~~) with which the department entered into a contract
9 to provide services, care, placement, case management, contract
10 monitoring, or supervision to children subject to a petition filed
11 under chapter 13.34 or 26.33 RCW.

12 (6) "Indian" means a person who is a member of an Indian tribe,
13 or who is an Alaska native and a member of a regional corporation as
14 defined in 43 U.S.C. Sec. 1606.

15 (7) "Indian child" means an unmarried and unemancipated Indian
16 person who is under eighteen years of age and is either: (a) A member
17 of an Indian tribe; or (b) eligible for membership in an Indian tribe
18 and is the biological child of a member of an Indian tribe.

19 (8) "Indian child's family" or "extended family member" means an
20 individual, defined by the law or custom of the child's tribe, as a
21 relative of the child. If the child's tribe does not identify such
22 individuals by law or custom, the term means an adult who is the
23 Indian child's grandparent, aunt, uncle, brother, sister,
24 brother-in-law, sister-in-law, niece, nephew, first or second cousin,
25 or stepparent, even following termination of the marriage.

26 (9) "Indian child's tribe" means a tribe in which an Indian child
27 is a member or eligible for membership.

28 (10) "Indian custodian" means an Indian person who under tribal
29 law, tribal custom, or state law(~~(7)~~) has legal or temporary physical
30 custody of an Indian child, or to whom the parent has transferred
31 temporary care, physical custody, and control of an Indian child.

32 (11) "Indian tribe" or "tribe" means any Indian tribe, band,
33 nation, or other organized group or community of Indians recognized
34 as eligible for the services provided to Indians by the secretary of
35 the interior because of their status as Indians, including any Alaska
36 native village as defined in 43 U.S.C. Sec. 1602(c).

37 (12) "Member" and "membership" means a determination by an Indian
38 tribe that a person is a member or eligible for membership in that
39 Indian tribe.

1 (13) "Parent" means a biological parent or parents of an Indian
2 child or a person who has lawfully adopted an Indian child, including
3 adoptions made under tribal law or custom. "Parent" does not include
4 an unwed father whose paternity has not been acknowledged or
5 established under chapter 26.26 RCW or the applicable laws of other
6 states.

7 (14) "Secretary of the interior" means the secretary of the
8 United States department of the interior.

9 (15) "Tribal court" means a court or body vested by an Indian
10 tribe with jurisdiction over child custody proceedings, including but
11 not limited to a federal court of Indian offenses, a court
12 established and operated under the code or custom of an Indian tribe,
13 or an administrative body of an Indian tribe vested with authority
14 over child custody proceedings.

15 (16) "Tribal customary adoption" means adoption or other process
16 through the tribal custom, traditions, or laws of an Indian child's
17 tribe by which the Indian child is permanently placed with a
18 nonparent and through which the nonparent is vested with the rights,
19 privileges, and obligations of a legal parent. Termination of the
20 parent-child relationship between the Indian child and the biological
21 parent is not required to effect or recognize a tribal customary
22 adoption.

23 **Sec. 312.** RCW 13.50.010 and 2016 c 93 s 2, 2016 c 72 s 109, and
24 2016 c 71 s 2 are each reenacted and amended to read as follows:

25 (1) For purposes of this chapter:

26 (a) "Good faith effort to pay" means a juvenile offender has
27 either (i) paid the principal amount in full; (ii) made at least
28 eighty percent of the value of full monthly payments within the
29 period from disposition or deferred disposition until the time the
30 amount of restitution owed is under review; or (iii) can show good
31 cause why he or she paid an amount less than eighty percent of the
32 value of full monthly payments;

33 (b) "Juvenile justice or care agency" means any of the following:
34 Police, diversion units, court, prosecuting attorney, defense
35 attorney, detention center, attorney general, the legislative
36 children's oversight committee, the office of the family and
37 children's ombuds, the department of social and health services and
38 its contracting agencies, the department of children, youth, and
39 families and its contracting agencies, schools; persons or public or

1 private agencies having children committed to their custody; and any
2 placement oversight committee created under RCW 72.05.415;

3 (c) "Official juvenile court file" means the legal file of the
4 juvenile court containing the petition or information, motions,
5 memorandums, briefs, notices of hearing or appearance, service
6 documents, witness and exhibit lists, findings of the court and court
7 orders, agreements, judgments, decrees, notices of appeal, as well as
8 documents prepared by the clerk, including court minutes, letters,
9 warrants, waivers, affidavits, declarations, invoices, and the index
10 to clerk papers;

11 (d) "Records" means the official juvenile court file, the social
12 file, and records of any other juvenile justice or care agency in the
13 case;

14 (e) "Social file" means the juvenile court file containing the
15 records and reports of the probation counselor.

16 (2) Each petition or information filed with the court may include
17 only one juvenile and each petition or information shall be filed
18 under a separate docket number. The social file shall be filed
19 separately from the official juvenile court file.

20 (3) It is the duty of any juvenile justice or care agency to
21 maintain accurate records. To this end:

22 (a) The agency may never knowingly record inaccurate information.
23 Any information in records maintained by the department of social and
24 health services relating to a petition filed pursuant to chapter
25 13.34 RCW that is found by the court to be false or inaccurate shall
26 be corrected or expunged from such records by the agency;

27 (b) An agency shall take reasonable steps to assure the security
28 of its records and prevent tampering with them; and

29 (c) An agency shall make reasonable efforts to insure the
30 completeness of its records, including action taken by other agencies
31 with respect to matters in its files.

32 (4) Each juvenile justice or care agency shall implement
33 procedures consistent with the provisions of this chapter to
34 facilitate inquiries concerning records.

35 (5) Any person who has reasonable cause to believe information
36 concerning that person is included in the records of a juvenile
37 justice or care agency and who has been denied access to those
38 records by the agency may make a motion to the court for an order
39 authorizing that person to inspect the juvenile justice or care
40 agency record concerning that person. The court shall grant the

1 motion to examine records unless it finds that in the interests of
2 justice or in the best interests of the juvenile the records or parts
3 of them should remain confidential.

4 (6) A juvenile, or his or her parents, or any person who has
5 reasonable cause to believe information concerning that person is
6 included in the records of a juvenile justice or care agency may make
7 a motion to the court challenging the accuracy of any information
8 concerning the moving party in the record or challenging the
9 continued possession of the record by the agency. If the court grants
10 the motion, it shall order the record or information to be corrected
11 or destroyed.

12 (7) The person making a motion under subsection (5) or (6) of
13 this section shall give reasonable notice of the motion to all
14 parties to the original action and to any agency whose records will
15 be affected by the motion.

16 (8) The court may permit inspection of records by, or release of
17 information to, any clinic, hospital, or agency which has the subject
18 person under care or treatment. The court may also permit inspection
19 by or release to individuals or agencies, including juvenile justice
20 advisory committees of county law and justice councils, engaged in
21 legitimate research for educational, scientific, or public purposes.
22 Each person granted permission to inspect juvenile justice or care
23 agency records for research purposes shall present a notarized
24 statement to the court stating that the names of juveniles and
25 parents will remain confidential.

26 (9) The court shall release to the caseload forecast council the
27 records needed for its research and data-gathering functions. Access
28 to caseload forecast data may be permitted by the council for
29 research purposes only if the anonymity of all persons mentioned in
30 the records or information will be preserved.

31 (10) Juvenile detention facilities shall release records to the
32 caseload forecast council upon request. The commission shall not
33 disclose the names of any juveniles or parents mentioned in the
34 records without the named individual's written permission.

35 (11) Requirements in this chapter relating to the court's
36 authority to compel disclosure shall not apply to the legislative
37 children's oversight committee or the office of the family and
38 children's ombuds.

39 (12) For the purpose of research only, the administrative office
40 of the courts shall maintain an electronic research copy of all

1 records in the judicial information system related to juveniles.
2 Access to the research copy is restricted to the administrative
3 office of the courts for research purposes as authorized by the
4 supreme court or by state statute. The administrative office of the
5 courts shall maintain the confidentiality of all confidential records
6 and shall preserve the anonymity of all persons identified in the
7 research copy. Data contained in the research copy may be shared with
8 other governmental agencies as authorized by state statute, pursuant
9 to data-sharing and research agreements, and consistent with
10 applicable security and confidentiality requirements. The research
11 copy may not be subject to any records retention schedule and must
12 include records destroyed or removed from the judicial information
13 system pursuant to RCW 13.50.270 and 13.50.100(3).

14 (13) The court shall release to the Washington state office of
15 public defense records needed to implement the agency's oversight,
16 technical assistance, and other functions as required by RCW
17 2.70.020. Access to the records used as a basis for oversight,
18 technical assistance, or other agency functions is restricted to the
19 Washington state office of public defense. The Washington state
20 office of public defense shall maintain the confidentiality of all
21 confidential information included in the records.

22 (14) The court shall release to the Washington state office of
23 civil legal aid records needed to implement the agency's oversight,
24 technical assistance, and other functions as required by RCW
25 2.53.045. Access to the records used as a basis for oversight,
26 technical assistance, or other agency functions is restricted to the
27 Washington state office of civil legal aid. The Washington state
28 office of civil legal aid shall maintain the confidentiality of all
29 confidential information included in the records, and shall, as soon
30 as possible, destroy any retained notes or records obtained under
31 this section that are not necessary for its functions related to RCW
32 2.53.045.

33 (15) For purposes of providing for the educational success of
34 youth in foster care, the department of (~~social and health~~
35 ~~services~~) children, youth, and families may disclose only those
36 confidential child welfare records that pertain to or may assist with
37 meeting the educational needs of foster youth to another state agency
38 or state agency's contracted provider responsible under state law or
39 contract for assisting foster youth to attain educational success.
40 The records retain their confidentiality pursuant to this chapter and

1 federal law and cannot be further disclosed except as allowed under
2 this chapter and federal law.

3 (16) For purposes of investigating and preventing child abuse and
4 neglect, and providing for the health care coordination and the well-
5 being of children in foster care, the department of children, youth,
6 and families may disclose only those confidential child welfare
7 records that pertain to or may assist with investigation and
8 prevention of child abuse and neglect, or may assist with providing
9 for the health and well-being of children in foster care to the
10 department of social and health services, the health care authority,
11 or their contracting agencies. For purposes of investigating and
12 preventing child abuse and neglect, and to provide for the
13 coordination of health care and the well-being of children in foster
14 care, the department of social and health services and the health
15 care authority may disclose only those confidential child welfare
16 records that pertain to or may assist with investigation and
17 prevention of child abuse and neglect, or may assist with providing
18 for the health care coordination and the well-being of children in
19 foster care to the department of children, youth, and families, or
20 its contracting agencies. The records retain their confidentiality
21 pursuant to this chapter and federal law and cannot be further
22 disclosed except as allowed under this chapter and federal law.

23 **Sec. 313.** RCW 13.50.100 and 2014 c 175 s 8 are each amended to
24 read as follows:

25 (1) This section governs records not covered by RCW 13.50.050,
26 13.50.260, and 13.50.270.

27 (2) Records covered by this section shall be confidential and
28 shall be released only pursuant to this section and RCW 13.50.010.

29 (3) Records retained or produced by any juvenile justice or care
30 agency may be released to other participants in the juvenile justice
31 or care system only when an investigation or case involving the
32 juvenile in question is being pursued by the other participant or
33 when that other participant is assigned the responsibility of
34 supervising the juvenile. Records covered under this section and
35 maintained by the juvenile courts which relate to the official
36 actions of the agency may be entered in the statewide judicial
37 information system. However, truancy records associated with a
38 juvenile who has no other case history, and records of a juvenile's
39 parents who have no other case history, shall be removed from the

1 judicial information system when the juvenile is no longer subject to
2 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk
3 is not liable for unauthorized release of this data by persons or
4 agencies not in his or her employ or otherwise subject to his or her
5 control, nor is the county clerk liable for inaccurate or incomplete
6 information collected from litigants or other persons required to
7 provide identifying data pursuant to this section.

8 (4) Subject to (a) of this subsection, the department of (~~social~~
9 ~~and health services~~) children, youth, and families may release
10 information retained in the course of conducting child protective
11 services investigations to a family or juvenile court hearing a
12 petition for custody under chapter 26.10 RCW.

13 (a) Information that may be released shall be limited to
14 information regarding investigations in which: (i) The juvenile was
15 an alleged victim of abandonment or abuse or neglect; or (ii) the
16 petitioner for custody of the juvenile, or any individual aged
17 sixteen or older residing in the petitioner's household, is the
18 subject of a founded or currently pending child protective services
19 investigation made by the department of social and health services or
20 the department of children, youth, and families subsequent to October
21 1, 1998.

22 (b) Additional information may only be released with the written
23 consent of the subject of the investigation and the juvenile alleged
24 to be the victim of abandonment or abuse and neglect, or the parent,
25 custodian, guardian, or personal representative of the juvenile, or
26 by court order obtained with notice to all interested parties.

27 (5) Any disclosure of records or information by the department of
28 social and health services or the department of children, youth, and
29 families, pursuant to this section shall not be deemed a waiver of
30 any confidentiality or privilege attached to the records or
31 information by operation of any state or federal statute or
32 regulation, and any recipient of such records or information shall
33 maintain it in such a manner as to comply with such state and federal
34 statutes and regulations and to protect against unauthorized
35 disclosure.

36 (6) A contracting agency or service provider of the department of
37 social and health services or the department of children, youth, and
38 families, that provides counseling, psychological, psychiatric, or
39 medical services may release to the office of the family and
40 children's ombuds information or records relating to services

1 provided to a juvenile who is dependent under chapter 13.34 RCW
2 without the consent of the parent or guardian of the juvenile, or of
3 the juvenile if the juvenile is under the age of thirteen years,
4 unless such release is otherwise specifically prohibited by law.

5 (7) A juvenile, his or her parents, the juvenile's attorney, and
6 the juvenile's parent's attorney, shall, upon request, be given
7 access to all records and information collected or retained by a
8 juvenile justice or care agency which pertain to the juvenile except:

9 (a) If it is determined by the agency that release of this
10 information is likely to cause severe psychological or physical harm
11 to the juvenile or his or her parents the agency may withhold the
12 information subject to other order of the court: PROVIDED, That if
13 the court determines that limited release of the information is
14 appropriate, the court may specify terms and conditions for the
15 release of the information; or

16 (b) If the information or record has been obtained by a juvenile
17 justice or care agency in connection with the provision of
18 counseling, psychological, psychiatric, or medical services to the
19 juvenile, when the services have been sought voluntarily by the
20 juvenile, and the juvenile has a legal right to receive those
21 services without the consent of any person or agency, then the
22 information or record may not be disclosed to the juvenile's parents
23 without the informed consent of the juvenile unless otherwise
24 authorized by law; or

25 (c) That the department of (~~social and health services~~)
26 children, youth, and families may delete the name and identifying
27 information regarding persons or organizations who have reported
28 alleged child abuse or neglect.

29 (8) A juvenile or his or her parent denied access to any records
30 following an agency determination under subsection (7) of this
31 section may file a motion in juvenile court requesting access to the
32 records. The court shall grant the motion unless it finds access may
33 not be permitted according to the standards found in subsection
34 (7)(a) and (b) of this section.

35 (9) The person making a motion under subsection (8) of this
36 section shall give reasonable notice of the motion to all parties to
37 the original action and to any agency whose records will be affected
38 by the motion.

39 (10) Subject to the rules of discovery in civil cases, any party
40 to a proceeding seeking a declaration of dependency or a termination

1 of the parent-child relationship and any party's counsel and the
2 guardian ad litem of any party, shall have access to the records of
3 any natural or adoptive child of the parent, subject to the
4 limitations in subsection (7) of this section. A party denied access
5 to records may request judicial review of the denial. If the party
6 prevails, he or she shall be awarded attorneys' fees, costs, and an
7 amount not less than five dollars and not more than one hundred
8 dollars for each day the records were wrongfully denied.

9 (11) No unfounded allegation of child abuse or neglect as defined
10 in RCW 26.44.020(1) may be disclosed to a child-placing agency,
11 private adoption agency, or any other licensed provider.

12 **Sec. 314.** RCW 13.50.140 and 2013 c 23 s 8 are each amended to
13 read as follows:

14 Any communication or advice privileged under RCW 5.60.060 that is
15 disclosed by the office of the attorney general, the department of
16 children, youth, and families, or the department of social and health
17 services to the office of the family and children's ombuds may not be
18 deemed to be a waiver of the privilege as to others.

19 **Sec. 315.** RCW 13.60.010 and 2015 1st sp.s. c 2 s 2 are each
20 amended to read as follows:

21 (1) The Washington state patrol shall establish a missing
22 children and endangered person clearinghouse which shall include the
23 maintenance and operation of a toll-free telephone hotline. The
24 clearinghouse shall distribute information to local law enforcement
25 agencies, school districts, the department of (~~social and health~~
26 ~~services~~) children, youth, and families, and the general public
27 regarding missing children and endangered persons. The information
28 shall include pictures, bulletins, training sessions, reports, and
29 biographical materials that will assist in local law enforcement
30 efforts to locate missing children and endangered persons. The state
31 patrol shall also maintain a regularly updated computerized link with
32 national and other statewide missing person systems or
33 clearinghouses, and within existing resources, shall develop and
34 implement a plan, commonly known as an "amber alert plan" or an
35 "endangered missing person advisory plan" which includes a "silver
36 alert" designation for voluntary cooperation between local, state,
37 tribal, and other law enforcement agencies, state government
38 agencies, radio and television stations, cable and satellite systems,

1 and social media pages and sites to enhance the public's ability to
2 assist in recovering abducted children and missing endangered persons
3 consistent with the state endangered missing person advisory plan.

4 (2) For the purposes of this chapter:

5 (a) "Child" or "children" means an individual under eighteen
6 years of age.

7 (b) "Missing endangered person" means a person who is believed to
8 be in danger because of age, health, mental or physical disability,
9 in combination with environmental or weather conditions, or is
10 believed to be unable to return to safety without assistance and who
11 is:

12 (i) A person with a developmental disability as defined in RCW
13 71A.10.020(5);

14 (ii) A vulnerable adult as defined in RCW 74.34.020(~~(17)~~); or

15 (iii) A person who has been diagnosed as having Alzheimer's
16 disease or other age-related dementia.

17 (c) "Silver alert" means the designated title of a missing
18 endangered person advisory that will be used on a variable message
19 sign and text of the highway advisory radio message when used as part
20 of an activated advisory to assist in the recovery of a missing
21 endangered person age sixty or older.

22 **Sec. 316.** RCW 13.60.040 and 1999 c 267 s 18 are each amended to
23 read as follows:

24 The department of (~~social and health services~~) children, youth,
25 and families shall develop a procedure for reporting missing children
26 information to the missing children clearinghouse on children who are
27 receiving departmental services in each of its administrative
28 regions. The purpose of this procedure is to link parents to missing
29 children. When the department has obtained information that a minor
30 child has been located at a facility funded by the department, the
31 department shall notify the clearinghouse and the child's legal
32 custodian, advising the custodian of the child's whereabouts or that
33 the child is subject to a dependency action. The department shall
34 inform the clearinghouse when reunification occurs.

35 **Sec. 317.** RCW 13.64.030 and 1993 c 294 s 3 are each amended to
36 read as follows:

37 The petitioner shall serve a copy of the filed petition and
38 notice of hearing on the petitioner's parent or parents, guardian, or

1 custodian at least fifteen days before the emancipation hearing. No
2 summons shall be required. Service shall be waived if proof is made
3 to the court that the address of the parent or parents, guardian, or
4 custodian is unavailable or unascertainable. The petitioner shall
5 also serve notice of the hearing on the department of children,
6 youth, and families if the petitioner is subject to dependency
7 disposition order under RCW 13.34.130. The hearing shall be held no
8 later than sixty days after the date on which the petition is filed.

9 **Sec. 318.** RCW 13.64.050 and 1993 c 294 s 5 are each amended to
10 read as follows:

11 (1) The court shall grant the petition for emancipation, except
12 as provided in subsection (2) of this section, if the petitioner
13 proves the following facts by clear and convincing evidence: (a) That
14 the petitioner is sixteen years of age or older; (b) that the
15 petitioner is a resident of the state; (c) that the petitioner has
16 the ability to manage his or her financial affairs; and (d) that the
17 petitioner has the ability to manage his or her personal, social,
18 educational, and nonfinancial affairs.

19 (2) A parent, guardian, custodian, or in the case of a dependent
20 minor, the department of children, youth, and families, may oppose
21 the petition for emancipation. The court shall deny the petition
22 unless it finds, by clear and convincing evidence, that denial of the
23 grant of emancipation would be detrimental to the interests of the
24 minor.

25 (3) Upon entry of a decree of emancipation by the court the
26 petitioner shall be given a certified copy of the decree. The decree
27 shall instruct the petitioner to obtain a Washington driver's license
28 or a Washington identification card and direct the department of
29 licensing make a notation of the emancipated status on the license or
30 identification card.

31 **Sec. 319.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Alleged father" means a person whose parent-child
36 relationship has not been terminated, who is not a presumed father
37 under chapter 26.26 RCW, and who alleges himself or whom a party
38 alleges to be the father of the child. It includes a person whose

1 marriage to the mother was terminated more than three hundred days
2 before the birth of the child or who was separated from the mother
3 more than three hundred days before the birth of the child.

4 (2) "Child" means a person under eighteen years of age.

5 (3) "Adoptee" means a person who is to be adopted or who has been
6 adopted.

7 (4) "Adoptive parent" means the person or persons who seek to
8 adopt or have adopted an adoptee.

9 (5) "Court" means the superior court.

10 (6) "Department" means the department of (~~social and health~~
11 ~~services~~) children, youth, and families.

12 (7) "Agency" means any public or private association,
13 corporation, or individual licensed or certified by the department as
14 a child-placing agency under chapter 74.15 RCW or as an adoption
15 agency.

16 (8) "Parent" means the natural or adoptive mother or father of a
17 child, including a presumed father under chapter 26.26 RCW. It does
18 not include any person whose parent-child relationship has been
19 terminated by a court of competent jurisdiction.

20 (9) "Legal guardian" means the department, an agency, or a
21 person, other than a parent or stepparent, appointed by the court to
22 promote the child's general welfare, with the authority and duty to
23 make decisions affecting the child's development.

24 (10) "Guardian ad litem" means a person, not related to a party
25 to the action, appointed by the court to represent the best interests
26 of a party who is under a legal disability.

27 (11) "Relinquish or relinquishment" means the voluntary surrender
28 of custody of a child to the department, an agency, or prospective
29 adoptive parents.

30 (12) "Individual approved by the court" or "qualified salaried
31 court employee" means a person who has a master's degree in social
32 work or a related field and one year of experience in social work, or
33 a bachelor's degree and two years of experience in social work, and
34 includes a person not having such qualifications only if the court
35 makes specific findings of fact that are entered of record
36 establishing that the person has reasonably equivalent experience.

37 (13) "Birth parent" means the biological mother or biological or
38 alleged father of a child, including a presumed father under chapter
39 26.26 RCW, whether or not any such person's parent-child relationship
40 has been terminated by a court of competent jurisdiction. "Birth

1 parent" does not include a biological mother or biological or alleged
2 father, including a presumed father under chapter 26.26 RCW, if the
3 parent-child relationship was terminated because of an act for which
4 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

5 (14) "Nonidentifying information" includes, but is not limited
6 to, the following information about the birth parents, adoptive
7 parents, and adoptee:

- 8 (a) Age in years at the time of adoption;
- 9 (b) Heritage, including nationality, ethnic background, and race;
- 10 (c) Education, including number of years of school completed at
11 the time of adoption, but not name or location of school;
- 12 (d) General physical appearance, including height, weight, color
13 of hair, eyes, and skin, or other information of a similar nature;
- 14 (e) Religion;
- 15 (f) Occupation, but not specific titles or places of employment;
- 16 (g) Talents, hobbies, and special interests;
- 17 (h) Circumstances leading to the adoption;
- 18 (i) Medical and genetic history of birth parents;
- 19 (j) First names;
- 20 (k) Other children of birth parents by age, sex, and medical
21 history;
- 22 (l) Extended family of birth parents by age, sex, and medical
23 history;
- 24 (m) The fact of the death, and age and cause, if known;
- 25 (n) Photographs;
- 26 (o) Name of agency or individual that facilitated the adoption.

27 **Sec. 320.** RCW 26.33.345 and 2013 c 321 s 1 are each amended to
28 read as follows:

29 (1) The department (~~(of social and health services)~~), adoption
30 agencies, and independent adoption facilitators shall release the
31 name and location of the court where a relinquishment of parental
32 rights or finalization of an adoption took place to an adult adoptee,
33 a birth parent of an adult adoptee, an adoptive parent, a birth or
34 adoptive grandparent of an adult adoptee, or an adult sibling of an
35 adult adoptee, or the legal guardian of any of these.

36 (2) The department of health shall make available a noncertified
37 copy of the original birth certificate of a child to the child's
38 birth parents upon request.

1 (3)(a) For adoptions finalized after October 1, 1993, the
2 department of health shall provide a noncertified copy of the
3 original birth certificate to an adoptee eighteen years of age or
4 older upon request, unless the birth parent has filed an affidavit of
5 nondisclosure before July 28, 2013, or a contact preference form that
6 indicates he or she does not want the original birth certificate
7 released: PROVIDED, That the affidavit of nondisclosure, the contact
8 preference form, or both have not expired.

9 (b) For adoptions finalized on or before October 1, 1993, the
10 department of health may not provide a noncertified copy of the
11 original birth certificate to the adoptee until after June 30, 2014.
12 After June 30, 2014, the department of health shall provide a
13 noncertified copy of the original birth certificate to an adoptee
14 eighteen years of age or older upon request, unless the birth parent
15 has filed a contact preference form that indicates he or she does not
16 want the original birth certificate released: PROVIDED, That the
17 contact preference form has not expired.

18 (c) An affidavit of nondisclosure expires upon the death of the
19 birth parent.

20 (4)(a) Regardless of whether a birth parent has filed an
21 affidavit of nondisclosure or when the adoption was finalized, a
22 birth parent may at any time complete a contact preference form
23 stating his or her preference about personal contact with the
24 adoptee, which, if available, must accompany an original birth
25 certificate provided to an adoptee under subsection (3) of this
26 section.

27 (b) The contact preference form must include the following
28 options:

29 (i) I would like to be contacted. I give the department of health
30 consent to provide the adoptee with a noncertified copy of his or her
31 original birth certificate;

32 (ii) I would like to be contacted only through a confidential
33 intermediary as described in RCW 26.33.343. I give the department of
34 health consent to provide the adoptee with a noncertified copy of his
35 or her original birth certificate;

36 (iii) I prefer not to be contacted and have completed the birth
37 parent updated medical history form. I give the department of health
38 consent to provide the adoptee with a noncertified copy of his or her
39 original birth certificate; and

1 (iv) I prefer not to be contacted and have completed the birth
2 parent updated medical history form. I do not want a noncertified
3 copy of the original birth certificate released to the adoptee.

4 (c) If the birth parent indicates he or she prefers not to be
5 contacted, personally identifying information on the contact
6 preference form must be kept confidential and may not be released.

7 (d) Nothing in this section precludes a birth parent from
8 subsequently filing another contact preference form to rescind the
9 previous contact preference form and state a different preference.

10 (e) A contact preference form expires upon the death of the birth
11 parent.

12 (5) If a birth parent files a contact preference form, the birth
13 parent must also file an updated medical history form with the
14 department of health. Upon request of the adoptee, the department of
15 health must provide the adoptee with the updated medical history form
16 filed by the adoptee's birth parent.

17 (6) Both a completed contact preference form and birth parent
18 updated medical history form are confidential and must be placed in
19 the adoptee's sealed file.

20 (7) If a birth parent files a contact preference form within six
21 months after the first time an adoptee requests a copy of his or her
22 original birth certificate as provided in subsection (3) of this
23 section, the department of health must forward the contact preference
24 form and the birth parent updated medical history form to the address
25 of the adoptee.

26 (8) The department of health may charge a fee not to exceed
27 twenty dollars for providing a noncertified copy of a birth
28 certificate to an adoptee.

29 (9) The department of health must create the contact preference
30 form and an updated medical history form. The contact preference form
31 must provide a method to ensure personally identifying information
32 can be kept confidential. The updated medical history form may not
33 require the birth parent to disclose any identifying information
34 about the birth parent.

35 (10) If the department of health does not provide an adoptee with
36 a noncertified copy of the original birth certificate because a valid
37 affidavit of nondisclosure or contact preference form has been filed,
38 the adoptee may request, no more than once per year, that the
39 department of health attempt to determine if the birth parent is
40 deceased. Upon request of the adoptee, the department of health must

1 make a reasonable effort to search public records that are accessible
2 and already available to the department of health to determine if the
3 birth parent is deceased. The department of health may charge the
4 adoptee a reasonable fee to cover the cost of conducting a search.

5 **Sec. 321.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
10 or injury of a child by any person under circumstances which cause
11 harm to the child's health, welfare, or safety, excluding conduct
12 permitted under RCW 9A.16.100; or the negligent treatment or
13 maltreatment of a child by a person responsible for or providing care
14 to the child. An abused child is a child who has been subjected to
15 child abuse or neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

18 (3) "Child protective services" means those services provided by
19 the department designed to protect children from child abuse and
20 neglect and safeguard such children from future abuse and neglect,
21 and conduct investigations of child abuse and neglect reports.
22 Investigations may be conducted regardless of the location of the
23 alleged abuse or neglect. Child protective services includes referral
24 to services to ameliorate conditions that endanger the welfare of
25 children, the coordination of necessary programs and services
26 relevant to the prevention, intervention, and treatment of child
27 abuse and neglect, and services to children to ensure that each child
28 has a permanent home. In determining whether protective services
29 should be provided, the department shall not decline to provide such
30 services solely because of the child's unwillingness or developmental
31 inability to describe the nature and severity of the abuse or
32 neglect.

33 (4) "Child protective services section" means the child
34 protective services section of the department.

35 (5) "Children's advocacy center" means a child-focused facility
36 in good standing with the state chapter for children's advocacy
37 centers and that coordinates a multidisciplinary process for the
38 investigation, prosecution, and treatment of sexual and other types
39 of child abuse. Children's advocacy centers provide a location for

1 forensic interviews and coordinate access to services such as, but
2 not limited to, medical evaluations, advocacy, therapy, and case
3 review by multidisciplinary teams within the context of county
4 protocols as defined in RCW 26.44.180 and 26.44.185.

5 (6) "Clergy" means any regularly licensed or ordained minister,
6 priest, or rabbi of any church or religious denomination, whether
7 acting in an individual capacity or as an employee or agent of any
8 public or private organization or institution.

9 (7) "Court" means the superior court of the state of Washington,
10 juvenile department.

11 (8) "Department" means the ((state)) department of ((social and
12 health services)) children, youth, and families.

13 (9) "Family assessment" means a comprehensive assessment of child
14 safety, risk of subsequent child abuse or neglect, and family
15 strengths and needs that is applied to a child abuse or neglect
16 report. Family assessment does not include a determination as to
17 whether child abuse or neglect occurred, but does determine the need
18 for services to address the safety of the child and the risk of
19 subsequent maltreatment.

20 (10) "Family assessment response" means a way of responding to
21 certain reports of child abuse or neglect made under this chapter
22 using a differential response approach to child protective services.
23 The family assessment response shall focus on the safety of the
24 child, the integrity and preservation of the family, and shall assess
25 the status of the child and the family in terms of risk of abuse and
26 neglect including the parent's or guardian's or other caretaker's
27 capacity and willingness to protect the child and, if necessary, plan
28 and arrange the provision of services to reduce the risk and
29 otherwise support the family. No one is named as a perpetrator, and
30 no investigative finding is entered in the record as a result of a
31 family assessment.

32 (11) "Founded" means the determination following an investigation
33 by the department that, based on available information, it is more
34 likely than not that child abuse or neglect did occur.

35 (12) "Inconclusive" means the determination following an
36 investigation by the department of social and health services, prior
37 to October 1, 2008, that based on available information a decision
38 cannot be made that more likely than not, child abuse or neglect did
39 or did not occur.

1 (13) "Institution" means a private or public hospital or any
2 other facility providing medical diagnosis, treatment, or care.

3 (14) "Law enforcement agency" means the police department, the
4 prosecuting attorney, the state patrol, the director of public
5 safety, or the office of the sheriff.

6 (15) "Malice" or "maliciously" means an intent, wish, or design
7 to intimidate, annoy, or injure another person. Such malice may be
8 inferred from an act done in willful disregard of the rights of
9 another, or an act wrongfully done without just cause or excuse, or
10 an act or omission of duty betraying a willful disregard of social
11 duty.

12 (16) "Negligent treatment or maltreatment" means an act or a
13 failure to act, or the cumulative effects of a pattern of conduct,
14 behavior, or inaction, that evidences a serious disregard of
15 consequences of such magnitude as to constitute a clear and present
16 danger to a child's health, welfare, or safety, including but not
17 limited to conduct prohibited under RCW 9A.42.100. When considering
18 whether a clear and present danger exists, evidence of a parent's
19 substance abuse as a contributing factor to negligent treatment or
20 maltreatment shall be given great weight. The fact that siblings
21 share a bedroom is not, in and of itself, negligent treatment or
22 maltreatment. Poverty, homelessness, or exposure to domestic violence
23 as defined in RCW 26.50.010 that is perpetrated against someone other
24 than the child does not constitute negligent treatment or
25 maltreatment in and of itself.

26 (17) "Pharmacist" means any registered pharmacist under chapter
27 18.64 RCW, whether acting in an individual capacity or as an employee
28 or agent of any public or private organization or institution.

29 (18) "Practitioner of the healing arts" or "practitioner" means a
30 person licensed by this state to practice podiatric medicine and
31 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
32 medicine and surgery, or medicine and surgery or to provide other
33 health services. The term "practitioner" includes a duly accredited
34 Christian Science practitioner. A person who is being furnished
35 Christian Science treatment by a duly accredited Christian Science
36 practitioner will not be considered, for that reason alone, a
37 neglected person for the purposes of this chapter.

38 (19) "Professional school personnel" include, but are not limited
39 to, teachers, counselors, administrators, child care facility
40 personnel, and school nurses.

1 (20) "Psychologist" means any person licensed to practice
2 psychology under chapter 18.83 RCW, whether acting in an individual
3 capacity or as an employee or agent of any public or private
4 organization or institution.

5 (21) "Screened-out report" means a report of alleged child abuse
6 or neglect that the department has determined does not rise to the
7 level of a credible report of abuse or neglect and is not referred
8 for investigation.

9 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
10 encouraging a child to engage in prostitution by any person; or (b)
11 allowing, permitting, encouraging, or engaging in the obscene or
12 pornographic photographing, filming, or depicting of a child by any
13 person.

14 (23) "Sexually aggressive youth" means a child who is defined in
15 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (24) "Social service counselor" means anyone engaged in a
17 professional capacity during the regular course of employment in
18 encouraging or promoting the health, welfare, support, or education
19 of children, or providing social services to adults or families,
20 including mental health, drug and alcohol treatment, and domestic
21 violence programs, whether in an individual capacity, or as an
22 employee or agent of any public or private organization or
23 institution.

24 (25) "Supervising agency" means an agency licensed by the state
25 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
26 entered into a performance-based contract with the department to
27 provide child welfare services.

28 (26) "Unfounded" means the determination following an
29 investigation by the department that available information indicates
30 that, more likely than not, child abuse or neglect did not occur, or
31 that there is insufficient evidence for the department to determine
32 whether the alleged child abuse did or did not occur.

33 **Sec. 322.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to
34 read as follows:

35 (1)(a) When any practitioner, county coroner or medical examiner,
36 law enforcement officer, professional school personnel, registered or
37 licensed nurse, social service counselor, psychologist, pharmacist,
38 employee of the department of (~~early learning~~) children, youth, and
39 families, licensed or certified child care providers or their

1 employees, employee of the department of social and health services,
2 juvenile probation officer, placement and liaison specialist,
3 responsible living skills program staff, HOPE center staff, state
4 family and children's ombuds or any volunteer in the ombuds's office,
5 or host home program has reasonable cause to believe that a child has
6 suffered abuse or neglect, he or she shall report such incident, or
7 cause a report to be made, to the proper law enforcement agency or to
8 the department as provided in RCW 26.44.040.

9 (b) When any person, in his or her official supervisory capacity
10 with a nonprofit or for-profit organization, has reasonable cause to
11 believe that a child has suffered abuse or neglect caused by a person
12 over whom he or she regularly exercises supervisory authority, he or
13 she shall report such incident, or cause a report to be made, to the
14 proper law enforcement agency, provided that the person alleged to
15 have caused the abuse or neglect is employed by, contracted by, or
16 volunteers with the organization and coaches, trains, educates, or
17 counsels a child or children or regularly has unsupervised access to
18 a child or children as part of the employment, contract, or voluntary
19 service. No one shall be required to report under this section when
20 he or she obtains the information solely as a result of a privileged
21 communication as provided in RCW 5.60.060.

22 Nothing in this subsection (1)(b) shall limit a person's duty to
23 report under (a) of this subsection.

24 For the purposes of this subsection, the following definitions
25 apply:

26 (i) "Official supervisory capacity" means a position, status, or
27 role created, recognized, or designated by any nonprofit or for-
28 profit organization, either for financial gain or without financial
29 gain, whose scope includes, but is not limited to, overseeing,
30 directing, or managing another person who is employed by, contracted
31 by, or volunteers with the nonprofit or for-profit organization.

32 (ii) "Organization" includes a sole proprietor, partnership,
33 corporation, limited liability company, trust, association, financial
34 institution, governmental entity, other than the federal government,
35 and any other individual or group engaged in a trade, occupation,
36 enterprise, governmental function, charitable function, or similar
37 activity in this state whether or not the entity is operated as a
38 nonprofit or for-profit entity.

1 (iii) "Reasonable cause" means a person witnesses or receives a
2 credible written or oral report alleging abuse, including sexual
3 contact, or neglect of a child.

4 (iv) "Regularly exercises supervisory authority" means to act in
5 his or her official supervisory capacity on an ongoing or continuing
6 basis with regards to a particular person.

7 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

8 (c) The reporting requirement also applies to department of
9 corrections personnel who, in the course of their employment, observe
10 offenders or the children with whom the offenders are in contact. If,
11 as a result of observations or information received in the course of
12 his or her employment, any department of corrections personnel has
13 reasonable cause to believe that a child has suffered abuse or
14 neglect, he or she shall report the incident, or cause a report to be
15 made, to the proper law enforcement agency or to the department as
16 provided in RCW 26.44.040.

17 (d) The reporting requirement shall also apply to any adult who
18 has reasonable cause to believe that a child who resides with them,
19 has suffered severe abuse, and is able or capable of making a report.
20 For the purposes of this subsection, "severe abuse" means any of the
21 following: Any single act of abuse that causes physical trauma of
22 sufficient severity that, if left untreated, could cause death; any
23 single act of sexual abuse that causes significant bleeding, deep
24 bruising, or significant external or internal swelling; or more than
25 one act of physical abuse, each of which causes bleeding, deep
26 bruising, significant external or internal swelling, bone fracture,
27 or unconsciousness.

28 (e) The reporting requirement also applies to guardians ad litem,
29 including court-appointed special advocates, appointed under Titles
30 11 and 13 RCW and this title, who in the course of their
31 representation of children in these actions have reasonable cause to
32 believe a child has been abused or neglected.

33 (f) The reporting requirement in (a) of this subsection also
34 applies to administrative and academic or athletic department
35 employees, including student employees, of institutions of higher
36 education, as defined in RCW 28B.10.016, and of private institutions
37 of higher education.

38 (g) The report must be made at the first opportunity, but in no
39 case longer than forty-eight hours after there is reasonable cause to

1 believe that the child has suffered abuse or neglect. The report must
2 include the identity of the accused if known.

3 (2) The reporting requirement of subsection (1) of this section
4 does not apply to the discovery of abuse or neglect that occurred
5 during childhood if it is discovered after the child has become an
6 adult. However, if there is reasonable cause to believe other
7 children are or may be at risk of abuse or neglect by the accused,
8 the reporting requirement of subsection (1) of this section does
9 apply.

10 (3) Any other person who has reasonable cause to believe that a
11 child has suffered abuse or neglect may report such incident to the
12 proper law enforcement agency or to the department (~~of social and~~
13 ~~health services~~) as provided in RCW 26.44.040.

14 (4) The department, upon receiving a report of an incident of
15 alleged abuse or neglect pursuant to this chapter, involving a child
16 who has died or has had physical injury or injuries inflicted upon
17 him or her other than by accidental means or who has been subjected
18 to alleged sexual abuse, shall report such incident to the proper law
19 enforcement agency, including military law enforcement, if
20 appropriate. In emergency cases, where the child's welfare is
21 endangered, the department shall notify the proper law enforcement
22 agency within twenty-four hours after a report is received by the
23 department. In all other cases, the department shall notify the law
24 enforcement agency within seventy-two hours after a report is
25 received by the department. If the department makes an oral report, a
26 written report must also be made to the proper law enforcement agency
27 within five days thereafter.

28 (5) Any law enforcement agency receiving a report of an incident
29 of alleged abuse or neglect pursuant to this chapter, involving a
30 child who has died or has had physical injury or injuries inflicted
31 upon him or her other than by accidental means, or who has been
32 subjected to alleged sexual abuse, shall report such incident in
33 writing as provided in RCW 26.44.040 to the proper county prosecutor
34 or city attorney for appropriate action whenever the law enforcement
35 agency's investigation reveals that a crime may have been committed.
36 The law enforcement agency shall also notify the department of all
37 reports received and the law enforcement agency's disposition of
38 them. In emergency cases, where the child's welfare is endangered,
39 the law enforcement agency shall notify the department within twenty-
40 four hours. In all other cases, the law enforcement agency shall

1 notify the department within seventy-two hours after a report is
2 received by the law enforcement agency.

3 (6) Any county prosecutor or city attorney receiving a report
4 under subsection (5) of this section shall notify the victim, any
5 persons the victim requests, and the local office of the department,
6 of the decision to charge or decline to charge a crime, within five
7 days of making the decision.

8 (7) The department may conduct ongoing case planning and
9 consultation with those persons or agencies required to report under
10 this section, with consultants designated by the department, and with
11 designated representatives of Washington Indian tribes if the client
12 information exchanged is pertinent to cases currently receiving child
13 protective services. Upon request, the department shall conduct such
14 planning and consultation with those persons required to report under
15 this section if the department determines it is in the best interests
16 of the child. Information considered privileged by statute and not
17 directly related to reports required by this section must not be
18 divulged without a valid written waiver of the privilege.

19 (8) Any case referred to the department by a physician licensed
20 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
21 opinion that child abuse, neglect, or sexual assault has occurred and
22 that the child's safety will be seriously endangered if returned
23 home, the department shall file a dependency petition unless a second
24 licensed physician of the parents' choice believes that such expert
25 medical opinion is incorrect. If the parents fail to designate a
26 second physician, the department may make the selection. If a
27 physician finds that a child has suffered abuse or neglect but that
28 such abuse or neglect does not constitute imminent danger to the
29 child's health or safety, and the department agrees with the
30 physician's assessment, the child may be left in the parents' home
31 while the department proceeds with reasonable efforts to remedy
32 parenting deficiencies.

33 (9) Persons or agencies exchanging information under subsection
34 (7) of this section shall not further disseminate or release the
35 information except as authorized by state or federal statute.
36 Violation of this subsection is a misdemeanor.

37 (10) Upon receiving a report of alleged abuse or neglect, the
38 department shall make reasonable efforts to learn the name, address,
39 and telephone number of each person making a report of abuse or
40 neglect under this section. The department shall provide assurances

1 of appropriate confidentiality of the identification of persons
2 reporting under this section. If the department is unable to learn
3 the information required under this subsection, the department shall
4 only investigate cases in which:

5 (a) The department believes there is a serious threat of
6 substantial harm to the child;

7 (b) The report indicates conduct involving a criminal offense
8 that has, or is about to occur, in which the child is the victim; or

9 (c) The department has a prior founded report of abuse or neglect
10 with regard to a member of the household that is within three years
11 of receipt of the referral.

12 (11)(a) Upon receiving a report of alleged abuse or neglect, the
13 department shall use one of the following discrete responses to
14 reports of child abuse or neglect that are screened in and accepted
15 for departmental response:

16 (i) Investigation; or

17 (ii) Family assessment.

18 (b) In making the response in (a) of this subsection the
19 department shall:

20 (i) Use a method by which to assign cases to investigation or
21 family assessment which are based on an array of factors that may
22 include the presence of: Imminent danger, level of risk, number of
23 previous child abuse or neglect reports, or other presenting case
24 characteristics, such as the type of alleged maltreatment and the age
25 of the alleged victim. Age of the alleged victim shall not be used as
26 the sole criterion for determining case assignment;

27 (ii) Allow for a change in response assignment based on new
28 information that alters risk or safety level;

29 (iii) Allow families assigned to family assessment to choose to
30 receive an investigation rather than a family assessment;

31 (iv) Provide a full investigation if a family refuses the initial
32 family assessment;

33 (v) Provide voluntary services to families based on the results
34 of the initial family assessment. If a family refuses voluntary
35 services, and the department cannot identify specific facts related
36 to risk or safety that warrant assignment to investigation under this
37 chapter, and there is not a history of reports of child abuse or
38 neglect related to the family, then the department must close the
39 family assessment response case. However, if at any time the
40 department identifies risk or safety factors that warrant an

1 investigation under this chapter, then the family assessment response
2 case must be reassigned to investigation;

3 (vi) Conduct an investigation, and not a family assessment, in
4 response to an allegation that, the department determines based on
5 the intake assessment:

6 (A) Poses a risk of "imminent harm" consistent with the
7 definition provided in RCW 13.34.050, which includes, but is not
8 limited to, sexual abuse and sexual exploitation as defined in this
9 chapter;

10 (B) Poses a serious threat of substantial harm to a child;

11 (C) Constitutes conduct involving a criminal offense that has, or
12 is about to occur, in which the child is the victim;

13 (D) The child is an abandoned child as defined in RCW 13.34.030;

14 (E) The child is an adjudicated dependent child as defined in RCW
15 13.34.030, or the child is in a facility that is licensed, operated,
16 or certified for care of children by the department under chapter
17 74.15 RCW(~~(, or by the department of early learning)~~).

18 (c) The department may not be held civilly liable for the
19 decision to respond to an allegation of child abuse or neglect by
20 using the family assessment response under this section unless the
21 state or its officers, agents, or employees acted with reckless
22 disregard.

23 (12)(a) For reports of alleged abuse or neglect that are accepted
24 for investigation by the department, the investigation shall be
25 conducted within time frames established by the department in rule.
26 In no case shall the investigation extend longer than ninety days
27 from the date the report is received, unless the investigation is
28 being conducted under a written protocol pursuant to RCW 26.44.180
29 and a law enforcement agency or prosecuting attorney has determined
30 that a longer investigation period is necessary. At the completion of
31 the investigation, the department shall make a finding that the
32 report of child abuse or neglect is founded or unfounded.

33 (b) If a court in a civil or criminal proceeding, considering the
34 same facts or circumstances as are contained in the report being
35 investigated by the department, makes a judicial finding by a
36 preponderance of the evidence or higher that the subject of the
37 pending investigation has abused or neglected the child, the
38 department shall adopt the finding in its investigation.

39 (13) For reports of alleged abuse or neglect that are responded
40 to through family assessment response, the department shall:

1 (a) Provide the family with a written explanation of the
2 procedure for assessment of the child and the family and its
3 purposes;

4 (b) Collaborate with the family to identify family strengths,
5 resources, and service needs, and develop a service plan with the
6 goal of reducing risk of harm to the child and improving or restoring
7 family well-being;

8 (c) Complete the family assessment response within forty-five
9 days of receiving the report; however, upon parental agreement, the
10 family assessment response period may be extended up to ninety days;

11 (d) Offer services to the family in a manner that makes it clear
12 that acceptance of the services is voluntary;

13 (e) Implement the family assessment response in a consistent and
14 cooperative manner;

15 (f) Have the parent or guardian sign an agreement to participate
16 in services before services are initiated that informs the parents of
17 their rights under family assessment response, all of their options,
18 and the options the department has if the parents do not sign the
19 consent form.

20 (14)(a) In conducting an investigation or family assessment of
21 alleged abuse or neglect, the department or law enforcement agency:

22 (i) May interview children. If the department determines that the
23 response to the allegation will be family assessment response, the
24 preferred practice is to request a parent's, guardian's, or
25 custodian's permission to interview the child before conducting the
26 child interview unless doing so would compromise the safety of the
27 child or the integrity of the assessment. The interviews may be
28 conducted on school premises, at day-care facilities, at the child's
29 home, or at other suitable locations outside of the presence of
30 parents. If the allegation is investigated, parental notification of
31 the interview must occur at the earliest possible point in the
32 investigation that will not jeopardize the safety or protection of
33 the child or the course of the investigation. Prior to commencing the
34 interview the department or law enforcement agency shall determine
35 whether the child wishes a third party to be present for the
36 interview and, if so, shall make reasonable efforts to accommodate
37 the child's wishes. Unless the child objects, the department or law
38 enforcement agency shall make reasonable efforts to include a third
39 party in any interview so long as the presence of the third party
40 will not jeopardize the course of the investigation; and

1 (ii) Shall have access to all relevant records of the child in
2 the possession of mandated reporters and their employees.

3 (b) The Washington state school directors' association shall
4 adopt a model policy addressing protocols when an interview, as
5 authorized by this subsection, is conducted on school premises. In
6 formulating its policy, the association shall consult with the
7 department and the Washington association of sheriffs and police
8 chiefs.

9 (15) If a report of alleged abuse or neglect is founded and
10 constitutes the third founded report received by the department
11 within the last twelve months involving the same child or family, the
12 department shall promptly notify the office of the family and
13 children's ombuds of the contents of the report. The department shall
14 also notify the ombuds of the disposition of the report.

15 (16) In investigating and responding to allegations of child
16 abuse and neglect, the department may conduct background checks as
17 authorized by state and federal law.

18 (17)(a) The department shall maintain investigation records and
19 conduct timely and periodic reviews of all founded cases of abuse and
20 neglect. The department shall maintain a log of screened-out
21 nonabusive cases.

22 (b) In the family assessment response, the department shall not
23 make a finding as to whether child abuse or neglect occurred. No one
24 shall be named as a perpetrator and no investigative finding shall be
25 entered in the department's child abuse or neglect database.

26 (18) The department shall use a risk assessment process when
27 investigating alleged child abuse and neglect referrals. The
28 department shall present the risk factors at all hearings in which
29 the placement of a dependent child is an issue. Substance abuse must
30 be a risk factor.

31 (19) Upon receipt of a report of alleged abuse or neglect the law
32 enforcement agency may arrange to interview the person making the
33 report and any collateral sources to determine if any malice is
34 involved in the reporting.

35 (20) Upon receiving a report of alleged abuse or neglect
36 involving a child under the court's jurisdiction under chapter 13.34
37 RCW, the department shall promptly notify the child's guardian ad
38 litem of the report's contents. The department shall also notify the
39 guardian ad litem of the disposition of the report. For purposes of

1 this subsection, "guardian ad litem" has the meaning provided in RCW
2 13.34.030.

3 (21) The department shall make efforts as soon as practicable to
4 determine the military status of parents whose children are subject
5 to abuse or neglect allegations. If the department determines that a
6 parent or guardian is in the military, the department shall notify a
7 department of defense family advocacy program that there is an
8 allegation of abuse and neglect that is screened in and open for
9 investigation that relates to that military parent or guardian.

10 **Sec. 323.** RCW 26.44.040 and 1999 c 176 s 32 are each amended to
11 read as follows:

12 An immediate oral report must be made by telephone or otherwise
13 to the proper law enforcement agency or the department (~~of social~~
14 ~~and health services~~) and, upon request, must be followed by a report
15 in writing. Such reports must contain the following information, if
16 known:

- 17 (1) The name, address, and age of the child;
- 18 (2) The name and address of the child's parents, stepparents,
19 guardians, or other persons having custody of the child;
- 20 (3) The nature and extent of the alleged injury or injuries;
- 21 (4) The nature and extent of the alleged neglect;
- 22 (5) The nature and extent of the alleged sexual abuse;
- 23 (6) Any evidence of previous injuries, including their nature and
24 extent; and
- 25 (7) Any other information that may be helpful in establishing the
26 cause of the child's death, injury, or injuries and the identity of
27 the alleged perpetrator or perpetrators.

28 **Sec. 324.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to
29 read as follows:

30 Except as provided in RCW 26.44.030(11), upon the receipt of a
31 report concerning the possible occurrence of abuse or neglect, the
32 law enforcement agency or the department (~~of social and health~~
33 ~~services~~) must investigate and provide the protective services
34 section with a report in accordance with chapter 74.13 RCW, and where
35 necessary to refer such report to the court.

36 A law enforcement officer may take, or cause to be taken, a child
37 into custody without a court order if there is probable cause to
38 believe that the child is abused or neglected and that the child

1 would be injured or could not be taken into custody if it were
2 necessary to first obtain a court order pursuant to RCW 13.34.050.
3 The law enforcement agency or the department (~~of social and health~~
4 ~~services~~) investigating such a report is hereby authorized to
5 photograph such a child for the purpose of providing documentary
6 evidence of the physical condition of the child.

7 **Sec. 325.** RCW 26.44.063 and 2008 c 267 s 4 are each amended to
8 read as follows:

9 (1) It is the intent of the legislature to minimize trauma to a
10 child involved in an allegation of sexual or physical abuse. The
11 legislature declares that removing the child from the home or the
12 care of a parent, guardian, or legal custodian often has the effect
13 of further traumatizing the child. It is, therefore, the
14 legislature's intent that the alleged abuser, rather than the child,
15 shall be removed or restrained from the child's residence and that
16 this should be done at the earliest possible point of intervention in
17 accordance with RCW 10.31.100, chapter 13.34 RCW, this section, and
18 RCW 26.44.130.

19 (2) In any judicial proceeding in which it is alleged that a
20 child has been subjected to sexual or physical abuse, if the court
21 finds reasonable grounds to believe that an incident of sexual or
22 physical abuse has occurred, the court may, on its own motion, or the
23 motion of the guardian ad litem or other parties, issue a temporary
24 restraining order or preliminary injunction restraining or enjoining
25 the person accused of committing the abuse from:

- 26 (a) Molesting or disturbing the peace of the alleged victim;
27 (b) Entering the family home of the alleged victim except as
28 specifically authorized by the court;
29 (c) Having any contact with the alleged victim, except as
30 specifically authorized by the court;
31 (d) Knowingly coming within, or knowingly remaining within, a
32 specified distance of a specified location.

33 (3) If the caretaker is willing, and does comply with the duties
34 prescribed in subsection (8) of this section, uncertainty by the
35 caretaker that the alleged abuser has in fact abused the alleged
36 victim shall not, alone, be a basis to remove the alleged victim from
37 the caretaker, nor shall it be considered neglect.

38 (4) In issuing a temporary restraining order or preliminary
39 injunction, the court may impose any additional restrictions that the

1 court in its discretion determines are necessary to protect the child
2 from further abuse or emotional trauma pending final resolution of
3 the abuse allegations.

4 (5) The court shall issue a temporary restraining order
5 prohibiting a person from entering the family home if the court finds
6 that the order would eliminate the need for an out-of-home placement
7 to protect the child's right to nurturance, health, and safety and is
8 sufficient to protect the child from further sexual or physical abuse
9 or coercion.

10 (6) The court may issue a temporary restraining order without
11 requiring notice to the party to be restrained or other parties only
12 if it finds on the basis of the moving affidavit or other evidence
13 that irreparable injury could result if an order is not issued until
14 the time for responding has elapsed.

15 (7) A temporary restraining order or preliminary injunction:

16 (a) Does not prejudice the rights of a party or any child which
17 are to be adjudicated at subsequent hearings in the proceeding; and

18 (b) May be revoked or modified.

19 (8) The person having physical custody of the child shall have an
20 affirmative duty to assist in the enforcement of the restraining
21 order including but not limited to a duty to notify the court as soon
22 as practicable of any violation of the order, a duty to request the
23 assistance of law enforcement officers to enforce the order, and a
24 duty to notify the department (~~of social and health services~~) of
25 any violation of the order as soon as practicable if the department
26 is a party to the action. Failure by the custodial party to discharge
27 these affirmative duties shall be subject to contempt proceedings.

28 (9) Willful violation of a court order entered under this section
29 is a misdemeanor. A written order shall contain the court's directive
30 and shall bear the legend: "Violation of this order with actual
31 notice of its terms is a criminal offense under chapter 26.44 RCW, is
32 also subject to contempt proceedings, and will subject a violator to
33 arrest."

34 (10) If a restraining order issued under this section is modified
35 or terminated, the clerk of the court shall notify the law
36 enforcement agency specified in the order on or before the next
37 judicial day. Upon receipt of notice that an order has been
38 terminated, the law enforcement agency shall remove the order from
39 any computer-based criminal intelligence system.

1 **Sec. 326.** RCW 26.44.105 and 1985 c 183 s 2 are each amended to
2 read as follows:

3 Whenever a dependency petition is filed by the department (~~of~~
4 ~~social and health services~~)), it shall advise the parents, and any
5 child over the age of twelve who is subject to the dependency action,
6 of their respective rights under RCW 13.34.090. The parents and the
7 child shall be provided a copy of the dependency petition and a copy
8 of any court orders which have been issued. This advice of rights
9 under RCW 13.34.090 shall be in writing. The department caseworker
10 shall also make reasonable efforts to advise the parent and child of
11 these same rights orally.

12 **Sec. 327.** RCW 26.44.140 and 1997 c 344 s 1 are each amended to
13 read as follows:

14 The court shall require that an individual who, while acting in a
15 parental role, has physically or sexually abused a child and has been
16 removed from the home pursuant to a court order issued in a
17 proceeding under chapter 13.34 RCW, prior to being permitted to
18 reside in the home where the child resides, complete the treatment
19 and education requirements necessary to protect the child from future
20 abuse. The court may require the individual to continue treatment as
21 a condition for remaining in the home where the child resides. Unless
22 a parent, custodian, or guardian has been convicted of the crime for
23 the acts of abuse determined in a fact-finding hearing under chapter
24 13.34 RCW, such person shall not be required to admit guilt in order
25 to begin to fulfill any necessary treatment and education
26 requirements under this section.

27 The department (~~of social and health services~~) or supervising
28 agency shall be responsible for advising the court as to appropriate
29 treatment and education requirements, providing referrals to the
30 individual, monitoring and assessing the individual's progress,
31 informing the court of such progress, and providing recommendations
32 to the court.

33 The person removed from the home shall pay for these services
34 unless the person is otherwise eligible to receive financial
35 assistance in paying for such services. Nothing in this section shall
36 be construed to create in any person an entitlement to services or
37 financial assistance in paying for services.

1 **Sec. 328.** RCW 43.20A.360 and 2001 c 291 s 101 are each amended
2 to read as follows:

3 (1) The secretary is hereby authorized to appoint such advisory
4 committees or councils as may be required by any federal legislation
5 as a condition to the receipt of federal funds by the department. The
6 secretary may appoint statewide committees or councils in the
7 following subject areas: (a) Health facilities; (b) ~~((children and
8 youth services; (c)))~~ blind services; ~~((d))~~ (c) medical and health
9 care; ~~((e))~~ (d) drug abuse and alcoholism; ~~((f))~~ (e) social
10 services; ~~((g))~~ (f) economic services; ~~((h))~~ (g) vocational
11 services; ~~((i))~~ (h) rehabilitative services; and (i) on such other
12 subject matters as are or come within the department's
13 responsibilities. The statewide councils shall have representation
14 from both major political parties and shall have substantial consumer
15 representation. Such committees or councils shall be constituted as
16 required by federal law or as the secretary in his or her discretion
17 may determine. The members of the committees or councils shall hold
18 office for three years except in the case of a vacancy, in which
19 event appointment shall be only for the remainder of the unexpired
20 term for which the vacancy occurs. No member shall serve more than
21 two consecutive terms.

22 (2) Members of such state advisory committees or councils may be
23 paid their travel expenses in accordance with RCW 43.03.050 and
24 43.03.060 as now existing or hereafter amended.

25 **Sec. 329.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to
26 read as follows:

27 (1)(a) The secretary of social and health services and the
28 director of the department of children, youth, and families shall
29 review current department policies and assess the adequacy and
30 availability of programs targeted at persons who receive services
31 through the department who are the children and families of a person
32 who is incarcerated in a department of corrections facility. Great
33 attention shall be focused on programs and policies affecting foster
34 youth who have a parent who is incarcerated.

35 (b) The secretary and the director shall adopt policies that
36 encourage familial contact and engagement between inmates of the
37 department of corrections facilities and their children with the goal
38 of facilitating normal child development, while reducing recidivism
39 and intergenerational incarceration. Programs and policies should

1 take into consideration the children's need to maintain contact with
2 his or her parent, the inmate's ability to develop plans to
3 financially support their children, assist in reunification when
4 appropriate, and encourage the improvement of parenting skills where
5 needed. The programs and policies should also meet the needs of the
6 child while the parent is incarcerated.

7 (2) The secretary and the director shall conduct the following
8 activities to assist in implementing the requirements of subsection
9 (1) of this section:

10 (a) Gather information and data on the recipients of public
11 assistance, or children in the care of the state under chapter 13.34
12 RCW, who are the children and families of inmates incarcerated in
13 department of corrections facilities; and

14 (b) Participate in the children of incarcerated parents advisory
15 committee and report information obtained under this section to the
16 advisory committee.

17 **Sec. 330.** RCW 26.34.030 and 1971 ex.s. c 168 s 3 are each
18 amended to read as follows:

19 The "appropriate public authorities" as used in Article III of
20 the Interstate Compact on the Placement of Children shall, with
21 reference to this state, mean the department of (~~social and health~~
22 ~~services~~) children, youth, and families, and said agency shall
23 receive and act with reference to notices required by said Article
24 III.

25 **Sec. 331.** RCW 26.34.040 and 1971 ex.s. c 168 s 4 are each
26 amended to read as follows:

27 As used in paragraph (a) of Article V of the Interstate Compact
28 on the Placement of Children, the phrase "appropriate authority in
29 the receiving state" with reference to this state shall mean the
30 department of (~~social and health services~~) children, youth, and
31 families.

32 **Sec. 332.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to
33 read as follows:

34 (1) No person may disclose or be compelled to disclose the
35 identity of any person who has investigated, considered, or requested
36 a test or treatment for a sexually transmitted disease, except as
37 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

1 (2) No person may disclose or be compelled to disclose
2 information and records related to sexually transmitted diseases,
3 except as authorized by this section, RCW 70.02.210, or chapter 70.24
4 RCW. A person may disclose information related to sexually
5 transmitted diseases about a patient without the patient's
6 authorization, to the extent a recipient needs to know the
7 information, if the disclosure is to:

8 (a) The subject of the test or the subject's legal representative
9 for health care decisions in accordance with RCW 7.70.065, with the
10 exception of such a representative of a minor fourteen years of age
11 or over and otherwise competent;

12 (b) The state public health officer as defined in RCW 70.24.017,
13 a local public health officer, or the centers for disease control of
14 the United States public health service in accordance with reporting
15 requirements for a diagnosed case of a sexually transmitted disease;

16 (c) A health facility or health care provider that procures,
17 processes, distributes, or uses: (i) A human body part, tissue, or
18 blood from a deceased person with respect to medical information
19 regarding that person; (ii) semen, including that was provided prior
20 to March 23, 1988, for the purpose of artificial insemination; or
21 (iii) blood specimens;

22 (d) Any state or local public health officer conducting an
23 investigation pursuant to RCW 70.24.024, so long as the record was
24 obtained by means of court-ordered HIV testing pursuant to RCW
25 70.24.340 or 70.24.024;

26 (e) A person allowed access to the record by a court order
27 granted after application showing good cause therefor. In assessing
28 good cause, the court shall weigh the public interest and the need
29 for disclosure against the injury to the patient, to the physician-
30 patient relationship, and to the treatment services. Upon the
31 granting of the order, the court, in determining the extent to which
32 any disclosure of all or any part of the record of any such test is
33 necessary, shall impose appropriate safeguards against unauthorized
34 disclosure. An order authorizing disclosure must: (i) Limit
35 disclosure to those parts of the patient's record deemed essential to
36 fulfill the objective for which the order was granted; (ii) limit
37 disclosure to those persons whose need for information is the basis
38 for the order; and (iii) include any other appropriate measures to
39 keep disclosure to a minimum for the protection of the patient, the
40 physician-patient relationship, and the treatment services;

1 (f) Persons who, because of their behavioral interaction with the
2 infected individual, have been placed at risk for acquisition of a
3 sexually transmitted disease, as provided in RCW 70.24.022, if the
4 health officer or authorized representative believes that the exposed
5 person was unaware that a risk of disease exposure existed and that
6 the disclosure of the identity of the infected person is necessary;

7 (g) A law enforcement officer, firefighter, health care provider,
8 health care facility staff person, department of correction's staff
9 person, jail staff person, or other persons as defined by the board
10 of health in rule pursuant to RCW 70.24.340(4), who has requested a
11 test of a person whose bodily fluids he or she has been substantially
12 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
13 health officer performs the test;

14 (h) Claims management personnel employed by or associated with an
15 insurer, health care service contractor, health maintenance
16 organization, self-funded health plan, state administered health care
17 claims payer, or any other payer of health care claims where such
18 disclosure is to be used solely for the prompt and accurate
19 evaluation and payment of medical or related claims. Information
20 released under this subsection must be confidential and may not be
21 released or available to persons who are not involved in handling or
22 determining medical claims payment; and

23 (i) A department of (~~social and health services~~) children,
24 youth, and families worker, a child placing agency worker, or a
25 guardian ad litem who is responsible for making or reviewing
26 placement or case-planning decisions or recommendations to the court
27 regarding a child, who is less than fourteen years of age, has a
28 sexually transmitted disease, and is in the custody of the department
29 of (~~social and health services~~) children, youth, and families or a
30 licensed child placing agency. This information may also be received
31 by a person responsible for providing residential care for such a
32 child when the department of social and health services, the
33 department of children, youth, and families, or a licensed child
34 placing agency determines that it is necessary for the provision of
35 child care services.

36 (3) No person to whom the results of a test for a sexually
37 transmitted disease have been disclosed pursuant to subsection (2) of
38 this section may disclose the test results to another person except
39 as authorized by that subsection.

1 (4) The release of sexually transmitted disease information
2 regarding an offender or detained person, except as provided in
3 subsection (2)(d) of this section, is governed as follows:

4 (a) The sexually transmitted disease status of a department of
5 corrections offender who has had a mandatory test conducted pursuant
6 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
7 by department of corrections health care providers and local public
8 health officers to the department of corrections health care
9 administrator or infection control coordinator of the facility in
10 which the offender is housed. The information made available to the
11 health care administrator or the infection control coordinator under
12 this subsection (4)(a) may be used only for disease prevention or
13 control and for protection of the safety and security of the staff,
14 offenders, and the public. The information may be submitted to
15 transporting officers and receiving facilities, including facilities
16 that are not under the department of corrections' jurisdiction
17 according to the provisions of (d) and (e) of this subsection.

18 (b) The sexually transmitted disease status of a person detained
19 in a jail who has had a mandatory test conducted pursuant to RCW
20 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
21 local public health officer to a jail health care administrator or
22 infection control coordinator. The information made available to a
23 health care administrator under this subsection (4)(b) may be used
24 only for disease prevention or control and for protection of the
25 safety and security of the staff, offenders, detainees, and the
26 public. The information may be submitted to transporting officers and
27 receiving facilities according to the provisions of (d) and (e) of
28 this subsection.

29 (c) Information regarding the sexually transmitted disease status
30 of an offender or detained person is confidential and may be
31 disclosed by a correctional health care administrator or infection
32 control coordinator or local jail health care administrator or
33 infection control coordinator only as necessary for disease
34 prevention or control and for protection of the safety and security
35 of the staff, offenders, and the public. Unauthorized disclosure of
36 this information to any person may result in disciplinary action, in
37 addition to the penalties prescribed in RCW 70.24.080 or any other
38 penalties as may be prescribed by law.

39 (d) Notwithstanding the limitations on disclosure contained in
40 (a), (b), and (c) of this subsection, whenever any member of a jail

1 staff or department of corrections staff has been substantially
2 exposed to the bodily fluids of an offender or detained person, then
3 the results of any tests conducted pursuant to RCW 70.24.340(1),
4 70.24.360, or 70.24.370, must be immediately disclosed to the staff
5 person in accordance with the Washington Administrative Code rules
6 governing employees' occupational exposure to blood-borne pathogens.
7 Disclosure must be accompanied by appropriate counseling for the
8 staff member, including information regarding follow-up testing and
9 treatment. Disclosure must also include notice that subsequent
10 disclosure of the information in violation of this chapter or use of
11 the information to harass or discriminate against the offender or
12 detainee may result in disciplinary action, in addition to the
13 penalties prescribed in RCW 70.24.080, and imposition of other
14 penalties prescribed by law.

15 (e) The staff member must also be informed whether the offender
16 or detained person had any other communicable disease, as defined in
17 RCW 72.09.251(3), when the staff person was substantially exposed to
18 the offender's or detainee's bodily fluids.

19 (f) The test results of voluntary and anonymous HIV testing or
20 HIV-related condition, as defined in RCW 70.24.017, may not be
21 disclosed to a staff person except as provided in this section and
22 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care
23 administrator or infection control coordinator may provide the staff
24 member with information about how to obtain the offender's or
25 detainee's test results under this section and RCW 70.02.050(1)
26 (~~(e)~~) (d) and 70.24.340(4).

27 (5) The requirements of this section do not apply to the
28 customary methods utilized for the exchange of medical information
29 among health care providers in order to provide health care services
30 to the patient, nor do they apply within health care facilities where
31 there is a need for access to confidential medical information to
32 fulfill professional duties.

33 (6) Upon request of the victim, disclosure of test results under
34 this section to victims of sexual offenses under chapter 9A.44 RCW
35 must be made if the result is negative or positive. The county
36 prosecuting attorney shall notify the victim of the right to such
37 disclosure. The disclosure must be accompanied by appropriate
38 counseling, including information regarding follow-up testing.

39 (7) A person, including a health care facility or health care
40 provider, shall disclose the identity of any person who has

1 investigated, considered, or requested a test or treatment for a
2 sexually transmitted disease and information and records related to
3 sexually transmitted diseases to federal, state, or local public
4 health authorities, to the extent the health care provider is
5 required by law to report health care information; when needed to
6 determine compliance with state or federal certification or
7 registration rules or laws; or when needed to protect the public
8 health. Any health care information obtained under this subsection is
9 exempt from public inspection and copying pursuant to chapter 42.56
10 RCW.

11 **Sec. 333.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to
12 read as follows:

13 (1) Before granting any order regarding the custody of a child
14 under this chapter, the court shall consult the judicial information
15 system, if available, to determine the existence of any information
16 and proceedings that are relevant to the placement of the child.

17 (2) Before entering a final order, the court shall:

18 (a) Direct the department of (~~social and health services~~)
19 children, youth, and families to release information as provided
20 under RCW 13.50.100; and

21 (b) Require the petitioner to provide the results of an
22 examination of state and national criminal identification data
23 provided by the Washington state patrol criminal identification
24 system as described in chapter 43.43 RCW for the petitioner and adult
25 members of the petitioner's household.

26 **Sec. 334.** RCW 26.50.150 and 2010 c 274 s 501 are each amended to
27 read as follows:

28 Any program that provides domestic violence treatment to
29 perpetrators of domestic violence must be certified by the department
30 of (~~social and health services~~) children, youth, and families and
31 meet minimum standards for domestic violence treatment purposes. The
32 department of (~~social and health services~~) children, youth, and
33 families shall adopt rules for standards of approval of domestic
34 violence perpetrator programs. The treatment must meet the following
35 minimum qualifications:

36 (1) All treatment must be based upon a full, complete clinical
37 intake including but not limited to: Current and past violence
38 history; a lethality risk assessment; history of treatment from past

1 domestic violence perpetrator treatment programs; a complete
2 diagnostic evaluation; a substance abuse assessment; criminal
3 history; assessment of cultural issues, learning disabilities,
4 literacy, and special language needs; and a treatment plan that
5 adequately and appropriately addresses the treatment needs of the
6 individual.

7 (2) To facilitate communication necessary for periodic safety
8 checks and case monitoring, the program must require the perpetrator
9 to sign the following releases:

10 (a) A release for the program to inform the victim and victim's
11 community and legal advocates that the perpetrator is in treatment
12 with the program, and to provide information, for safety purposes, to
13 the victim and victim's community and legal advocates;

14 (b) A release to prior and current treatment agencies to provide
15 information on the perpetrator to the program; and

16 (c) A release for the program to provide information on the
17 perpetrator to relevant legal entities including: Lawyers, courts,
18 parole, probation, child protective services, and child welfare
19 services.

20 (3) Treatment must be for a minimum treatment period defined by
21 the (~~secretary~~) director of the department of children, youth, and
22 families by rule. The weekly treatment sessions must be in a group
23 unless there is a documented, clinical reason for another modality.
24 Any other therapies, such as individual, marital, or family therapy,
25 substance abuse evaluations or therapy, medication reviews, or
26 psychiatric interviews, may be concomitant with the weekly group
27 treatment sessions described in this section but not a substitute for
28 it.

29 (4) The treatment must focus primarily on ending the violence,
30 holding the perpetrator accountable for his or her violence, and
31 changing his or her behavior. The treatment must be based on
32 nonvictim-blaming strategies and philosophies and shall include
33 education about the individual, family, and cultural dynamics of
34 domestic violence. If the perpetrator or the victim has a minor
35 child, treatment must specifically include education regarding the
36 effects of domestic violence on children, such as the emotional
37 impacts of domestic violence on children and the long-term
38 consequences that exposure to incidents of domestic violence may have
39 on children.

1 (5) Satisfactory completion of treatment must be contingent upon
2 the perpetrator meeting specific criteria, defined by rule by the
3 ((secretary)) director of the department of children, youth, and
4 families, and not just upon the end of a certain period of time or a
5 certain number of sessions.

6 (6) The program must have policies and procedures for dealing
7 with reoffenses and noncompliance.

8 (7) All evaluation and treatment services must be provided by, or
9 under the supervision of, qualified personnel.

10 (8) The ((secretary)) director of the department of children,
11 youth, and families may adopt rules and establish fees as necessary
12 to implement this section.

13 (9) The department of children, youth, and families may conduct
14 on-site monitoring visits as part of its plan for certifying domestic
15 violence perpetrator programs and monitoring implementation of the
16 rules adopted by the ((secretary)) director of the department of
17 children, youth, and families to determine compliance with the
18 minimum qualifications for domestic violence perpetrator programs.
19 The applicant or certified domestic violence perpetrator program
20 shall cooperate fully with the department of children, youth, and
21 families in the monitoring visit and provide all program and
22 management records requested by the department of children, youth,
23 and families to determine the program's compliance with the minimum
24 certification qualifications and rules adopted by the department of
25 children, youth, and families.

26 **Sec. 335.** RCW 26.50.160 and 2006 c 138 s 26 are each amended to
27 read as follows:

28 To prevent the issuance of competing protection orders in
29 different courts and to give courts needed information for issuance
30 of orders, the judicial information system shall be available in each
31 district, municipal, and superior court by July 1, 1997, and shall
32 include a database containing the following information:

33 (1) The names of the parties and the cause number for every order
34 of protection issued under this title, every sexual assault
35 protection order issued under chapter 7.90 RCW, every criminal no-
36 contact order issued under chapters 9A.46 and 10.99 RCW, every
37 antiharassment order issued under chapter 10.14 RCW, every
38 dissolution action under chapter 26.09 RCW, every third-party custody
39 action under chapter 26.10 RCW, every parentage action under chapter

1 26.26 RCW, every restraining order issued on behalf of an abused
2 child or adult dependent person under chapter 26.44 RCW, every
3 foreign protection order filed under chapter 26.52 RCW, and every
4 order for protection of a vulnerable adult under chapter 74.34 RCW.
5 When a guardian or the department of social and health services or
6 department of children, youth, and families has petitioned for relief
7 on behalf of an abused child, adult dependent person, or vulnerable
8 adult, the name of the person on whose behalf relief was sought shall
9 be included in the database as a party rather than the guardian or
10 appropriate department;

11 (2) A criminal history of the parties; and

12 (3) Other relevant information necessary to assist courts in
13 issuing orders under this chapter as determined by the judicial
14 information system committee.

15 **Sec. 336.** RCW 74.09.510 and 2013 2nd sp.s. c 10 s 6 are each
16 amended to read as follows:

17 Medical assistance may be provided in accordance with eligibility
18 requirements established by the authority, as defined in the social
19 security Title XIX state plan for mandatory categorically needy
20 persons and:

21 (1) Individuals who would be eligible for cash assistance except
22 for their institutional status;

23 (2) Individuals who are under twenty-one years of age, who would
24 be eligible for medicaid, but do not qualify as dependent children
25 and who are in (a) foster care, (b) subsidized adoption, (c) a
26 nursing facility or an intermediate care facility for persons with
27 intellectual disabilities, or (d) inpatient psychiatric facilities;

28 (3) Individuals who:

29 (a) Are under twenty-one years of age;

30 (b) On or after July 22, 2007, were in foster care under the
31 legal responsibility of the department of social and health services,
32 the department of children, youth, and families, or a federally
33 recognized tribe located within the state; and

34 (c) On their eighteenth birthday, were in foster care under the
35 legal responsibility of the department of children, youth, and
36 families or a federally recognized tribe located within the state;

37 (4) Persons who are aged, blind, or disabled who: (a) Receive
38 only a state supplement, or (b) would not be eligible for cash
39 assistance if they were not institutionalized;

1 (5) Categorically eligible individuals who meet the income and
2 resource requirements of the cash assistance programs;

3 (6) Individuals who are enrolled in managed health care systems,
4 who have otherwise lost eligibility for medical assistance, but who
5 have not completed a current six-month enrollment in a managed health
6 care system, and who are eligible for federal financial participation
7 under Title XIX of the social security act;

8 (7) Children and pregnant women allowed by federal statute for
9 whom funding is appropriated;

10 (8) Working individuals with disabilities authorized under
11 section 1902(a)(10)(A)(ii) of the social security act for whom
12 funding is appropriated;

13 (9) Other individuals eligible for medical services under RCW
14 74.09.700 for whom federal financial participation is available under
15 Title XIX of the social security act;

16 (10) Persons allowed by section 1931 of the social security act
17 for whom funding is appropriated; and

18 (11) Women who: (a) Are under sixty-five years of age; (b) have
19 been screened for breast and cervical cancer under the national
20 breast and cervical cancer early detection program administered by
21 the department of health or tribal entity and have been identified as
22 needing treatment for breast or cervical cancer; and (c) are not
23 otherwise covered by health insurance. Medical assistance provided
24 under this subsection is limited to the period during which the woman
25 requires treatment for breast or cervical cancer, and is subject to
26 any conditions or limitations specified in the omnibus appropriations
27 act.

28 **PART IV**

29 **TRANSFER OF CHILD WELFARE SERVICES**

30 **Sec. 401.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to
31 read as follows:

32 ~~((For purposes of this chapter:))~~ The definitions in this section
33 apply throughout this chapter unless the context clearly requires
34 otherwise.

35 (1) "Case management" means convening family meetings,
36 developing, revising, and monitoring implementation of any case plan
37 or individual service and safety plan, coordinating and monitoring
38 services needed by the child and family, caseworker-child visits,

1 family visits, and the assumption of court-related duties, excluding
2 legal representation, including preparing court reports, attending
3 judicial hearings and permanency hearings, and ensuring that the
4 child is progressing toward permanency within state and federal
5 mandates, including the Indian child welfare act.

6 (2) "Child" means:

7 (a) A person less than eighteen years of age; or

8 (b) A person age eighteen to twenty-one years who is eligible to
9 receive the extended foster care services authorized under RCW
10 74.13.031.

11 (3) "Child protective services" has the same meaning as in RCW
12 26.44.020.

13 (4) "Child welfare services" means social services including
14 voluntary and in-home services, out-of-home care, case management,
15 and adoption services which strengthen, supplement, or substitute
16 for, parental care and supervision for the purpose of:

17 (a) Preventing or remedying, or assisting in the solution of
18 problems which may result in families in conflict, or the neglect,
19 abuse, exploitation, or criminal behavior of children;

20 (b) Protecting and caring for dependent, abused, or neglected
21 children;

22 (c) Assisting children who are in conflict with their parents,
23 and assisting parents who are in conflict with their children, with
24 services designed to resolve such conflicts;

25 (d) Protecting and promoting the welfare of children, including
26 the strengthening of their own homes where possible, or, where
27 needed;

28 (e) Providing adequate care of children away from their homes in
29 foster family homes or day care or other child care agencies or
30 facilities.

31 "Child welfare services" does not include child protection
32 services.

33 (5) "Committee" means the child welfare transformation design
34 committee.

35 (6) "Department" means the department of (~~social and health~~
36 ~~services~~) children, youth, and families.

37 (7) "Director" means the director of children, youth, and
38 families.

39 (8) "Extended foster care services" means residential and other
40 support services the department is authorized to provide to foster

1 children. These services include, but are not limited to, placement
2 in licensed, relative, or otherwise approved care, or supervised
3 independent living settings; assistance in meeting basic needs;
4 independent living services; medical assistance; and counseling or
5 treatment.

6 ~~((+8))~~ (9) "Family assessment" means a comprehensive assessment
7 of child safety, risk of subsequent child abuse or neglect, and
8 family strengths and needs that is applied to a child abuse or
9 neglect report. Family assessment does not include a determination as
10 to whether child abuse or neglect occurred, but does determine the
11 need for services to address the safety of the child and the risk of
12 subsequent maltreatment.

13 ~~((+9))~~ (10) "Measurable effects" means a statistically
14 significant change which occurs as a result of the service or
15 services a supervising agency is assigned in a performance-based
16 contract, in time periods established in the contract.

17 ~~((+10))~~ (11) "Medical condition" means, for the purposes of
18 qualifying for extended foster care services, a physical or mental
19 health condition as documented by any licensed health care provider
20 regulated by a disciplining authority under RCW 18.130.040.

21 ~~((+11))~~ (12) "Nonminor dependent" means any individual age
22 eighteen to twenty-one years who is participating in extended foster
23 care services authorized under RCW 74.13.031.

24 ~~((+12))~~ (13) "Out-of-home care services" means services provided
25 after the shelter care hearing to or for children in out-of-home
26 care, as that term is defined in RCW 13.34.030, and their families,
27 including the recruitment, training, and management of foster
28 parents, the recruitment of adoptive families, and the facilitation
29 of the adoption process, family reunification, independent living,
30 emergency shelter, residential group care, and foster care, including
31 relative placement.

32 ~~((+13))~~ (14) "Performance-based contracting" means the
33 structuring of all aspects of the procurement of services around the
34 purpose of the work to be performed and the desired results with the
35 contract requirements set forth in clear, specific, and objective
36 terms with measurable outcomes. Contracts shall also include
37 provisions that link the performance of the contractor to the level
38 and timing of reimbursement.

39 ~~((+14))~~ (15) "Permanency services" means long-term services
40 provided to secure a child's safety, permanency, and well-being,

1 including foster care services, family reunification services,
2 adoption services, and preparation for independent living services.

3 ~~((15))~~ (16) "Primary prevention services" means services which
4 are designed and delivered for the primary purpose of enhancing child
5 and family well-being and are shown, by analysis of outcomes, to
6 reduce the risk to the likelihood of the initial need for child
7 welfare services.

8 ~~((16))~~ (17) "Supervised independent living" includes, but is
9 not limited to, apartment living, room and board arrangements,
10 college or university dormitories, and shared roommate settings.
11 Supervised independent living settings must be approved by the
12 children's administration or the court.

13 ~~((17))~~ (18) "Supervising agency" means an agency licensed by
14 the state under RCW 74.15.090, or licensed by a federally recognized
15 Indian tribe located in this state under RCW 74.15.190, that has
16 entered into a performance-based contract with the department to
17 provide case management for the delivery and documentation of child
18 welfare services, as defined in this section. This definition is
19 applicable on or after December 30, 2015.

20 ~~((18))~~ (19) "Unsupervised" has the same meaning as in RCW
21 43.43.830.

22 ~~((19))~~ (20) "Voluntary placement agreement" means, for the
23 purposes of extended foster care services, a written voluntary
24 agreement between a nonminor dependent who agrees to submit to the
25 care and authority of the department for the purposes of
26 participating in the extended foster care program.

27 **Sec. 402.** RCW 74.13.025 and 1998 c 296 s 1 are each amended to
28 read as follows:

29 Any county or group of counties may make application to the
30 department ~~((of social and health services))~~ in the manner and form
31 prescribed by the department to administer and provide the services
32 established under RCW 13.32A.197. Any such application must include a
33 plan or plans for providing such services to at-risk youth.

34 **Sec. 403.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to
35 read as follows:

36 (1) The department and supervising agencies shall develop,
37 administer, supervise, and monitor a coordinated and comprehensive

1 plan that establishes, aids, and strengthens services for the
2 protection and care of runaway, dependent, or neglected children.

3 (2) Within available resources, the department and supervising
4 agencies shall recruit an adequate number of prospective adoptive and
5 foster homes, both regular and specialized, i.e. homes for children
6 of ethnic minority, including Indian homes for Indian children,
7 sibling groups, handicapped and emotionally disturbed, teens,
8 pregnant and parenting teens, and the department shall annually
9 report to the governor and the legislature concerning the
10 department's and supervising agency's success in: (a) Meeting the
11 need for adoptive and foster home placements; (b) reducing the foster
12 parent turnover rate; (c) completing home studies for legally free
13 children; and (d) implementing and operating the passport program
14 required by RCW 74.13.285. The report shall include a section
15 entitled "Foster Home Turn-Over, Causes and Recommendations."

16 (3) The department shall investigate complaints of any recent act
17 or failure to act on the part of a parent or caretaker that results
18 in death, serious physical or emotional harm, or sexual abuse or
19 exploitation, or that presents an imminent risk of serious harm, and
20 on the basis of the findings of such investigation, offer child
21 welfare services in relation to the problem to such parents, legal
22 custodians, or persons serving in loco parentis, and/or bring the
23 situation to the attention of an appropriate court, or another
24 community agency. An investigation is not required of nonaccidental
25 injuries which are clearly not the result of a lack of care or
26 supervision by the child's parents, legal custodians, or persons
27 serving in loco parentis. If the investigation reveals that a crime
28 against a child may have been committed, the department shall notify
29 the appropriate law enforcement agency.

30 (4) As provided in RCW 26.44.030(11), the department may respond
31 to a report of child abuse or neglect by using the family assessment
32 response.

33 (5) The department or supervising agencies shall offer, on a
34 voluntary basis, family reconciliation services to families who are
35 in conflict.

36 (6) The department or supervising agencies shall monitor
37 placements of children in out-of-home care and in-home dependencies
38 to assure the safety, well-being, and quality of care being provided
39 is within the scope of the intent of the legislature as defined in
40 RCW 74.13.010 and 74.15.010. Under this section children in out-of-

1 home care and in-home dependencies and their caregivers shall receive
2 a private and individual face-to-face visit each month. The
3 department and the supervising agencies shall randomly select no less
4 than ten percent of the caregivers currently providing care to
5 receive one unannounced face-to-face visit in the caregiver's home
6 per year. No caregiver will receive an unannounced visit through the
7 random selection process for two consecutive years. If the caseworker
8 makes a good faith effort to conduct the unannounced visit to a
9 caregiver and is unable to do so, that month's visit to that
10 caregiver need not be unannounced. The department and supervising
11 agencies are encouraged to group monthly visits to caregivers by
12 geographic area so that in the event an unannounced visit cannot be
13 completed, the caseworker may complete other required monthly visits.
14 The department shall use a method of random selection that does not
15 cause a fiscal impact to the department.

16 The department or supervising agencies shall conduct the monthly
17 visits with children and caregivers to whom it is providing child
18 welfare services.

19 (7) The department and supervising agencies shall have authority
20 to accept custody of children from parents and to accept custody of
21 children from juvenile courts, where authorized to do so under law,
22 to provide child welfare services including placement for adoption,
23 to provide for the routine and necessary medical, dental, and mental
24 health care, or necessary emergency care of the children, and to
25 provide for the physical care of such children and make payment of
26 maintenance costs if needed. Except where required by Public Law
27 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which
28 receives children for adoption from the department shall discriminate
29 on the basis of race, creed, or color when considering applications
30 in their placement for adoption.

31 (8) The department and supervising agency shall have authority to
32 provide temporary shelter to children who have run away from home and
33 who are admitted to crisis residential centers.

34 (9) The department and supervising agency shall have authority to
35 purchase care for children.

36 (10) The department shall establish a children's services
37 advisory committee with sufficient members representing supervising
38 agencies which shall assist the (~~secretary~~) director in the
39 development of a partnership plan for utilizing resources of the
40 public and private sectors, and advise on all matters pertaining to

1 child welfare, licensing of child care agencies, adoption, and
2 services related thereto. At least one member shall represent the
3 adoption community.

4 (11)(a) The department and supervising agencies shall provide
5 continued extended foster care services to nonminor dependents who
6 are:

7 (i) Enrolled in a secondary education program or a secondary
8 education equivalency program;

9 (ii) Enrolled and participating in a postsecondary academic or
10 postsecondary vocational education program;

11 (iii) Participating in a program or activity designed to promote
12 employment or remove barriers to employment;

13 (iv) Engaged in employment for eighty hours or more per month; or

14 (v) Not able to engage in any of the activities described in
15 (a)(i) through (iv) of this subsection due to a documented medical
16 condition.

17 (b) To be eligible for extended foster care services, the
18 nonminor dependent must have been dependent and in foster care at the
19 time that he or she reached age eighteen years. If the dependency
20 case of the nonminor dependent was dismissed pursuant to RCW
21 13.34.267, he or she may receive extended foster care services
22 pursuant to a voluntary placement agreement under RCW 74.13.336 or
23 pursuant to an order of dependency issued by the court under RCW
24 13.34.268. A nonminor dependent whose dependency case was dismissed
25 by the court must have requested extended foster care services before
26 reaching age nineteen years.

27 (c) The department shall develop and implement rules regarding
28 youth eligibility requirements.

29 (d) The department shall make efforts to ensure that extended
30 foster care services maximize medicaid reimbursements. This must
31 include the department ensuring that health and mental health
32 extended foster care providers participate in medicaid, unless the
33 condition of the extended foster care youth requires specialty care
34 that is not available among participating medicaid providers or there
35 are no participating medicaid providers in the area. The department
36 shall coordinate other services to maximize federal resources and the
37 most cost-efficient delivery of services to extended foster care
38 youth.

39 (12) The department shall have authority to provide adoption
40 support benefits, or relative guardianship subsidies on behalf of

1 youth ages eighteen to twenty-one years who achieved permanency
2 through adoption or a relative guardianship at age sixteen or older
3 and who meet the criteria described in subsection (11) of this
4 section.

5 (13) The department shall refer cases to the division of child
6 support whenever state or federal funds are expended for the care and
7 maintenance of a child, including a child with a developmental
8 disability who is placed as a result of an action under chapter 13.34
9 RCW, unless the department finds that there is good cause not to
10 pursue collection of child support against the parent or parents of
11 the child. Cases involving individuals age eighteen through twenty
12 shall not be referred to the division of child support unless
13 required by federal law.

14 (14) The department and supervising agencies shall have authority
15 within funds appropriated for foster care services to purchase care
16 for Indian children who are in the custody of a federally recognized
17 Indian tribe or tribally licensed child-placing agency pursuant to
18 parental consent, tribal court order, or state juvenile court order.
19 The purchase of such care is exempt from the requirements of chapter
20 74.13B RCW and may be purchased from the federally recognized Indian
21 tribe or tribally licensed child-placing agency, and shall be subject
22 to the same eligibility standards and rates of support applicable to
23 other children for whom the department purchases care.

24 Notwithstanding any other provision of RCW 13.32A.170 through
25 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and
26 74.13.036, or of this section all services to be provided by the
27 department under subsections (4), (7), and (8) of this section,
28 subject to the limitations of these subsections, may be provided by
29 any program offering such services funded pursuant to Titles II and
30 III of the federal juvenile justice and delinquency prevention act of
31 1974.

32 (15) Within amounts appropriated for this specific purpose, the
33 supervising agency or department shall provide preventive services to
34 families with children that prevent or shorten the duration of an
35 out-of-home placement.

36 (16) The department and supervising agencies shall have authority
37 to provide independent living services to youths, including
38 individuals who have attained eighteen years of age, and have not
39 attained twenty-one years of age who are or have been in foster care.

1 (17) The department and supervising agencies shall consult at
2 least quarterly with foster parents, including members of the foster
3 parent association of Washington state, for the purpose of receiving
4 information and comment regarding how the department and supervising
5 agencies are performing the duties and meeting the obligations
6 specified in this section and RCW 74.13.250 and 74.13.320 regarding
7 the recruitment of foster homes, reducing foster parent turnover
8 rates, providing effective training for foster parents, and
9 administering a coordinated and comprehensive plan that strengthens
10 services for the protection of children. Consultation shall occur at
11 the regional and statewide levels.

12 (18)(a) The department shall, within current funding levels,
13 place on its public web site a document listing the duties and
14 responsibilities the department has to a child subject to a
15 dependency petition including, but not limited to, the following:

16 (i) Reasonable efforts, including the provision of services,
17 toward reunification of the child with his or her family;

18 (ii) Sibling visits subject to the restrictions in RCW
19 13.34.136(2)(b)(ii);

20 (iii) Parent-child visits;

21 (iv) Statutory preference for placement with a relative or other
22 suitable person, if appropriate; and

23 (v) Statutory preference for an out-of-home placement that allows
24 the child to remain in the same school or school district, if
25 practical and in the child's best interests.

26 (b) The document must be prepared in conjunction with a
27 community-based organization and must be updated as needed.

28 **Sec. 404.** RCW 74.13.039 and 1994 sp.s. c 7 s 501 are each
29 amended to read as follows:

30 The department (~~(of social and health services)~~) shall maintain a
31 toll-free hot line to assist parents of runaway children. The hot
32 line shall provide parents with a complete description of their
33 rights when dealing with their runaway child.

34 **Sec. 405.** RCW 74.13.060 and 2009 c 520 s 59 are each amended to
35 read as follows:

36 (1) The (~~(secretary or his or her)~~) director or the director's
37 designees or delegates shall be the custodian without compensation
38 of such moneys and other funds of any person which may come into the

1 possession of the ((~~secretary~~)) director during the period such
2 person is placed with the department or an entity with which it has
3 entered into a performance-based contract pursuant to chapter 74.13
4 RCW. As such custodian, the ((~~secretary~~)) director shall have
5 authority to disburse moneys from the person's funds for the
6 following purposes only and subject to the following limitations:

7 (a) For such personal needs of such person as the ((~~secretary~~))
8 director may deem proper and necessary.

9 (b) Against the amount of public assistance otherwise payable to
10 such person. This includes applying, as reimbursement, any benefits,
11 payments, funds, or accrual paid to or on behalf of said person from
12 any source against the amount of public assistance expended on behalf
13 of said person during the period for which the benefits, payments,
14 funds or accruals were paid.

15 (2) All funds held by the ((~~secretary~~)) director as custodian may
16 be deposited in a single fund, the receipts and expenditures
17 therefrom to be accurately accounted for by him or her on an
18 individual basis. Whenever, the funds belonging to any one person
19 exceed the sum of five hundred dollars, the ((~~secretary~~)) director
20 may deposit said funds in a savings and loan association account on
21 behalf of that particular person.

22 (3) When the conditions of placement no longer exist and public
23 assistance is no longer being provided for such person, upon a
24 showing of legal competency and proper authority, the ((~~secretary~~))
25 director shall deliver to such person, or the parent, person, or
26 agency legally responsible for such person, all funds belonging to
27 the person remaining in his or her possession as custodian, together
28 with a full and final accounting of all receipts and expenditures
29 made therefrom.

30 (4) The appointment of a guardian for the estate of such person
31 shall terminate the ((~~secretary's~~)) director's authority as custodian
32 of said funds upon receipt by the ((~~secretary~~)) director of a
33 certified copy of letters of guardianship. Upon the guardian's
34 request, the ((~~secretary~~)) director shall immediately forward to such
35 guardian any funds of such person remaining in the ((~~secretary's~~))
36 director's possession together with full and final accounting of all
37 receipts and expenditures made therefrom.

38 **Sec. 406.** RCW 74.13.062 and 2010 c 272 s 12 are each amended to
39 read as follows:

1 (1) The department shall adopt rules consistent with federal
2 regulations for the receipt and expenditure of federal funds and
3 implement a subsidy program for eligible relatives appointed by the
4 court as a guardian under RCW 13.36.050.

5 (2) For the purpose of licensing a relative seeking to be
6 appointed as a guardian and eligible for a guardianship subsidy under
7 this section, the department shall, on a case-by-case basis, and when
8 determined to be in the best interests of the child:

9 (a) Waive nonsafety licensing standards; and

10 (b) Apply the list of disqualifying crimes in the adoption and
11 safe families act, (~~rather than the secretary's list of~~
12 ~~disqualifying crimes,~~) unless doing so would compromise the child's
13 safety, or would adversely affect the state's ability to continue to
14 obtain federal funding for child welfare related functions.

15 (3) Relative guardianship subsidy agreements shall be designed to
16 promote long-term permanency for the child, and may include
17 provisions for periodic review of the subsidy amount and the needs of
18 the child.

19 **Sec. 407.** RCW 74.13.070 and 1971 ex.s. c 169 s 8 are each
20 amended to read as follows:

21 None of the moneys or other funds which come into the possession
22 of the (~~secretary~~) director under chapter 169, Laws of 1971 ex.
23 sess. shall be subject to execution, levy, attachment, garnishment or
24 other legal process or other operation of any bankruptcy or
25 insolvency law.

26 **Sec. 408.** RCW 74.13.077 and 2009 c 520 s 62 are each amended to
27 read as follows:

28 The (~~secretary~~) director is authorized to transfer surplus,
29 unused treatment funds from the civil commitment center operated
30 under chapter 71.09 RCW to the division of children and family
31 services to provide treatment services for sexually aggressive youth.

32 **Sec. 409.** RCW 74.13.1051 and 2016 c 71 s 6 are each amended to
33 read as follows:

34 (1) In order to proactively support foster youth to complete high
35 school, enroll and complete postsecondary education, and successfully
36 implement their own plans for their futures, the department, the
37 student achievement council, and the office of the superintendent of

1 public instruction shall enter into, or revise existing, memoranda of
2 understanding that:

3 (a) Facilitate student referral, data and information exchange,
4 agency roles and responsibilities, and cooperation and collaboration
5 among state agencies and nongovernmental entities; and

6 (b) Effectuate the transfer of responsibilities from the
7 department (~~of social and health services~~) to the office of the
8 superintendent of public instruction with respect to the programs in
9 RCW 28A.300.592, and from the department (~~of social and health
10 services~~) to the student achievement council with respect to the
11 program in RCW 28B.77.250 in a smooth, expedient, and coordinated
12 fashion.

13 (2) The student achievement council and the office of the
14 superintendent of public instruction shall establish a set of
15 indicators relating to the outcomes provided in RCW 28A.300.590 and
16 28A.300.592 to provide consistent services for youth, facilitate
17 transitions among contractors, and support outcome-driven contracts.
18 The student achievement council and the superintendent of public
19 instruction shall collaborate with nongovernmental contractors and
20 the department to develop a list of the most critical indicators,
21 establishing a common set of indicators to be used in the outcome-
22 driven contracts in RCW 28A.300.590 and 28A.300.592. A list of these
23 indicators must be included in the report provided in subsection (3)
24 of this section.

25 (3) By November 1, 2017, and biannually thereafter, the
26 department, the student achievement council, and the office of the
27 superintendent of public instruction, in consultation with the
28 nongovernmental entities engaged in public-private partnerships shall
29 submit a joint report to the governor and the appropriate education
30 and human services committees of the legislature regarding each of
31 these programs, individually, as well as the collective progress the
32 state has made toward the following goals:

33 (a) To make Washington number one in the nation for foster care
34 graduation rates;

35 (b) To make Washington number one in the nation for foster care
36 enrollment in postsecondary education; and

37 (c) To make Washington number one in the nation for foster care
38 postsecondary completion.

39 (4) The department, the student achievement council, and the
40 office of the superintendent of public instruction, in consultation

1 with the nongovernmental entities engaged in public-private
2 partnerships, shall also submit one report by November 1, 2018, to
3 the governor and the appropriate education and human service
4 committees of the legislature regarding the transfer of
5 responsibilities from the department (~~(of social and health~~
6 ~~services))~~) to the office of the superintendent of public instruction
7 with respect to the programs in RCW 28A.300.592, and from the
8 department (~~(of social and health services))~~) to the student
9 achievement council with respect to the program in RCW 28B.77.250 and
10 whether these transfers have resulted in better coordinated services
11 for youth.

12 **Sec. 410.** RCW 74.13.107 and 2013 c 332 s 12 are each amended to
13 read as follows:

14 (1) The child and family reinvestment account is created in the
15 state treasury. Moneys in the account may be spent only after
16 appropriation. Moneys in the account may be expended solely for
17 improving outcomes related to: (a) Safely reducing entry into the
18 foster care system and preventing reentry; (b) safely increasing
19 reunifications; (c) achieving permanency for children unable to be
20 reunified; and (d) improving outcomes for youth who will age out of
21 the foster care system. Moneys may be expended for shared savings
22 under performance-based contracts.

23 (2) Revenues to the child and family reinvestment account consist
24 of: (a) Savings to the state general fund resulting from reductions
25 in foster care caseloads and per capita costs, as calculated and
26 transferred into the account under this section; and (b) any other
27 public or private funds appropriated to or deposited in the account.

28 (3)(a) The department of (~~(social and health services))~~) children,
29 youth, and families, in collaboration with the office of financial
30 management and the caseload forecast council, shall develop a
31 methodology for calculating the savings under this section. The
32 methodology must be used for the 2013-2015 fiscal biennium, and for
33 each biennium thereafter. The methodology must establish a baseline
34 for calculating savings. (~~(In developing the methodology, the~~
35 ~~department of social and health services shall incorporate the~~
36 ~~relevant requirements of any demonstration waiver granted to the~~
37 ~~state under P.L. 112-34.))~~) The savings must be based on actual
38 caseload and per capita expenditures.

1 (b) The caseload and the per capita expenditures for youth in
2 extended foster care pursuant to RCW 74.13.031 and as determined
3 under RCW 43.88C.010(9) shall not be included in the following:

4 (i) The calculation of savings transferred to the account; or

5 (ii) The capped allocation of the demonstration waiver granted to
6 the state under P.L. 112-34.

7 ~~((By December 1, 2012, the department of social and health
8 services shall submit the proposed methodology to the governor and
9 the appropriate committees of the legislature. The methodology is
10 deemed approved unless the legislature enacts legislation to modify
11 or reject the methodology.~~

12 ~~((d))~~) The department ~~((of social and health services))~~ shall use
13 the methodology established in (a) of this subsection to calculate
14 savings to the state general fund for transfer into the child and
15 family reinvestment account in fiscal year 2014 and each fiscal year
16 thereafter. Savings calculated by the department under this section
17 are not subject to RCW 43.79.460. The department shall report the
18 amount of the state general fund savings achieved to the office of
19 financial management and the fiscal committees of the legislature at
20 the end of each fiscal year. The office of financial management shall
21 provide notice to the state treasurer of the amount of state general
22 fund savings, as calculated by the department ~~((of social and health
23 services))~~, for transfer into the child and family reinvestment
24 account.

25 ~~((e))~~) (d) Nothing in this section prohibits (i) the caseload
26 forecast council from forecasting the foster care caseload under RCW
27 43.88C.010 or (ii) the department from including maintenance funding
28 in its budget submittal for caseload costs that exceed the baseline
29 established in (a) of this subsection.

30 **Sec. 411.** RCW 74.13.335 and 1999 c 338 s 2 are each amended to
31 read as follows:

32 Within available funds and subject to such conditions and
33 limitations as may be established by the department or by the
34 legislature in the omnibus appropriations act, the department ~~((of
35 social and health services))~~ shall reimburse foster parents for
36 property damaged or destroyed by foster children placed in their
37 care. The department shall establish by rule a maximum amount that
38 may be reimbursed for each occurrence. The department shall reimburse
39 the foster parent for the replacement value of any property covered

1 by this section. If the damaged or destroyed property is covered and
2 reimbursed under an insurance policy, the department shall reimburse
3 foster parents for the amount of the deductible associated with the
4 insurance claim, up to the limit per occurrence as established by the
5 department.

6 **Sec. 412.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to
7 read as follows:

8 (1) Consistent with the provisions of chapter 42.56 RCW and
9 applicable federal law, the ((~~secretary~~)) director or the
10 ((~~secretary's~~)) director's designee(()) shall disclose information
11 regarding the abuse or neglect of a child, the investigation of the
12 abuse, neglect, or near fatality of a child, and any services related
13 to the abuse or neglect of a child if any one of the following
14 factors is present:

15 (a) The subject of the report has been charged in an accusatory
16 instrument with committing a crime related to a report maintained by
17 the department in its case and management information system;

18 (b) The investigation of the abuse or neglect of the child by the
19 department or the provision of services by the department or a
20 supervising agency has been publicly disclosed in a report required
21 to be disclosed in the course of their official duties, by a law
22 enforcement agency or official, a prosecuting attorney, any other
23 state or local investigative agency or official, or by a judge of the
24 superior court;

25 (c) There has been a prior knowing, voluntary public disclosure
26 by an individual concerning a report of child abuse or neglect in
27 which such individual is named as the subject of the report; or

28 (d) The child named in the report has died and the child's death
29 resulted from abuse or neglect or the child was in the care of, or
30 receiving services from the department or a supervising agency at the
31 time of death or within twelve months before death.

32 (2) The ((~~secretary~~)) director is not required to disclose
33 information if the factors in subsection (1) of this section are
34 present if he or she specifically determines the disclosure is
35 contrary to the best interests of the child, the child's siblings, or
36 other children in the household.

37 (3) Except for cases in subsection (1)(d) of this section,
38 requests for information under this section shall specifically
39 identify the case about which information is sought and the facts

1 that support a determination that one of the factors specified in
2 subsection (1) of this section is present.

3 (4) For the purposes of this section, "near fatality" means an
4 act that, as certified by a physician, places the child in serious or
5 critical condition. The ((~~secretary~~)) director is under no obligation
6 to have an act certified by a physician in order to comply with this
7 section.

8 **Sec. 413.** RCW 74.13.510 and 1997 c 305 s 4 are each amended to
9 read as follows:

10 In determining under RCW 74.13.500 whether disclosure will be
11 contrary to the best interests of the child, the ((~~secretary~~))
12 director or the ((~~secretary's~~)) director's designee((~~τ~~)) must
13 consider the effects which disclosure may have on efforts to reunite
14 and provide services to the family.

15 **Sec. 414.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to
16 read as follows:

17 For purposes of RCW 74.13.500(1)(d), the ((~~secretary~~)) director
18 must make the fullest possible disclosure consistent with chapter
19 42.56 RCW and applicable federal law in cases of all fatalities of
20 children who were in the care of, or receiving services from, the
21 department or a supervising agency at the time of their death or
22 within the twelve months previous to their death.

23 If the ((~~secretary~~)) director specifically determines that
24 disclosure of the name of the deceased child is contrary to the best
25 interests of the child's siblings or other children in the household,
26 the ((~~secretary~~)) director may remove personally identifying
27 information.

28 For the purposes of this section, "personally identifying
29 information" means the name, street address, social security number,
30 and day of birth of the child who died and of private persons who are
31 relatives of the child named in child welfare records. "Personally
32 identifying information" shall not include the month or year of birth
33 of the child who has died. Once this personally identifying
34 information is removed, the remainder of the records pertaining to a
35 child who has died must be released regardless of whether the
36 remaining facts in the records are embarrassing to the unidentifiable
37 other private parties or to identifiable public workers who handled
38 the case.

1 **Sec. 415.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter and
4 RCW 74.13.031 unless the context clearly requires otherwise.

5 (1) "Agency" means any person, firm, partnership, association,
6 corporation, or facility which receives children, expectant mothers,
7 or persons with developmental disabilities for control, care, or
8 maintenance outside their own homes, or which places, arranges the
9 placement of, or assists in the placement of children, expectant
10 mothers, or persons with developmental disabilities for foster care
11 or placement of children for adoption, and shall include the
12 following irrespective of whether there is compensation to the agency
13 or to the children, expectant mothers, or persons with developmental
14 disabilities for services rendered:

15 (a) "Child-placing agency" means an agency which places a child
16 or children for temporary care, continued care, or for adoption;

17 (b) "Community facility" means a group care facility operated for
18 the care of juveniles committed to the department under RCW
19 13.40.185. A county detention facility that houses juveniles
20 committed to the department under RCW 13.40.185 pursuant to a
21 contract with the department is not a community facility;

22 (c) "Crisis residential center" means an agency which is a
23 temporary protective residential facility operated to perform the
24 duties specified in chapter 13.32A RCW, in the manner provided in RCW
25 (~~(74.13.032 through)~~) 43.185C.295, 43.185C.300, 43.185C.305,
26 43.185C.310, 74.13.035, and 74.13.036;

27 (d) "Emergency respite center" is an agency that may be commonly
28 known as a crisis nursery, that provides emergency and crisis care
29 for up to seventy-two hours to children who have been admitted by
30 their parents or guardians to prevent abuse or neglect. Emergency
31 respite centers may operate for up to twenty-four hours a day, and
32 for up to seven days a week. Emergency respite centers may provide
33 care for children ages birth through seventeen, and for persons
34 eighteen through twenty with developmental disabilities who are
35 admitted with a sibling or siblings through age seventeen. Emergency
36 respite centers may not substitute for crisis residential centers or
37 HOPE centers, or any other services defined under this section, and
38 may not substitute for services which are required under chapter
39 13.32A or 13.34 RCW;

1 (e) "Foster-family home" means an agency which regularly provides
2 care on a twenty-four hour basis to one or more children, expectant
3 mothers, or persons with developmental disabilities in the family
4 abode of the person or persons under whose direct care and
5 supervision the child, expectant mother, or person with a
6 developmental disability is placed;

7 (f) "Group-care facility" means an agency, other than a foster-
8 family home, which is maintained and operated for the care of a group
9 of children on a twenty-four hour basis;

10 (g) "HOPE center" means an agency licensed by the (~~secretary~~)
11 director to provide temporary residential placement and other
12 services to street youth. A street youth may remain in a HOPE center
13 for thirty days while services are arranged and permanent placement
14 is coordinated. No street youth may stay longer than thirty days
15 unless approved by the department and any additional days approved by
16 the department must be based on the unavailability of a long-term
17 placement option. A street youth whose parent wants him or her
18 returned to home may remain in a HOPE center until his or her parent
19 arranges return of the youth, not longer. All other street youth must
20 have court approval under chapter 13.34 or 13.32A RCW to remain in a
21 HOPE center up to thirty days;

22 (h) "Maternity service" means an agency which provides or
23 arranges for care or services to expectant mothers, before or during
24 confinement, or which provides care as needed to mothers and their
25 infants after confinement;

26 (i) "Resource and assessment center" means an agency that
27 provides short-term emergency and crisis care for a period up to
28 seventy-two hours, excluding Saturdays, Sundays, and holidays to
29 children who have been removed from their parent's or guardian's care
30 by child protective services or law enforcement;

31 (j) "Responsible living skills program" means an agency licensed
32 by the (~~secretary~~) director that provides residential and
33 transitional living services to persons ages sixteen to eighteen who
34 are dependent under chapter 13.34 RCW and who have been unable to
35 live in his or her legally authorized residence and, as a result, the
36 minor lived outdoors or in another unsafe location not intended for
37 occupancy by the minor. Dependent minors ages fourteen and fifteen
38 may be eligible if no other placement alternative is available and
39 the department approves the placement;

1 (k) "Service provider" means the entity that operates a community
2 facility.

3 (2) "Agency" shall not include the following:

4 (a) Persons related to the child, expectant mother, or person
5 with developmental disability in the following ways:

6 (i) Any blood relative, including those of half-blood, and
7 including first cousins, second cousins, nephews or nieces, and
8 persons of preceding generations as denoted by prefixes of grand,
9 great, or great-great;

10 (ii) Stepfather, stepmother, stepbrother, and stepsister;

11 (iii) A person who legally adopts a child or the child's parent
12 as well as the natural and other legally adopted children of such
13 persons, and other relatives of the adoptive parents in accordance
14 with state law;

15 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
16 this subsection (2), even after the marriage is terminated;

17 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
18 subsection (2), of any half sibling of the child; or

19 (vi) Extended family members, as defined by the law or custom of
20 the Indian child's tribe or, in the absence of such law or custom, a
21 person who has reached the age of eighteen and who is the Indian
22 child's grandparent, aunt or uncle, brother or sister, brother-in-law
23 or sister-in-law, niece or nephew, first or second cousin, or
24 stepparent who provides care in the family abode on a twenty-four-
25 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

26 (b) Persons who are legal guardians of the child, expectant
27 mother, or persons with developmental disabilities;

28 (c) Persons who care for a neighbor's or friend's child or
29 children, with or without compensation, where the parent and person
30 providing care on a twenty-four-hour basis have agreed to the
31 placement in writing and the state is not providing any payment for
32 the care;

33 (d) A person, partnership, corporation, or other entity that
34 provides placement or similar services to exchange students or
35 international student exchange visitors or persons who have the care
36 of an exchange student in their home;

37 (e) A person, partnership, corporation, or other entity that
38 provides placement or similar services to international children who
39 have entered the country by obtaining visas that meet the criteria
40 for medical care as established by the United States citizenship and

1 immigration services, or persons who have the care of such an
2 international child in their home;

3 (f) Schools, including boarding schools, which are engaged
4 primarily in education, operate on a definite school year schedule,
5 follow a stated academic curriculum, accept only school-age children
6 and do not accept custody of children;

7 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
8 performing functions defined in chapter 70.41 RCW, nursing homes
9 licensed under chapter 18.51 RCW and assisted living facilities
10 licensed under chapter 18.20 RCW;

11 (h) Licensed physicians or lawyers;

12 (i) Facilities approved and certified under chapter 71A.22 RCW;

13 (j) Any agency having been in operation in this state ten years
14 prior to June 8, 1967, and not seeking or accepting moneys or
15 assistance from any state or federal agency, and is supported in part
16 by an endowment or trust fund;

17 (k) Persons who have a child in their home for purposes of
18 adoption, if the child was placed in such home by a licensed child-
19 placing agency, an authorized public or tribal agency or court or if
20 a replacement report has been filed under chapter 26.33 RCW and the
21 placement has been approved by the court;

22 (l) An agency operated by any unit of local, state, or federal
23 government or an agency licensed by an Indian tribe pursuant to RCW
24 74.15.190;

25 (m) A maximum or medium security program for juvenile offenders
26 operated by or under contract with the department;

27 (n) An agency located on a federal military reservation, except
28 where the military authorities request that such agency be subject to
29 the licensing requirements of this chapter;

30 (o) A host home program, and host home, operated by a tax exempt
31 organization for youth not in the care of or receiving services from
32 the department, if that program: (i) Recruits and screens potential
33 homes in the program, including performing background checks on
34 individuals over the age of eighteen residing in the home through the
35 Washington state patrol or equivalent law enforcement agency and
36 performing physical inspections of the home; (ii) screens and
37 provides case management services to youth in the program; (iii)
38 obtains a notarized permission slip or limited power of attorney from
39 the parent or legal guardian of the youth authorizing the youth to
40 participate in the program and the authorization is updated every six

1 months when a youth remains in a host home longer than six months;
2 (iv) obtains insurance for the program through an insurance provider
3 authorized under Title 48 RCW; (v) provides mandatory reporter and
4 confidentiality training; and (vi) registers with the secretary of
5 state as provided in RCW 24.03.550. A host home is a private home
6 that volunteers to host youth in need of temporary placement that is
7 associated with a host home program. Any host home program that
8 receives local, state, or government funding shall report the
9 following information to the office of homeless youth prevention and
10 protection programs annually by December 1st of each year: The number
11 of children the program served, why the child was placed with a host
12 home, and where the child went after leaving the host home, including
13 but not limited to returning to the parents, running away, reaching
14 the age of majority, or becoming a dependent of the state. A host
15 home program shall not receive more than one hundred thousand dollars
16 per year of public funding, including local, state, and federal
17 funding. A host home shall not receive any local, state, or
18 government funding.

19 (3) "Department" means the ~~((state))~~ department of ~~((social and~~
20 ~~health services))~~ children, youth, and families.

21 (4) "Director" means the director of the department of children,
22 youth, and families.

23 (5) "Juvenile" means a person under the age of twenty-one who has
24 been sentenced to a term of confinement under the supervision of the
25 department under RCW 13.40.185.

26 ~~((+5))~~ (6) "Performance-based contracts" or "contracting" means
27 the structuring of all aspects of the procurement of services around
28 the purpose of the work to be performed and the desired results with
29 the contract requirements set forth in clear, specific, and objective
30 terms with measurable outcomes. Contracts may also include provisions
31 that link the performance of the contractor to the level and timing
32 of the reimbursement.

33 ~~((+6))~~ (7) "Probationary license" means a license issued as a
34 disciplinary measure to an agency that has previously been issued a
35 full license but is out of compliance with licensing standards.

36 ~~((+7))~~ (8) "Requirement" means any rule, regulation, or standard
37 of care to be maintained by an agency.

38 ~~((+8) "Secretary" means the secretary of social and health~~
39 ~~services.))~~

1 (9) "Street youth" means a person under the age of eighteen who
2 lives outdoors or in another unsafe location not intended for
3 occupancy by the minor and who is not residing with his or her parent
4 or at his or her legally authorized residence.

5 (10) "Supervising agency" means an agency licensed by the state
6 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
7 entered into a performance-based contract with the department to
8 provide child welfare services.

9 (11) "Transitional living services" means at a minimum, to the
10 extent funds are available, the following:

11 (a) Educational services, including basic literacy and
12 computational skills training, either in local alternative or public
13 high schools or in a high school equivalency program that leads to
14 obtaining a high school equivalency degree;

15 (b) Assistance and counseling related to obtaining vocational
16 training or higher education, job readiness, job search assistance,
17 and placement programs;

18 (c) Counseling and instruction in life skills such as money
19 management, home management, consumer skills, parenting, health care,
20 access to community resources, and transportation and housing
21 options;

22 (d) Individual and group counseling; and

23 (e) Establishing networks with federal agencies and state and
24 local organizations such as the United States department of labor,
25 employment and training administration programs including the
26 workforce investment act which administers private industry councils
27 and the job corps; vocational rehabilitation; and volunteer programs.

28 **Sec. 416.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to
29 read as follows:

30 The (~~secretary~~) director shall have the power and it shall be
31 the (~~secretary's~~) director's duty:

32 (1) In consultation with the children's services advisory
33 committee, and with the advice and assistance of persons
34 representative of the various type agencies to be licensed, to
35 designate categories of facilities for which separate or different
36 requirements shall be developed as may be appropriate whether because
37 of variations in the ages, sex and other characteristics of persons
38 served, variations in the purposes and services offered or size or

1 structure of the agencies to be licensed hereunder, or because of any
2 other factor relevant thereto;

3 (2) In consultation with the children's services advisory
4 committee, and with the advice and assistance of persons
5 representative of the various type agencies to be licensed, to adopt
6 and publish minimum requirements for licensing applicable to each of
7 the various categories of agencies to be licensed.

8 The minimum requirements shall be limited to:

9 (a) The size and suitability of a facility and the plan of
10 operation for carrying out the purpose for which an applicant seeks a
11 license;

12 (b) Obtaining background information and any out-of-state
13 equivalent, to determine whether the applicant or service provider is
14 disqualified and to determine the character, competence, and
15 suitability of an agency, the agency's employees, volunteers, and
16 other persons associated with an agency;

17 (c) Conducting background checks for those who will or may have
18 unsupervised access to children((~~7~~)) or expectant mothers((~~7~~—~~or~~
19 ~~individuals with a developmental disability~~)); however, a background
20 check is not required if a caregiver approves an activity pursuant to
21 the prudent parent standard contained in RCW 74.13.710;

22 (d) Obtaining child protective services information or records
23 maintained in the department case management information system. No
24 unfounded allegation of child abuse or neglect as defined in RCW
25 26.44.020 may be disclosed to a child-placing agency, private
26 adoption agency, or any other provider licensed under this chapter;

27 (e) Submitting a fingerprint-based background check through the
28 Washington state patrol under chapter 10.97 RCW and through the
29 federal bureau of investigation for:

30 (i) Agencies and their staff, volunteers, students, and interns
31 when the agency is seeking license or relicense;

32 (ii) Foster care and adoption placements; and

33 (iii) Any adult living in a home where a child may be placed;

34 (f) If any adult living in the home has not resided in the state
35 of Washington for the preceding five years, the department shall
36 review any child abuse and neglect registries maintained by any state
37 where the adult has resided over the preceding five years;

38 (g) The cost of fingerprint background check fees will be paid as
39 required in RCW 43.43.837;

1 (h) National and state background information must be used solely
2 for the purpose of determining eligibility for a license and for
3 determining the character, suitability, and competence of those
4 persons or agencies, excluding parents, not required to be licensed
5 who are authorized to care for children or expectant mothers;

6 (i) The number of qualified persons required to render the type
7 of care and treatment for which an agency seeks a license;

8 (j) The safety, cleanliness, and general adequacy of the premises
9 to provide for the comfort, care and well-being of children((~~τ~~)) or
10 expectant mothers ((~~or developmentally disabled persons~~));

11 (k) The provision of necessary care, including food, clothing,
12 supervision and discipline; physical, mental and social well-being;
13 and educational, recreational and spiritual opportunities for those
14 served;

15 (l) The financial ability of an agency to comply with minimum
16 requirements established pursuant to this chapter ((~~74.15 RCW~~)) and
17 RCW 74.13.031; and

18 (m) The maintenance of records pertaining to the admission,
19 progress, health and discharge of persons served;

20 (3) To investigate any person, including relatives by blood or
21 marriage except for parents, for character, suitability, and
22 competence in the care and treatment of children((~~τ~~)) or expectant
23 mothers((~~, and developmentally disabled persons~~)) prior to
24 authorizing that person to care for children((~~τ~~)) or expectant
25 mothers((~~, and developmentally disabled persons~~)). However, if a
26 child is placed with a relative under RCW 13.34.065 or 13.34.130, and
27 if such relative appears otherwise suitable and competent to provide
28 care and treatment the criminal history background check required by
29 this section need not be completed before placement, but shall be
30 completed as soon as possible after placement;

31 (4) On reports of alleged child abuse and neglect, to investigate
32 agencies in accordance with chapter 26.44 RCW, including child day-
33 care centers and family day-care homes, to determine whether the
34 alleged abuse or neglect has occurred, and whether child protective
35 services or referral to a law enforcement agency is appropriate;

36 (5) To issue, revoke, or deny licenses to agencies pursuant to
37 this chapter ((~~74.15 RCW~~)) and RCW 74.13.031. Licenses shall specify
38 the category of care which an agency is authorized to render and the
39 ages, sex and number of persons to be served;

1 (6) To prescribe the procedures and the form and contents of
2 reports necessary for the administration of this chapter ((74.15
3 RCW)) and RCW 74.13.031 and to require regular reports from each
4 licensee;

5 (7) To inspect agencies periodically to determine whether or not
6 there is compliance with this chapter ((74.15-RCW)) and RCW 74.13.031
7 and the requirements adopted hereunder;

8 (8) To review requirements adopted hereunder at least every two
9 years and to adopt appropriate changes after consultation with
10 affected groups for child day-care requirements and with the
11 children's services advisory committee for requirements for other
12 agencies; and

13 (9) To consult with public and private agencies in order to help
14 them improve their methods and facilities for the care of
15 children((~~7~~)) or expectant mothers ((~~and developmentally disabled~~
16 ~~persons~~)).

17 **Sec. 417.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to
18 read as follows:

19 The secretary of health shall have the power and it shall be his
20 or her duty:

21 In consultation with the children's services advisory committee
22 and with the advice and assistance of persons representative of the
23 various type agencies to be licensed, to develop minimum requirements
24 pertaining to each category of agency established pursuant to chapter
25 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
26 persons residing therein.

27 The secretary of health or the city, county, or district health
28 department designated by the ((~~secretary~~)) director shall have the
29 power and the duty:

30 (1) To make or cause to be made such inspections and
31 investigations of agencies as may be deemed necessary; and

32 (2) To issue to applicants for licenses hereunder who comply with
33 the requirements adopted hereunder, a certificate of compliance, a
34 copy of which shall be presented to the department ((~~of social and~~
35 ~~health services~~)) before a license shall be issued, except that ((~~a~~
36 ~~provisional~~)) an initial license may be issued as provided in RCW
37 74.15.120.

1 **Sec. 418.** RCW 74.15.070 and 1979 c 141 s 358 are each amended to
2 read as follows:

3 A copy of the articles of incorporation of any agency or
4 amendments to the articles of existing corporation agencies shall be
5 sent by the secretary of state to the department (~~(of social and~~
6 ~~health services)~~) at the time such articles or amendments are filed.

7 **Sec. 419.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to
8 read as follows:

9 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
10 accord the department (~~(of social and health services)~~), the
11 secretary of health, the chief of the Washington state patrol, and
12 the director of fire protection, or their designees, the right of
13 entrance and the privilege of access to and inspection of records for
14 the purpose of determining whether or not there is compliance with
15 the provisions of chapter 74.15 RCW and RCW 74.13.031 and the
16 requirements adopted thereunder.

17 **Sec. 420.** RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1
18 are each reenacted and amended to read as follows:

19 Each agency or supervising agency shall make application for a
20 license or renewal of license to the department on forms prescribed
21 by the department. A licensed agency having foster-family homes under
22 its supervision may make application for a license on behalf of any
23 such foster-family home. Such a foster home license shall cease to be
24 valid when the home is no longer under the supervision of that
25 agency. Upon receipt of such application, the department shall either
26 grant or deny a license within ninety days unless the application is
27 for licensure as a foster-family home, in which case RCW 74.15.040
28 shall govern. A license shall be granted if the agency meets the
29 minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031
30 and the departmental requirements consistent herewith, except that an
31 initial license may be issued as provided in RCW 74.15.120. Licenses
32 provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued
33 for a period of three years. The licensee, however, shall advise the
34 (~~(secretary)~~) director of any material change in circumstances which
35 might constitute grounds for reclassification of license as to
36 category. The license issued under this chapter is not transferable
37 and applies only to the licensee. The license shall be limited to a
38 particular location which shall be stated on the license. For

1 licensed foster-family homes having an acceptable history of child
2 care, the license may remain in effect for thirty days after a move,
3 except that this will apply only if the family remains intact.
4 Licensees must notify their licensor before moving to a new location
5 and may request a continuation of the license at the new location. At
6 the request of the licensee, the department shall, within thirty days
7 following a foster-family home licensee's move to a new location,
8 amend the license to reflect the new location, provided the new
9 location and the licensee meet minimum licensing standards.

10 **Sec. 421.** RCW 74.15.120 and 1995 c 311 s 22 are each amended to
11 read as follows:

12 The (~~secretary of social and health services~~) director may, at
13 his or her discretion, issue an initial license instead of a full
14 license, to an agency or facility for a period not to exceed six
15 months, renewable for a period not to exceed two years, to allow such
16 agency or facility reasonable time to become eligible for full
17 license. An initial license shall not be granted to any foster-family
18 home except as specified in this section. An initial license may be
19 granted to a foster-family home only if the following three
20 conditions are met: (1) The license is limited so that the licensee
21 is authorized to provide care only to a specific child or specific
22 children; (2) the department has determined that the licensee has a
23 relationship with the child, and the child is comfortable with the
24 licensee, or that it would otherwise be in the child's best interest
25 to remain or be placed in the licensee's home; and (3) the initial
26 license is issued for a period not to exceed ninety days.

27 **Sec. 422.** RCW 74.15.130 and 2007 c 220 s 6 are each amended to
28 read as follows:

29 (1) An agency may be denied a license, or any license issued
30 pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended,
31 revoked, modified, or not renewed by the (~~secretary~~) director upon
32 proof (a) that the agency has failed or refused to comply with the
33 provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements
34 promulgated pursuant to the provisions of chapter 74.15 RCW and RCW
35 74.13.031; or (b) that the conditions required for the issuance of a
36 license under chapter 74.15 RCW and RCW 74.13.031 have ceased to
37 exist with respect to such licenses. RCW 43.20A.205 governs notice of

1 a license denial, revocation, suspension, or modification and
2 provides the right to an adjudicative proceeding.

3 (2) In any adjudicative proceeding regarding the denial,
4 modification, suspension, or revocation of a foster family home
5 license, the department's decision shall be upheld if there is
6 reasonable cause to believe that:

7 (a) The applicant or licensee lacks the character, suitability,
8 or competence to care for children placed in out-of-home care,
9 however, no unfounded, inconclusive, or screened-out report of child
10 abuse or neglect may be used to deny employment or a license;

11 (b) The applicant or licensee has failed or refused to comply
12 with any provision of chapter 74.15 RCW, RCW 74.13.031, or the
13 requirements adopted pursuant to such provisions; or

14 (c) The conditions required for issuance of a license under
15 chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect
16 to such licenses.

17 (3) In any adjudicative proceeding regarding the denial,
18 modification, suspension, or revocation of any license under this
19 chapter, other than a foster family home license, the department's
20 decision shall be upheld if it is supported by a preponderance of the
21 evidence.

22 (4) The department may assess civil monetary penalties upon proof
23 that an agency has failed or refused to comply with the rules adopted
24 under the provisions of this chapter and RCW 74.13.031 or that an
25 agency subject to licensing under this chapter and RCW 74.13.031 is
26 operating without a license except that civil monetary penalties
27 shall not be levied against a licensed foster home. Monetary
28 penalties levied against unlicensed agencies that submit an
29 application for licensure within thirty days of notification and
30 subsequently become licensed will be forgiven. These penalties may be
31 assessed in addition to or in lieu of other disciplinary actions.
32 Civil monetary penalties, if imposed, may be assessed and collected,
33 with interest, for each day an agency is or was out of compliance.
34 Civil monetary penalties shall not exceed two hundred fifty dollars
35 per violation for group homes and child-placing agencies. Each day
36 upon which the same or substantially similar action occurs is a
37 separate violation subject to the assessment of a separate penalty.
38 The department shall provide a notification period before a monetary
39 penalty is effective and may forgive the penalty levied if the agency
40 comes into compliance during this period. The department may suspend,

1 revoke, or not renew a license for failure to pay a civil monetary
2 penalty it has assessed pursuant to this chapter within ten days
3 after such assessment becomes final. Chapter 43.20A RCW governs
4 notice of a civil monetary penalty and provides the right of an
5 adjudicative proceeding. The preponderance of evidence standard shall
6 apply in adjudicative proceedings related to assessment of civil
7 monetary penalties.

8 **Sec. 423.** RCW 74.15.134 and 1997 c 58 s 858 are each amended to
9 read as follows:

10 The (~~secretary~~) director shall immediately suspend the license
11 or certificate of a person who has been certified pursuant to RCW
12 74.20A.320 by the department (~~of social and health services~~) as a
13 person who is not in compliance with a support order (~~or a~~
14 ~~residential or visitation order~~). If the person has continued to
15 meet all other requirements for reinstatement during the suspension,
16 reissuance of the license or certificate shall be automatic upon the
17 (~~secretary's~~) director's receipt of a release issued by the
18 department (~~of social and health services~~) stating that the
19 licensee is in compliance with the order.

20 **Sec. 424.** RCW 74.15.140 and 2013 c 23 s 213 are each amended to
21 read as follows:

22 Notwithstanding the existence or pursuit of any other remedy, the
23 (~~secretary~~) director may, in the manner provided by law, upon the
24 advice of the attorney general, who shall represent the department in
25 the proceeding, maintain an action in the name of the state for
26 injunction or such other relief as he or she may deem advisable
27 against any agency subject to licensing under the provisions of
28 chapter 74.15 RCW and RCW 74.13.031 or against any such agency not
29 having a license as heretofore provided in chapter 74.15 RCW and RCW
30 74.13.031.

31 **Sec. 425.** RCW 74.15.200 and 1987 c 489 s 5 are each amended to
32 read as follows:

33 The department (~~of social and health services~~) shall have
34 primary responsibility for providing child abuse and neglect
35 prevention training to parents and licensed child day care providers
36 of preschool age children participating in day care programs meeting
37 the requirements of chapter 74.15 RCW. The department may limit

1 training under this section to trainers' workshops and curriculum
2 development using existing resources.

3 **Sec. 426.** RCW 74.15.210 and 1998 c 269 s 7 are each amended to
4 read as follows:

5 (1) Whenever the ((secretary)) director contracts with a service
6 provider to operate a community facility, the contract shall include
7 a requirement that each service provider must report to the
8 department any known infraction or violation of conditions committed
9 by any juvenile under its supervision. The report must be made
10 immediately upon learning of serious infractions or violations and
11 within twenty-four hours for other infractions or violations.

12 (2) The ((secretary)) director shall adopt rules to implement and
13 enforce the provisions of this section. The rules shall contain a
14 schedule of monetary penalties not to exceed the total compensation
15 set forth in the contract, and include provisions that allow the
16 ((secretary)) director to terminate all contracts with a service
17 provider that has violations of this section and the rules adopted
18 under this section.

19 (3) The ((secretary)) director shall document in writing all
20 violations of this section and the rules adopted under this section,
21 penalties, actions by the department to remove juveniles from a
22 community facility, and contract terminations. The department shall
23 give great weight to a service provider's record of violations,
24 penalties, actions by the department to remove juveniles from a
25 community facility, and contract terminations in determining to
26 execute, renew, or renegotiate a contract with a service provider.

27 **Sec. 427.** RCW 74.15.230 and 2013 c 39 s 31 are each amended to
28 read as follows:

29 (1) The ((secretary)) director shall establish responsible living
30 skills programs that provide no more than seventy-five beds across
31 the state and may establish responsible living skills programs by
32 contract, within funds appropriated by the legislature specifically
33 for this purpose. Responsible living skills programs shall have the
34 following:

35 ((+1)) (a) A license issued by the ((secretary)) director;

36 ((+2)) (b) A professional with a master's degree in counseling,
37 social work, or related field and at least one year of experience
38 working with street youth available to serve residents or a bachelor

1 of arts degree in social work or a related field and five years of
2 experience working with street youth. The professional shall provide
3 counseling services and interface with other relevant resources and
4 systems to prepare the minor for adult living. Preference shall be
5 given to those professionals cross-credentialed in mental health and
6 chemical dependency;

7 ((+3)) (c) Staff trained in development needs of older
8 adolescents eligible to participate in responsible living skills
9 programs as determined by the ((secretary)) director;

10 ((+4)) (d) Transitional living services and a therapeutic model
11 of service delivery that provides necessary program supervision of
12 residents and at the same time includes a philosophy, program
13 structure, and treatment planning that emphasizes achievement of
14 competency in independent living skills. Independent living skills
15 include achieving basic educational requirements such as a high
16 school equivalency certificate as provided in RCW 28B.50.536,
17 enrollment in vocational and technical training programs offered at
18 the community and vocational colleges, obtaining and maintaining
19 employment; accomplishing basic life skills such as money management,
20 nutrition, preparing meals, and cleaning house. A baseline skill
21 level in ability to function productively and independently shall be
22 determined at entry. Performance shall be measured and must
23 demonstrate improvement from involvement in the program. Each
24 resident shall have a plan for achieving independent living skills by
25 the time the resident leaves the placement. The plan shall be written
26 within the first thirty days of placement and reviewed every ninety
27 days. A resident who fails to consistently adhere to the elements of
28 the plan shall be subject to reassessment by the professional staff
29 of the program and may be placed outside the program; and

30 ((+5)) (e) A data collection system that measures outcomes for
31 the population served, and enables research and evaluation that can
32 be used for future program development and service delivery. Data
33 collection systems must have confidentiality rules and protocols
34 developed by the ((secretary)) director.

35 ((+6)) (2) The department shall not award contracts for the
36 operation of responsible living skills programs until HOPE center
37 beds are operational.

38 **Sec. 428.** RCW 74.15.250 and 1999 c 267 s 15 are each amended to
39 read as follows:

1 The ((secretary)) director is authorized to license HOPE centers
2 and responsible living skills programs that meet statutory and rule
3 requirements created by the ((secretary)) director. The ((secretary))
4 director is authorized to develop rules necessary to carry out the
5 provisions of sections 10 through 26, chapter 267, Laws of 1999. The
6 ((secretary)) director may rely upon existing licensing provisions in
7 development of licensing requirements for HOPE centers and
8 responsible living skills programs, as are appropriate to carry out
9 the intent of sections 10 through 26, chapter 267, Laws of 1999. HOPE
10 centers and responsible living skills programs shall be required to
11 adhere to departmental regulations prohibiting the use of alcohol,
12 tobacco, controlled substances, violence, and sexual activity between
13 residents.

14 **Sec. 429.** RCW 74.15.280 and 2001 c 230 s 2 are each amended to
15 read as follows:

16 The ((secretary)) director is authorized to license emergency
17 respite centers. The department may adopt rules to specify licensing
18 requirements for emergency respite centers.

19 **Sec. 430.** RCW 74.15.311 and 2013 c 105 s 3 are each amended to
20 read as follows:

21 (1) The ((secretary)) director is authorized to license resource
22 and assessment centers if the agency meets the following
23 requirements:

24 (a) There is a demonstrated need in the local community for a
25 resource and assessment center;

26 (b) The resource and assessment center will be primarily staffed
27 by trained volunteers; and

28 (c) The resource and assessment center demonstrates it is not
29 financially dependent on reimbursement from the state to operate.

30 (2) The department may adopt rules to specify licensing
31 requirements for resource and assessment centers. Rules adopted by
32 the department shall allow:

33 (a) A sufficient number of trained volunteers to meet staffing
34 requirements;

35 (b) Flexibility in hours of operation and not require the
36 resource and assessment center to be open if there are no children in
37 its care; and

38 (c) The ability to operate in a residential area.

1 (3) Resource and assessment centers licensed under this section
2 may:

3 (a) Provide care for children ages birth through twelve, or for
4 children ages thirteen through seventeen who have a sibling or
5 siblings under thirteen years of age who are being admitted to the
6 resource and assessment center; and

7 (b) Operate up to twenty-four hours per day, and for up to seven
8 days per week.

9 (4) Resource and assessment centers may not be used to address
10 placement disruptions for children who have been removed from a
11 foster home because of behavior or safety concerns.

12 **Sec. 431.** RCW 74.15.901 and 1999 c 267 s 23 are each amended to
13 read as follows:

14 (1) The department of social and health services shall seek any
15 necessary federal waivers for federal funding of the programs created
16 under sections 10 through 26, chapter 267, Laws of 1999. The
17 department shall pursue federal funding sources for the programs
18 created under sections 10 through 26, chapter 267, Laws of 1999, and
19 report to the legislature any statutory barriers to federal funding.

20 (2) The department of children, youth, and families shall seek
21 any necessary federal waivers for federal funding of the programs
22 created under sections 10 through 26, chapter 267, Laws of 1999. The
23 department shall pursue federal funding sources for the programs
24 created under sections 10 through 26, chapter 267, Laws of 1999, and
25 report to the legislature any statutory barriers to federal funding.

26 **Sec. 432.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to
27 read as follows:

28 As used in this chapter the following terms have the meanings
29 indicated unless the context clearly requires otherwise:

30 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
31 exploitation, negligent treatment, or maltreatment of a child by any
32 person under circumstances that indicate the child's health, welfare,
33 and safety is harmed, excluding conduct permitted under RCW
34 9A.16.100. An abused child is a child who has been subjected to child
35 abuse or neglect as defined in this section.

36 (2) "Administrator" means the individual who has the daily
37 administrative responsibility of a crisis residential center, or his
38 or her designee.

1 (3) "At-risk youth" means a juvenile:
2 (a) Who is absent from home for at least seventy-two consecutive
3 hours without consent of his or her parent;
4 (b) Who is beyond the control of his or her parent such that the
5 child's behavior endangers the health, safety, or welfare of the
6 child or any other person; or
7 (c) Who has a substance abuse problem for which there are no
8 pending criminal charges related to the substance abuse.
9 (4) "Child," "juvenile," "youth," and "minor" mean any
10 unemancipated individual who is under the chronological age of
11 eighteen years.
12 (5) "Child in need of services" means a juvenile:
13 (a) Who is beyond the control of his or her parent such that the
14 child's behavior endangers the health, safety, or welfare of the
15 child or any other person;
16 (b) Who has been reported to law enforcement as absent without
17 consent for at least twenty-four consecutive hours on two or more
18 separate occasions from the home of either parent, a crisis
19 residential center, an out-of-home placement, or a court-ordered
20 placement; and
21 (i) Has exhibited a serious substance abuse problem; or
22 (ii) Has exhibited behaviors that create a serious risk of harm
23 to the health, safety, or welfare of the child or any other person;
24 (c)(i) Who is in need of: (A) Necessary services, including food,
25 shelter, health care, clothing, or education; or (B) services
26 designed to maintain or reunite the family;
27 (ii) Who lacks access to, or has declined to use, these services;
28 and
29 (iii) Whose parents have evidenced continuing but unsuccessful
30 efforts to maintain the family structure or are unable or unwilling
31 to continue efforts to maintain the family structure; or
32 (d) Who is a "sexually exploited child."
33 (6) "Child in need of services petition" means a petition filed
34 in juvenile court by a parent, child, or the department seeking
35 adjudication of placement of the child.
36 (7) "Crisis residential center" means a secure or semi-secure
37 facility established pursuant to chapter 74.13 RCW.
38 (8) "Custodian" means the person or entity that has the legal
39 right to custody of the child.

1 (9) "Department" means the department of (~~social and health~~
2 ~~services~~) children, youth, and families.

3 (10) "Extended family member" means an adult who is a
4 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,
5 or first cousin with whom the child has a relationship and is
6 comfortable, and who is willing and available to care for the child.

7 (11) "Guardian" means the person or agency that (a) has been
8 appointed as the guardian of a child in a legal proceeding other than
9 a proceeding under chapter 13.34 RCW, and (b) has the legal right to
10 custody of the child pursuant to such appointment. The term
11 "guardian" does not include a "dependency guardian" appointed
12 pursuant to a proceeding under chapter 13.34 RCW.

13 (12) "Multidisciplinary team" means a group formed to provide
14 assistance and support to a child who is an at-risk youth or a child
15 in need of services and his or her parent. The team must include the
16 parent, a department caseworker, a local government representative
17 when authorized by the local government, and when appropriate,
18 members from the mental health and substance abuse disciplines. The
19 team may also include, but is not limited to, the following persons:
20 Educators, law enforcement personnel, probation officers, employers,
21 church persons, tribal members, therapists, medical personnel, social
22 service providers, placement providers, and extended family members.
23 The team members must be volunteers who do not receive compensation
24 while acting in a capacity as a team member, unless the member's
25 employer chooses to provide compensation or the member is a state
26 employee.

27 (13) "Out-of-home placement" means a placement in a foster family
28 home or group care facility licensed pursuant to chapter 74.15 RCW or
29 placement in a home, other than that of the child's parent, guardian,
30 or legal custodian, not required to be licensed pursuant to chapter
31 74.15 RCW.

32 (14) "Parent" means the parent or parents who have the legal
33 right to custody of the child. "Parent" includes custodian or
34 guardian.

35 (15) "Secure facility" means a crisis residential center, or
36 portion thereof, that has locking doors, locking windows, or a
37 secured perimeter, designed and operated to prevent a child from
38 leaving without permission of the facility staff.

39 (16) "Semi-secure facility" means any facility, including but not
40 limited to crisis residential centers or specialized foster family

1 homes, operated in a manner to reasonably assure that youth placed
2 there will not run away. Pursuant to rules established by the
3 department, the facility administrator shall establish reasonable
4 hours for residents to come and go from the facility such that no
5 residents are free to come and go at all hours of the day and night.
6 To prevent residents from taking unreasonable actions, the facility
7 administrator, where appropriate, may condition a resident's leaving
8 the facility upon the resident being accompanied by the administrator
9 or the administrator's designee and the resident may be required to
10 notify the administrator or the administrator's designee of any
11 intent to leave, his or her intended destination, and the probable
12 time of his or her return to the center.

13 (17) "Sexually exploited child" means any person under the age of
14 eighteen who is a victim of the crime of commercial sex abuse of a
15 minor under RCW 9.68A.100, promoting commercial sexual abuse of a
16 minor under RCW 9.68A.101, or promoting travel for commercial sexual
17 abuse of a minor under RCW 9.68A.102.

18 (18) "Staff secure facility" means a structured group care
19 facility licensed under rules adopted by the department with a ratio
20 of at least one adult staff member to every two children.

21 (19) "Temporary out-of-home placement" means an out-of-home
22 placement of not more than fourteen days ordered by the court at a
23 fact-finding hearing on a child in need of services petition.

24 **Sec. 433.** RCW 13.32A.178 and 2001 c 332 s 8 are each amended to
25 read as follows:

26 The department (~~(of social and health services)~~) shall promulgate
27 rules that create good cause exceptions to the establishment and
28 enforcement of child support from parents of children in out-of-home
29 placement under chapter 13.34 or 13.32A RCW that do not violate
30 federal funding requirements. (~~(The department shall present the
31 rules and the department's plan for implementation of the rules to
32 the appropriate committees of the legislature prior to the 2002
33 legislative session.)~~)

34 **Sec. 434.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
35 and amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Child" means any individual under the age of eighteen years.

1 (2) "Department" means the department of (~~social and health~~
2 ~~services~~) children, youth, and families.

3 (3) "Dependent child" means a child who has been found by a court
4 to be dependent in a proceeding under chapter 13.34 RCW.

5 (4) "Guardian" means a person who: (a) Has been appointed by the
6 court as the guardian of a child in a legal proceeding under this
7 chapter; and (b) has the legal right to custody of the child pursuant
8 to court order. The term "guardian" does not include a "dependency
9 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
10 for the purpose of assisting the court in supervising the dependency.

11 (5) "Relative" means a person related to the child in the
12 following ways: (a) Any blood relative, including those of half-
13 blood, and including first cousins, second cousins, nephews or
14 nieces, and persons of preceding generations as denoted by prefixes
15 of grand, great, or great-great; (b) stepfather, stepmother,
16 stepbrother, and stepsister; (c) a person who legally adopts a child
17 or the child's parent as well as the natural and other legally
18 adopted children of such persons, and other relatives of the adoptive
19 parents in accordance with state law; (d) spouses of any persons
20 named in (a), (b), or (c) of this subsection, even after the marriage
21 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
22 this subsection, of any half sibling of the child; or (f) extended
23 family members, as defined by the law or custom of the Indian child's
24 tribe or, in the absence of such law or custom, a person who has
25 reached the age of eighteen and who is the Indian child's
26 grandparent, aunt or uncle, brother or sister, brother-in-law or
27 sister-in-law, niece or nephew, first or second cousin, or stepparent
28 who provides care in the family abode on a twenty-four hour basis to
29 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

30 (6) "Suitable person" means a nonrelative with whom the child or
31 the child's family has a preexisting relationship; who has completed
32 all required criminal history background checks and otherwise appears
33 to be suitable and competent to provide care for the child; and with
34 whom the child has been placed pursuant to RCW 13.34.130.

35 (7) "Supervising agency" means an agency licensed by the state
36 under RCW 74.15.090, or licensed by a federally recognized Indian
37 tribe located in this state under RCW 74.15.190, that has entered
38 into a performance-based contract with the department to provide case
39 management for the delivery and documentation of child welfare
40 services as defined in RCW 74.13.020.

1 PART V

2 TRANSFER OF CHILDREN AND FAMILY SERVICES

3 **Sec. 501.** RCW 74.13A.075 and 2013 c 23 s 212 are each amended to
4 read as follows:

5 As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the
6 following definitions shall apply:

7 (1) (~~"Secretary"~~) "Department" means the (~~(secretary of the)~~)
8 department of (~~(social and health services or his or her designee)~~)
9 children, youth, and families.

10 (2) (~~"Department"~~) "Director" means the director of the
11 department (~~(of social and health services)~~).

12 **Sec. 502.** RCW 74.13A.005 and 1985 c 7 s 133 are each amended to
13 read as follows:

14 It is the policy of this state to enable the (~~(secretary)~~)
15 director to charge fees for certain services to adoptive parents who
16 are able to pay for such services.

17 It is, however, also the policy of this state that the
18 (~~(secretary)~~) director of the department (~~(of social and health~~
19 ~~services))~~) shall be liberal in waiving, reducing, or deferring
20 payment of any such fee to the end that adoptions shall be encouraged
21 in cases where prospective adoptive parents lack means.

22 It is the policy of this state to encourage, within the limits of
23 available funds, the adoption of certain hard to place children in
24 order to make it possible for children living in, or likely to be
25 placed in, foster homes or institutions to benefit from the stability
26 and security of permanent homes in which such children can receive
27 continuous parental care, guidance, protection, and love and to
28 reduce the number of such children who must be placed or remain in
29 foster homes or institutions until they become adults.

30 It is also the policy of this state to try, by means of the
31 program of adoption support authorized in RCW 26.33.320 and
32 (~~(74.13.100 through 74.13.145)~~) 74.13A.005 through 74.13A.080, to
33 reduce the total cost to the state of foster home and institutional
34 care.

35 **Sec. 503.** RCW 74.13A.010 and 2009 c 520 s 64 are each amended to
36 read as follows:

1 When a child proposed for adoption is placed with a prospective
2 adoptive parent the department may charge such parent a fee in
3 payment or part payment of such adoptive parent's part of the cost of
4 the adoption services rendered and to be rendered by the department.

5 In charging such fees the department shall treat a husband and
6 wife as a single prospective adoptive parent.

7 Each such fee shall be fixed according to a sliding scale based
8 on the ability to pay of the prospective adoptive parent or parents.

9 Such fee scale shall be annually fixed by the ((secretary))
10 director after considering the recommendations of the committee
11 designated by the ((secretary)) director to advise him or her on
12 child welfare and pursuant to the ((regulations)) rules to be issued
13 by the ((secretary)) director in accordance with the provisions of
14 Title 34 RCW.

15 The ((secretary)) director may waive, defer, or provide for
16 payment in installments without interest of, any such fee whenever in
17 his or her judgment payment or immediate payment would cause economic
18 hardship to such adoptive parent or parents.

19 Nothing in this section shall require the payment of a fee to the
20 state of Washington in a case in which an adoption results from
21 independent placement or placement by a licensed child-placing or
22 supervising agency.

23 **Sec. 504.** RCW 74.13A.015 and 2009 c 520 s 65 are each amended to
24 read as follows:

25 All fees paid for adoption services pursuant to RCW 26.33.320 and
26 74.13A.005 through 74.13A.080 shall be credited to the general fund.
27 Expenses incurred in connection with supporting the adoption of hard
28 to place children shall be paid by warrants drawn against such
29 appropriations as may be available. The ((secretary)) director may
30 for such purposes, contract with any public agency or supervising
31 agency and/or adoptive parent and is authorized to accept funds from
32 other sources including federal, private, and other public funding
33 sources to carry out such purposes.

34 The ((secretary)) director shall actively seek, where consistent
35 with the policies and programs of the department, and shall make
36 maximum use of, such federal funds as are or may be made available to
37 the department for the purpose of supporting the adoption of hard to
38 place children. The ((secretary)) director may, if permitted by
39 federal law, deposit federal funds for adoption support, aid to

1 adoptions, or subsidized adoption in the general fund and may use
2 such funds, subject to such limitations as may be imposed by federal
3 or state law, to carry out the program of adoption support authorized
4 by RCW 26.33.320 and 74.13A.005 through 74.13A.080.

5 **Sec. 505.** RCW 74.13A.020 and 2009 c 520 s 66 and 2009 c 491 s 9
6 are each reenacted and amended to read as follows:

7 (1) The (~~secretary~~) director shall issue rules and regulations
8 to assist in the administration of the program of adoption support
9 authorized by RCW 26.33.320 and 74.13A.005 through 74.13A.080.

10 (2) Disbursements from the appropriations available from the
11 general fund shall be made pursuant to such rules (~~and regulations~~)
12 and pursuant to agreements conforming thereto to be made by the
13 (~~secretary~~) director with parents for the purpose of supporting the
14 adoption of children in, or likely to be placed in, foster homes or
15 child caring institutions who are found by the (~~secretary~~) director
16 to be difficult to place in adoption because of physical or other
17 reasons; including, but not limited to, physical or mental handicap,
18 emotional disturbance, ethnic background, language, race, color, age,
19 or sibling grouping.

20 (3) Such agreements shall meet the following criteria:

21 (a) The child whose adoption is to be supported pursuant to such
22 agreement shall be or have been a child hard to place in adoption.

23 (b) Such agreement must relate to a child who was or is residing
24 in a foster home or child-caring institution or a child who, in the
25 judgment of the (~~secretary~~) director, is both eligible for, and
26 likely to be placed in, either a foster home or a child-caring
27 institution.

28 (c) Such agreement shall provide that adoption support shall not
29 continue beyond the time that the adopted child reaches eighteen
30 years of age, becomes emancipated, dies, or otherwise ceases to need
31 support. If the (~~secretary~~) director finds that continuing
32 dependency of such child after such child reaches eighteen years of
33 age warrants the continuation of support pursuant to RCW 26.33.320
34 and 74.13A.005 through 74.13A.080 the (~~secretary~~) director may do
35 so, subject to all the provisions of RCW 26.33.320 and 74.13A.005
36 through 74.13A.080, including annual review of the amount of such
37 support.

38 (d) Any prospective parent who is to be a party to such agreement
39 shall be a person who has the character, judgment, sense of

1 responsibility, and disposition which make him or her suitable as an
2 adoptive parent of such child.

3 (4) At least six months before an adoption is finalized under
4 chapter 26.33 RCW and RCW ((74.13.100 through 74.13.145)) 74.13A.005
5 through 74.13A.080, the department must provide to the prospective
6 adoptive parent, in writing, information describing the limits of the
7 adoption support program including the following information:

8 (a) The limits on monthly cash payments to adoptive families;

9 (b) The limits on the availability of children's mental health
10 services and the funds with which to pay for these services;

11 (c) The process for accessing mental health services for children
12 receiving adoption support services;

13 (d) The limits on the one-time cash payments to adoptive families
14 for expenses related to their adopted children; and

15 (e) That payment for residential or group care is not available
16 for adopted children under the adoption support program.

17 **Sec. 506.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to
18 read as follows:

19 The factors to be considered by the ((secretary)) director in
20 setting the amount of any payment or payments to be made pursuant to
21 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting
22 standards hereunder shall include: The size of the family including
23 the adoptive child, the usual living expenses of the family, the
24 special needs of any family member including education needs, the
25 family income, the family resources and plan for savings, the medical
26 and hospitalization needs of the family, the family's means of
27 purchasing or otherwise receiving such care, and any other expenses
28 likely to be needed by the child to be adopted. In setting the amount
29 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005
30 through 74.13A.080, the ((secretary)) director is authorized to
31 establish maximum payment amounts that are reasonable and allow
32 permanency planning goals related to adoption of children under RCW
33 13.34.145 to be achieved at the earliest possible date.

34 The amounts paid for the support of a child pursuant to RCW
35 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to
36 family and from year to year. Due to changes in economic
37 circumstances or the needs of the child such payments may be
38 discontinued and later resumed.

1 Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080
2 may be continued by the ((secretary)) director subject to review as
3 provided for herein, if such parent or parents having such child in
4 their custody establish their residence in another state or a foreign
5 jurisdiction.

6 In fixing the standards to govern the amount and character of
7 payments to be made for the support of adopted children pursuant to
8 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing
9 rules ((and—regulations)) to carry out the provisions of RCW
10 26.33.320 and 74.13A.005 through 74.13A.080, the ((secretary))
11 director shall consider the comments and recommendations of the
12 committee designated by the ((secretary)) director to advise him or
13 her with respect to child welfare.

14 **Sec. 507.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to
15 read as follows:

16 To carry out the program authorized by RCW 26.33.320 and
17 ((74.13.100 through 74.13.145)) 74.13A.005 through 74.13A.080, the
18 ((secretary)) director may make continuing payments or lump sum
19 payments of adoption support. In lieu of continuing payments, or in
20 addition to them, the ((secretary)) director may make one or more
21 specific lump sum payments for or on behalf of a hard to place child
22 either to the adoptive parents or directly to other persons to assist
23 in correcting any condition causing such child to be hard to place
24 for adoption.

25 Consistent with a particular child's needs, continuing adoption
26 support payments shall include, if necessary to facilitate or support
27 the adoption of a special needs child, an amount sufficient to remove
28 any reasonable financial barrier to adoption as determined by the
29 ((secretary)) director under RCW ((74.13.112)) 74.13A.025.

30 After determination by the ((secretary)) director of the amount
31 of a payment or the initial amount of continuing payments, the
32 prospective parent or parents who desire such support shall sign an
33 agreement with the ((secretary)) director providing for the payment,
34 in the manner and at the time or times prescribed in ((regulations))
35 rules to be issued by the ((secretary)) director subject to the
36 provisions of RCW 26.33.320 and ((74.13.100 through 74.13.145))
37 74.13A.005 through 74.13A.080, of the amount or amounts of support so
38 determined.

1 Payments shall be subject to review as provided in RCW 26.33.320
2 and (~~(74.13.100 through 74.13.145)~~) 74.13A.005 through 74.13A.080.

3 **Sec. 508.** RCW 74.13A.040 and 2013 c 23 s 211 are each amended to
4 read as follows:

5 (1) Any parent who is a party to an agreement under RCW
6 74.13A.005 through 74.13A.080 may at any time, in writing, request,
7 for reasons set forth in such request, a review of the amount of any
8 payment or the level of continuing payments. The review shall begin
9 not later than thirty days from the receipt of such request. Any
10 adjustment may be made retroactive to the date such request was
11 received by the (~~(secretary)~~) director. If such request is not acted
12 on within thirty days after it has been received by the (~~(secretary)~~)
13 director, such parent may invoke his or her rights under the hearing
14 provisions set forth in RCW 74.13A.055.

15 (2) The (~~(secretary)~~) director may make adjustments in payments
16 at the time of the review, or at other times, if the (~~(secretary)~~)
17 director finds that circumstances have changed and warrant an
18 adjustment in payments. Changes in circumstances may include, but are
19 not limited to, variations in medical opinions, prognosis, and costs.
20 Appropriate adjustments in payments shall be made based upon changes
21 in the needs of the child and/or changes in the adoptive parents'
22 income, resources, and expenses for the care of such child or other
23 members of the family, including medical and/or hospitalization
24 expense not otherwise covered by or subject to reimbursement from
25 insurance or other sources of financial assistance.

26 **Sec. 509.** RCW 74.13A.045 and 1995 c 270 s 3 are each amended to
27 read as follows:

28 So long as any adoptive parent is receiving support pursuant to
29 RCW 26.33.320 and (~~(74.13.100 through 74.13.145)~~) 74.13A.005 through
30 74.13A.080 he or she shall, upon request, file with the (~~(secretary)~~)
31 director a copy of his or her federal income tax return. Such return
32 and any information thereon shall be marked by the (~~(secretary)~~)
33 director "confidential," shall be used by the (~~(secretary)~~) director
34 solely for the purposes of RCW 26.33.320 and (~~(74.13.100 through~~
35 ~~74.13.145)~~) 74.13A.005 through 74.13A.080, and shall not be revealed
36 to any other person, institution or agency, public or private,
37 including agencies of the United States government, other than a
38 superior court, judge or commissioner before whom a petition for

1 adoption of a child being supported or to be supported pursuant to
2 RCW 26.33.320 and ((74.13.100 through 74.13.145)) 74.13A.005 through
3 74.13A.080 is then pending.

4 In carrying on the review process authorized by RCW 26.33.320 and
5 ((74.13.100 through 74.13.145)) 74.13A.005 through 74.13A.080 the
6 ((secretary)) director may require the adoptive parent or parents to
7 disclose such additional financial information, not privileged, as
8 may enable him or her to make determinations and adjustments in
9 support to the end that the purposes and policies of this state
10 expressed in RCW ((74.13.100)) 74.13A.005 may be carried out,
11 provided that no adoptive parent or parents shall be obliged, by
12 virtue of this section, to sign any agreement or other writing
13 waiving any constitutional right or privilege nor to admit to his or
14 her home any agent, employee, or official of any department of this
15 state, or of the United States government.

16 Such information shall be marked "confidential" by the
17 ((secretary)) director, shall be used by him or her solely for the
18 purposes of RCW 26.33.320 and ((74.13.100 through 74.13.145))
19 74.13A.005 through 74.13A.080, and shall not be revealed to any other
20 person, institution, or agency, public or private, including agencies
21 of the United States government other than a superior court judge or
22 commission before whom a petition for adoption of a child being
23 supported or to be supported pursuant to RCW 26.33.320 and
24 ((74.13.100 through 74.13.145)) 74.13A.005 through 74.13A.080 is then
25 pending.

26 **Sec. 510.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to
27 read as follows:

28 (1) To ensure expenditures continue to remain within available
29 funds as required by RCW 74.13A.005 and 74.13A.020, the ((secretary))
30 director shall not set the amount of any adoption assistance payment
31 or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
32 74.13A.080, to more than eighty percent of the foster care
33 maintenance payment for that child had he or she remained in a foster
34 family home during the same period. This subsection applies
35 prospectively to adoption assistance agreements established on or
36 after July 1, 2013.

37 (2) The department must establish a central unit of adoption
38 support negotiators to help ensure consistent negotiation of adoption

1 support agreements that will balance the needs of adoptive families
2 with the state's need to remain fiscally responsible.

3 (3) The department must request, in writing, that adoptive
4 families with existing adoption support contracts renegotiate their
5 contracts to establish lower adoption assistance payments if it is
6 fiscally feasible for the family to do so. The department shall
7 explain that adoption support contracts may be renegotiated as needs
8 arise.

9 **Sec. 511.** RCW 74.13A.050 and 2009 c 520 s 67 are each amended to
10 read as follows:

11 An agreement for adoption support made before January 1, 1985, or
12 pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, although
13 subject to review and adjustment as provided for herein, shall, as to
14 the standard used by the ((secretary)) director in making such review
15 or reviews and any such adjustment, constitutes a contract within the
16 meaning of section 10, Article I of the United States Constitution
17 and section 23, Article I of the state Constitution. For that reason
18 once such an agreement has been made any review of and adjustment
19 under such agreement shall as to the standards used by the
20 ((secretary)) director, be made only subject to the provisions of RCW
21 26.33.320 and 74.13A.005 through 74.13A.080 and such rules ((and
22 regulations)) relating thereto as they exist on the date of the
23 initial determination in connection with such agreement or such more
24 generous standard or parts of such standard as may hereafter be
25 provided for by law or regulation. Once made such an agreement shall
26 constitute a solemn undertaking by the state of Washington with such
27 adoptive parent or parents. The termination of the effective period
28 of RCW 26.33.320 and 74.13A.005 through 74.13A.080 or a decision by
29 the state or federal government to discontinue or reduce general
30 appropriations made available for the purposes to be served by RCW
31 26.33.320 and 74.13A.005 through 74.13A.080, shall not affect the
32 state's specific continuing obligations to support such adoptions,
33 subject to such annual review and adjustment for all such agreements
34 as have theretofore been entered into by the state.

35 The purpose of this section is to assure any such parent that,
36 upon his or her consenting to assume the burdens of adopting a hard
37 to place child, the state will not in future so act by way of general
38 reduction of appropriations for the program authorized by RCW
39 26.33.320 and 74.13A.005 through 74.13A.080 or ratable reductions, to

1 impair the trust and confidence necessarily reposed by such parent in
2 the state as a condition of such parent taking upon himself or
3 herself the obligations of parenthood of a difficult to place child.

4 Should the ((secretary)) director and any such adoptive parent
5 differ as to whether any standard or part of a standard adopted by
6 the ((secretary)) director after the date of an initial agreement,
7 which standard or part is used by the ((secretary)) director in
8 making any review and adjustment, is more generous than the standard
9 in effect as of the date of the initial determination with respect to
10 such agreement such adoptive parent may invoke his or her rights,
11 including all rights of appeal under the fair hearing provisions,
12 available to him or her under RCW 74.13A.055.

13 **Sec. 512.** RCW 74.13A.055 and 1989 c 175 s 148 are each amended
14 to read as follows:

15 Voluntary amendments of any support agreement entered into
16 pursuant to RCW 26.33.320 and ((74.13.100 through 74.13.145))
17 74.13A.005 through 74.13A.080 may be made at any time. In proposing
18 any such amending action which relates to the amount or level of a
19 payment or payments, the ((secretary)) director shall, as provided in
20 RCW ((74.13.124)) 74.13A.050, use either the standard which existed
21 as of the date of the initial determination with respect to such
22 agreement or any subsequent standard or parts of such standard which
23 both parties to such agreement agree is more generous than those in
24 effect as of the date of such initial agreement. If the parties do
25 not agree to the level of support, the ((secretary)) director shall
26 set the level. The ((secretary)) director shall give the adoptive
27 parent or parents written notice of the determination. The adoptive
28 parent or parents aggrieved by the ((secretary's)) director's
29 determination have the right to an adjudicative proceeding. The
30 proceeding is governed by RCW 74.08.080 and chapter 34.05 RCW, the
31 administrative procedure act.

32 **Sec. 513.** RCW 74.13A.060 and 1990 c 285 s 8 are each amended to
33 read as follows:

34 The ((secretary)) director may authorize the payment, from the
35 appropriations available from the general fund, of all or part of the
36 nonrecurring adoption expenses incurred by a prospective parent.
37 "Nonrecurring adoption expenses" means those expenses incurred by a
38 prospective parent in connection with the adoption of a difficult to

1 place child including, but not limited to, attorneys' fees, court
2 costs, and agency fees. Payment shall be made in accordance with
3 rules adopted by the department.

4 ~~((This section shall have retroactive application to January 1,
5 1987. For purposes of retroactive application, the secretary may
6 provide reimbursement to any parent who adopted a difficult to place
7 child between January 1, 1987, and one year following June 7, 1990,
8 regardless of whether the parent had previously entered into an
9 adoption support agreement with the department.))~~

10 **Sec. 514.** RCW 74.13A.065 and 1985 c 7 s 143 are each amended to
11 read as follows:

12 The ~~((secretary))~~ director shall keep such general records as are
13 needed to evaluate the effectiveness of the program of adoption
14 support authorized by RCW 26.33.320 and ~~((74.13.100 through
15 74.13.145))~~ 74.13A.005 through 74.13A.080 in encouraging and
16 effectuating the adoption of hard to place children. In so doing the
17 ~~((secretary))~~ director shall, however, maintain the confidentiality
18 required by law with respect to particular adoptions.

19 **Sec. 515.** RCW 74.13A.070 and 2009 c 520 s 68 are each amended to
20 read as follows:

21 Any supervising agency or person having a child in foster care or
22 institutional care and wishing to recommend to the ~~((secretary))~~
23 director support of the adoption of such child as provided for in RCW
24 26.33.320 and 74.13A.005 through 74.13A.080 may do so, and may
25 include in its or his or her recommendation advice as to the
26 appropriate level of support and any other information likely to
27 assist the ~~((secretary))~~ director in carrying out the functions
28 vested in the ~~((secretary))~~ director by RCW 26.33.320 and 74.13A.005
29 through 74.13A.080. Such agency may, but is not required to, be
30 retained by the ~~((secretary))~~ director to make the required
31 preplacement study of the prospective adoptive parent or parents.

32 **Sec. 516.** RCW 74.13A.080 and 1985 c 7 s 146 are each amended to
33 read as follows:

34 RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005
35 through 74.13A.080 may be known and cited as the "adoption support
36 demonstration act of 1971."

1 **Sec. 517.** RCW 74.13A.085 and 1997 c 131 s 1 are each amended to
2 read as follows:

3 (1) The department (~~(of social and health services)~~) shall
4 establish, within funds appropriated for the purpose, a
5 reconsideration program to provide medical and counseling services
6 through the adoption support program for children of families who
7 apply for services after the adoption is final. Families requesting
8 services through the program shall provide any information requested
9 by the department for the purpose of processing the family's
10 application for services.

11 (2) A child meeting the eligibility criteria for registration
12 with the program is one who:

13 (a) Was residing in a preadoptive placement funded by the
14 department or in foster care funded by the department immediately
15 prior to the adoptive placement;

16 (b) Had a physical or mental handicap or emotional disturbance
17 that existed and was documented prior to the adoption or was at high
18 risk of future physical or mental handicap or emotional disturbance
19 as a result of conditions exposed to prior to the adoption; and

20 (c) Resides in the state of Washington with an adoptive parent
21 who lacks the necessary financial means to care for the child's
22 special need.

23 (3) If a family is accepted for registration and meets the
24 criteria in subsection (2) of this section, the department may enter
25 into an agreement for services. Prior to entering into an agreement
26 for services through the program, the medical needs of the child must
27 be reviewed and approved by the department.

28 (4) Any services provided pursuant to an agreement between a
29 family and the department shall be met from the department's medical
30 program. Such services shall be limited to:

31 (a) Services provided after finalization of an agreement between
32 a family and the department pursuant to this section;

33 (b) Services not covered by the family's insurance or other
34 available assistance; and

35 (c) Services related to the eligible child's identified physical
36 or mental handicap or emotional disturbance that existed prior to the
37 adoption.

38 (5) Any payment by the department for services provided pursuant
39 to an agreement shall be made directly to the physician or provider
40 of services according to the department's established procedures.

1 (6) The total costs payable by the department for services
2 provided pursuant to an agreement shall not exceed twenty thousand
3 dollars per child.

4 **Sec. 518.** RCW 74.13B.005 and 2012 c 205 s 1 are each amended to
5 read as follows:

6 (1) The legislature finds that:

7 (a) The state of Washington and several Indian tribes in the
8 state of Washington assume legal responsibility for abused or
9 neglected children when their parents or caregivers are unable or
10 unwilling to adequately provide for their safety, health, and
11 welfare;

12 (b) Washington state has a strong history of partnership between
13 the department (~~(of social and health services)~~) and contracted
14 service providers who currently serve children and families in the
15 child welfare system. The department and its contracted service
16 providers have responsibility for providing services to address
17 parenting deficiencies resulting in child maltreatment, and the needs
18 of children impacted by maltreatment;

19 (c) Department caseworkers and contracted service providers each
20 play a critical and complementary role in the child welfare system;

21 (d) The current system of contracting for services needed by
22 children and families in the child welfare system is fragmented,
23 inflexible, and lacks incentives for improving outcomes for children
24 and families.

25 (2) The legislature intends:

26 (a) To reform the delivery of certain services to children and
27 families in the child welfare system by creating a flexible,
28 accountable community-based system of care that utilizes
29 performance-based contracting, maximizes the use of evidence-based,
30 research-based, and promising practices, and expands the capacity of
31 community-based agencies to leverage local funding and other
32 resources to benefit children and families served by the department;

33 (b) To achieve improved child safety, child permanency, including
34 reunification, and child well-being outcomes through the
35 collaborative efforts of the department and contracted service
36 providers and the prioritization of these goals in performance-based
37 contracting; and

1 (c) To implement performance-based contracting under chapter 205,
2 Laws of 2012 in a manner that supports and complies with the federal
3 and Washington state Indian child welfare act.

4 **Sec. 519.** RCW 74.13B.010 and 2012 c 205 s 2 are each amended to
5 read as follows:

6 For purposes of this chapter:

7 (1) "Case management" means convening family meetings,
8 developing, revising, and monitoring implementation of any case plan
9 or individual service and safety plan, coordinating and monitoring
10 services needed by the child and family, caseworker-child visits,
11 family visits, and the assumption of court-related duties, excluding
12 legal representation, including preparing court reports, attending
13 judicial hearings and permanency hearings, and ensuring that the
14 child is progressing toward permanency within state and federal
15 mandates, including the Indian child welfare act.

16 (2) "Child" means:

17 (a) A person less than eighteen years of age; or

18 (b) A person age eighteen to twenty-one years who is eligible to
19 receive the extended foster care services authorized under RCW
20 74.13.031.

21 (3) "Child-placing agency" has the same meaning as in RCW
22 74.15.020.

23 (4) "Child welfare services" means social services including
24 voluntary and in-home services, out-of-home care, case management,
25 and adoption services which strengthen, supplement, or substitute
26 for, parental care and supervision for the purpose of:

27 (a) Preventing or remedying, or assisting in the solution of
28 problems which may result in families in conflict, or the neglect,
29 abuse, exploitation, or criminal behavior of children;

30 (b) Protecting and caring for dependent, abused, or neglected
31 children;

32 (c) Assisting children who are in conflict with their parents,
33 and assisting parents who are in conflict with their children, with
34 services designed to resolve such conflicts;

35 (d) Protecting and promoting the welfare of children, including
36 the strengthening of their own homes where possible, or, where
37 needed;

1 (e) Providing adequate care of children away from their homes in
2 foster family homes or day care or other child care agencies or
3 facilities.

4 (5) "Department" means the department of (~~social and health~~
5 ~~services~~) children, youth, and families.

6 (6) "Evidence-based" means a program or practice that is cost-
7 effective and includes at least two randomized or statistically
8 controlled evaluations that have demonstrated improved outcomes for
9 its intended population.

10 (7) "Network administrator" means an entity that contracts with
11 the department to provide defined services to children and families
12 in the child welfare system through its provider network, as provided
13 in RCW 74.13B.020.

14 (8) "Performance-based contracting" means structuring all aspects
15 of the procurement of services around the purpose of the work to be
16 performed and the desired results with the contract requirements set
17 forth in clear, specific, and objective terms with measurable
18 outcomes and linking payment for services to contractor performance.

19 (9) "Promising practice" means a practice that presents, based
20 upon preliminary information, potential for becoming a research-based
21 or consensus-based practice.

22 (10) "Provider network" means those service providers who
23 contract with a network administrator to provide services to children
24 and families in the geographic area served by the network
25 administrator.

26 (11) "Research-based" means a program or practice that has some
27 research demonstrating effectiveness, but that does not yet meet the
28 standard of evidence-based practices.

29 **Sec. 520.** RCW 74.14B.010 and 2013 c 254 s 5 are each amended to
30 read as follows:

31 (1) Caseworkers employed in children services shall meet minimum
32 standards established by the department (~~of social and health~~
33 ~~services~~). Comprehensive training for caseworkers shall be completed
34 before such caseworkers are assigned to case-carrying
35 responsibilities without direct supervision. Intermittent, part-time,
36 and standby workers shall be subject to the same minimum standards
37 and training.

38 (2) Ongoing specialized training shall be provided for persons
39 responsible for investigating child sexual abuse. Training

1 participants shall have the opportunity to practice interview skills
2 and receive feedback from instructors.

3 (3) The department, the criminal justice training commission, the
4 Washington association of sheriffs and police chiefs, and the
5 Washington association of prosecuting attorneys shall design and
6 implement statewide training that contains consistent elements for
7 persons engaged in the interviewing of children, including law
8 enforcement, prosecution, and child protective services.

9 (4) The training shall: (a) Be based on research-based practices
10 and standards; (b) minimize the trauma of all persons who are
11 interviewed during abuse investigations; (c) provide methods of
12 reducing the number of investigative interviews necessary whenever
13 possible; (d) assure, to the extent possible, that investigative
14 interviews are thorough, objective, and complete; (e) recognize needs
15 of special populations, such as persons with developmental
16 disabilities; (f) recognize the nature and consequences of
17 victimization; (g) require investigative interviews to be conducted
18 in a manner most likely to permit the interviewed persons the maximum
19 emotional comfort under the circumstances; (h) address record
20 retention and retrieval; and (i) documentation of investigative
21 interviews.

22 (5) The identification of domestic violence is critical in
23 ensuring the safety of children in the child welfare system. As a
24 result, ongoing domestic violence training and consultation shall be
25 provided to caseworkers, including how to use the children's
26 administration's practice guide to domestic violence.

27 **Sec. 521.** RCW 74.14B.050 and 1987 c 503 s 14 are each amended to
28 read as follows:

29 The department (~~(of social and health services)~~) shall inform
30 victims of child abuse and neglect and their families of the
31 availability of state-supported counseling through the crime victims'
32 compensation program, community mental health centers, domestic
33 violence and sexual assault programs, and other related programs. The
34 department shall assist victims with referrals to these services.

35 **Sec. 522.** RCW 74.14B.070 and 1990 c 3 s 1403 are each amended to
36 read as follows:

37 The department (~~(of social and health services)~~) through its
38 division of children and family services shall, subject to available

1 funds, establish a system of early identification and referral to
2 treatment of child victims of sexual assault or sexual abuse. The
3 system shall include schools, physicians, sexual assault centers,
4 domestic violence centers, child protective services, and foster
5 parents. A mechanism shall be developed to identify communities that
6 have experienced success in this area and share their expertise and
7 methodology with other communities statewide.

8 **Sec. 523.** RCW 74.14B.080 and 1991 c 283 s 2 are each amended to
9 read as follows:

10 (1) Subject to subsection (2) of this section, the (~~secretary of~~
11 ~~social and health services~~) director shall provide liability
12 insurance to foster parents licensed under chapter 74.15 RCW. The
13 coverage shall be for personal injury and property damage caused by
14 foster parents or foster children that occurred while the children
15 were in foster care. Such insurance shall cover acts of ordinary
16 negligence but shall not cover illegal conduct or bad faith acts
17 taken by foster parents in providing foster care. Moneys paid from
18 liability insurance for any claim are limited to the amount by which
19 the claim exceeds the amount available to the claimant from any valid
20 and collectible liability insurance.

21 (2) The (~~secretary of social and health services~~) director may
22 purchase the insurance required in subsection (1) of this section or
23 may choose a self-insurance method. The total moneys expended
24 pursuant to this authorization shall not exceed five hundred thousand
25 dollars per biennium. If the (~~secretary~~) director elects a method
26 of self-insurance, the expenditure shall include all administrative
27 and staff costs. If the (~~secretary~~) director elects a method of
28 self-insurance, he or she may, by rule, place a limit on the maximum
29 amount to be paid on each claim.

30 (3) Nothing in this section or RCW 4.24.590 is intended to modify
31 the foster parent reimbursement plan in place on July 1, 1991.

32 (4) The liability insurance program shall be available by July 1,
33 1991.

34 **Sec. 524.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to
35 read as follows:

36 (1) The legislature believes that protecting the health and
37 safety of children is paramount. The legislature recognizes that the
38 number of children entering out-of-home care is increasing and that a

1 number of children receive long-term foster care protection.
2 Reasonable efforts by the department to shorten out-of-home placement
3 or avoid it altogether should be a major focus of the child welfare
4 system. It is intended that providing up-front services decrease the
5 number of children entering out-of-home care and have the effect of
6 eventually lowering foster care expenditures and strengthening the
7 family unit.

8 Within available funds, the legislature directs the department to
9 focus child welfare services on protecting the child, strengthening
10 families and, to the extent possible, providing necessary services in
11 the family setting, while drawing upon the strengths of the family.
12 The legislature intends services be locally based and offered as
13 early as possible to avoid disruption to the family, out-of-home
14 placement of the child, and entry into the dependency system. The
15 legislature also intends that these services be used for those
16 families whose children are returning to the home from out-of-home
17 care. These services are known as family preservation services and
18 intensive family preservation services and are characterized by the
19 following values, beliefs, and goals:

- 20 (a) Safety of the child is always the first concern;
21 (b) Children need their families and should be raised by their
22 own families whenever possible;
23 (c) Interventions should focus on family strengths and be
24 responsive to the individual family's cultural values and needs;
25 (d) Participation should be voluntary; and
26 (e) Improvement of family functioning is essential in order to
27 promote the child's health, safety, and welfare and thereby allow the
28 family to remain intact and allow children to remain at home.

29 (2) Subject to the availability of funds for such purposes, the
30 legislature intends for these services to be made available to all
31 eligible families on a statewide basis through a phased-in process.
32 Except as otherwise specified by statute, the department (~~(of social
33 and health services)~~) shall have the authority and discretion to
34 implement and expand these services as provided in (~~(this chapter)~~)
35 RCW 74.14C.010 through 74.14C.100. The department shall consult with
36 the community public health and safety networks when assessing a
37 community's resources and need for services.

38 (3) It is the legislature's intent that, within available funds,
39 the department develop services in accordance with (~~(this chapter)~~)
40 RCW 74.14C.010 through 74.14C.100.

1 (4) Nothing in (~~this chapter~~) RCW 74.14C.010 through 74.14C.100
2 shall be construed to create an entitlement to services nor to create
3 judicial authority to order the provision of preservation services to
4 any person or family if the services are unavailable or unsuitable or
5 that the child or family are not eligible for such services.

6 **Sec. 525.** RCW 74.14C.010 and 1996 c 240 s 2 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Department" means the department of (~~social and health~~
11 ~~services~~) children, youth, and families.

12 (2) "Director" means the director of the department.

13 (3) "Community support systems" means the support that may be
14 organized through extended family members, friends, neighbors,
15 religious organizations, community programs, cultural and ethnic
16 organizations, or other support groups or organizations.

17 (~~(3)~~) (4) "Family preservation services" means in-home or
18 community-based services drawing on the strengths of the family and
19 its individual members while addressing family needs to strengthen
20 and keep the family together where possible and may include:

21 (a) Respite care of children to provide temporary relief for
22 parents and other caregivers;

23 (b) Services designed to improve parenting skills with respect to
24 such matters as child development, family budgeting, coping with
25 stress, health, safety, and nutrition; and

26 (c) Services designed to promote the well-being of children and
27 families, increase the strength and stability of families, increase
28 parents' confidence and competence in their parenting abilities,
29 promote a safe, stable, and supportive family environment for
30 children, and otherwise enhance children's development.

31 Family preservation services shall have the characteristics
32 delineated in RCW 74.14C.020 (2) and (3).

33 (~~(4)~~) (5) "Imminent" means a decision has been made by the
34 department that, without intensive family preservation services, a
35 petition requesting the removal of a child from the family home will
36 be immediately filed under chapter 13.32A or 13.34 RCW, or that a
37 voluntary placement agreement will be immediately initiated.

38 (~~(5)~~) (6) "Intensive family preservation services" means
39 community-based services that are delivered primarily in the home,

1 that follow intensive service models with demonstrated effectiveness
2 in reducing or avoiding the need for unnecessary imminent out-of-home
3 placement, and that have all of the characteristics delineated in RCW
4 74.14C.020 (1) and (3).

5 ((+6)) (7) "Out-of-home placement" means a placement in a foster
6 family home or group care facility licensed pursuant to chapter 74.15
7 RCW or placement in a home, other than that of the child's parent,
8 guardian, or legal custodian, not required to be licensed pursuant to
9 chapter 74.15 RCW.

10 ((+7)) (8) "Paraprofessional worker" means any individual who is
11 trained and qualified to provide assistance and community support
12 systems development to families and who acts under the supervision of
13 a preservation services therapist. The paraprofessional worker is not
14 intended to replace the role and responsibilities of the preservation
15 services therapist.

16 ((+8)) (9) "Preservation services" means family preservation
17 services and intensive family preservation services that consider the
18 individual family's cultural values and needs.

19 **Sec. 526.** RCW 74.14C.070 and 2003 c 207 s 3 are each amended to
20 read as follows:

21 The ~~((secretary of social and health services, or the secretary's~~
22 ~~regional)) director or the director's designee((+)) may transfer
23 funds appropriated for foster care services to purchase preservation
24 services and other preventive services for children at imminent risk
25 of out-of-home placement or who face a substantial likelihood of out-
26 of-home placement. This transfer may be made in those regions that
27 lower foster care expenditures through efficient use of preservation
28 services and permanency planning efforts. The transfer shall be
29 equivalent to the amount of reduced foster care expenditures and
30 shall be made in accordance with the provisions of this chapter and
31 with the approval of the office of financial management. The
32 department shall present an annual report to the legislature
33 regarding any transfers under this section only if transfers occur.
34 The department shall include caseload, expenditure, cost avoidance,
35 identified improvements to the out-of-home care system, and outcome
36 data related to the transfer in the report. The department shall also
37 include in the report information regarding:~~

1 (1) The percent of cases where a child is placed in out-of-home
2 care after the provision of intensive family preservation services or
3 family preservation services;

4 (2) The average length of time before the child is placed out-of-
5 home;

6 (3) The average length of time the child is placed out-of-home;
7 and

8 (4) The number of families that refused the offer of either
9 family preservation services or intensive family preservation
10 services.

11 **Sec. 527.** RCW 74.14C.090 and 1995 c 311 s 8 are each amended to
12 read as follows:

13 Each department caseworker who refers a client for preservation
14 services shall file a report with his or her direct supervisor
15 stating the reasons for which the client was referred. The
16 caseworker's supervisor shall verify in writing his or her belief
17 that the family who is the subject of a referral for preservation
18 services meets the eligibility criteria for services as provided in
19 this chapter. The direct supervisor shall report monthly to the
20 regional administrator on the provision of these services. The
21 regional administrator shall report to the ~~((assistant-secretary))~~
22 director quarterly on the provision of these services for the entire
23 region. The ~~((assistant-secretary))~~ director shall ~~((make))~~ post on
24 the department's web site a semiannual report ~~((to the secretary))~~ on
25 the provision of these services on a statewide basis.

26 **PART VI**

27 **TRANSFER OF JUVENILE JUSTICE**

28 **Sec. 601.** RCW 13.04.011 and 2011 c 330 s 2 are each amended to
29 read as follows:

30 For purposes of this title:

31 (1) "Adjudication" has the same meaning as "conviction" in RCW
32 9.94A.030, but only for the purposes of sentencing under chapter
33 9.94A RCW;

34 (2) Except as specifically provided in RCW 13.40.020 and chapters
35 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
36 individual who is under the chronological age of eighteen years;

1 (3) "Juvenile offender" and "juvenile offense" have the meaning
2 ascribed in RCW 13.40.020;

3 (4) "Court" when used without further qualification means the
4 juvenile court judge(s) or commissioner(s);

5 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
6 means that parent or parents who have the right of legal custody of
7 the child. "Parent" or "parents" as used in chapter 13.34 RCW, means
8 the biological or adoptive parents of a child unless the legal rights
9 of that person have been terminated by judicial proceedings;

10 (6) "Custodian" means that person who has the legal right to
11 custody of the child;

12 (7) "Department" means the department of children, youth, and
13 families.

14 **Sec. 602.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1
15 are each reenacted and amended to read as follows:

16 (1) Except as provided in this section, the juvenile courts in
17 this state shall have exclusive original jurisdiction over all
18 proceedings:

19 (a) Under the interstate compact on placement of children as
20 provided in chapter 26.34 RCW;

21 (b) Relating to children alleged or found to be dependent as
22 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

23 (c) Relating to the termination of a parent and child
24 relationship as provided in RCW 13.34.180 through 13.34.210;

25 (d) To approve or disapprove out-of-home placement as provided in
26 RCW 13.32A.170;

27 (e) Relating to juveniles alleged or found to have committed
28 offenses, traffic or civil infractions, or violations as provided in
29 RCW 13.40.020 through 13.40.230, unless:

30 (i) The juvenile court transfers jurisdiction of a particular
31 juvenile to adult criminal court pursuant to RCW 13.40.110;

32 (ii) The statute of limitations applicable to adult prosecution
33 for the offense, traffic or civil infraction, or violation has
34 expired;

35 (iii) The alleged offense or infraction is a traffic, fish,
36 boating, or game offense, or traffic or civil infraction committed by
37 a juvenile sixteen years of age or older and would, if committed by
38 an adult, be tried or heard in a court of limited jurisdiction, in
39 which instance the appropriate court of limited jurisdiction shall

1 have jurisdiction over the alleged offense or infraction, and no
2 guardian ad litem is required in any such proceeding due to the
3 juvenile's age. If such an alleged offense or infraction and an
4 alleged offense or infraction subject to juvenile court jurisdiction
5 arise out of the same event or incident, the juvenile court may have
6 jurisdiction of both matters. The jurisdiction under this subsection
7 does not constitute "transfer" or a "decline" for purposes of RCW
8 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
9 jurisdiction which confine juveniles for an alleged offense or
10 infraction may place juveniles in juvenile detention facilities under
11 an agreement with the officials responsible for the administration of
12 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

13 (iv) The alleged offense is a traffic or civil infraction, a
14 violation of compulsory school attendance provisions under chapter
15 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
16 has assumed concurrent jurisdiction over those offenses as provided
17 in RCW 13.04.0301; or

18 (v) The juvenile is sixteen or seventeen years old on the date
19 the alleged offense is committed and the alleged offense is:

20 (A) A serious violent offense as defined in RCW 9.94A.030;

21 (B) A violent offense as defined in RCW 9.94A.030 and the
22 juvenile has a criminal history consisting of: (I) One or more prior
23 serious violent offenses; (II) two or more prior violent offenses; or
24 (III) three or more of any combination of the following offenses: Any
25 class A felony, any class B felony, vehicular assault, or
26 manslaughter in the second degree, all of which must have been
27 committed after the juvenile's thirteenth birthday and prosecuted
28 separately;

29 (C) Robbery in the first degree, rape of a child in the first
30 degree, or drive-by shooting, committed on or after July 1, 1997;

31 (D) Burglary in the first degree committed on or after July 1,
32 1997, and the juvenile has a criminal history consisting of one or
33 more prior felony or misdemeanor offenses; or

34 (E) Any violent offense as defined in RCW 9.94A.030 committed on
35 or after July 1, 1997, and the juvenile is alleged to have been armed
36 with a firearm.

37 (I) In such a case the adult criminal court shall have exclusive
38 original jurisdiction, except as provided in (e)(v)(E)(II) and (III)
39 of this subsection.

1 (II) The juvenile court shall have exclusive jurisdiction over
2 the disposition of any remaining charges in any case in which the
3 juvenile is found not guilty in the adult criminal court of the
4 charge or charges for which he or she was transferred, or is
5 convicted in the adult criminal court of a lesser included offense
6 that is not also an offense listed in (e)(v) of this subsection. The
7 juvenile court shall enter an order extending juvenile court
8 jurisdiction if the juvenile has turned eighteen years of age during
9 the adult criminal court proceedings pursuant to RCW 13.40.300.
10 However, once the case is returned to juvenile court, the court may
11 hold a decline hearing pursuant to RCW 13.40.110 to determine whether
12 to retain the case in juvenile court for the purpose of disposition
13 or return the case to adult criminal court for sentencing.

14 (III) The prosecutor and respondent may agree to juvenile court
15 jurisdiction and waive application of exclusive adult criminal
16 jurisdiction in (e)(v)(A) through (E) of this subsection and remove
17 the proceeding back to juvenile court with the court's approval.

18 If the juvenile challenges the state's determination of the
19 juvenile's criminal history under (e)(v) of this subsection, the
20 state may establish the offender's criminal history by a
21 preponderance of the evidence. If the criminal history consists of
22 adjudications entered upon a plea of guilty, the state shall not bear
23 a burden of establishing the knowing and voluntariness of the plea;

24 (f) Under the interstate compact on juveniles as provided in
25 chapter 13.24 RCW;

26 (g) Relating to termination of a diversion agreement under RCW
27 13.40.080, including a proceeding in which the divertee has attained
28 eighteen years of age;

29 (h) Relating to court validation of a voluntary consent to an
30 out-of-home placement under chapter 13.34 RCW, by the parent or
31 Indian custodian of an Indian child, except if the parent or Indian
32 custodian and child are residents of or domiciled within the
33 boundaries of a federally recognized Indian reservation over which
34 the tribe exercises exclusive jurisdiction;

35 (i) Relating to petitions to compel disclosure of information
36 filed by the department (~~of social and health services~~) pursuant to
37 RCW 74.13.042; and

38 (j) Relating to judicial determinations and permanency planning
39 hearings involving developmentally disabled children who have been
40 placed in out-of-home care pursuant to a voluntary placement

1 agreement between the child's parent, guardian, or legal custodian
2 and the department (~~of social and health services~~)).

3 (2) The family court shall have concurrent original jurisdiction
4 with the juvenile court over all proceedings under this section if
5 the superior court judges of a county authorize concurrent
6 jurisdiction as provided in RCW 26.12.010.

7 (3) The juvenile court shall have concurrent original
8 jurisdiction with the family court over child custody proceedings
9 under chapter 26.10 RCW and parenting plans or residential schedules
10 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

11 (4) A juvenile subject to adult superior court jurisdiction under
12 subsection (1)(e)(i) through (v) of this section, who is detained
13 pending trial, may be detained in a detention facility as defined in
14 RCW 13.40.020 pending sentencing or a dismissal.

15 **Sec. 603.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to
16 read as follows:

17 (1) A juvenile shall not be confined in a jail or holding
18 facility for adults, except:

19 (a) For a period not exceeding twenty-four hours excluding
20 weekends and holidays and only for the purpose of an initial court
21 appearance in a county where no juvenile detention facility is
22 available, a juvenile may be held in an adult facility provided that
23 the confinement is separate from the sight and sound of adult
24 inmates; or

25 (b) For not more than six hours and pursuant to a lawful
26 detention in the course of an investigation, a juvenile may be held
27 in an adult facility provided that the confinement is separate from
28 the sight and sound of adult inmates.

29 (2) For purposes of this section a juvenile is an individual
30 under the chronological age of eighteen years who has not been
31 transferred previously to adult courts.

32 (3) The department (~~of social and health services~~) shall
33 monitor and enforce compliance with this section.

34 (4) This section shall not be construed to expand or limit the
35 authority to lawfully detain juveniles.

36 **Sec. 604.** RCW 13.04.145 and 2014 c 157 s 5 are each amended to
37 read as follows:

1 A program of education shall be provided for by the several
2 counties and school districts of the state for common school-age
3 persons confined in each of the detention facilities staffed and
4 maintained by the several counties of the state under this chapter
5 and chapters 13.16 and 13.20 RCW. The division of duties, authority,
6 and liabilities of the several counties and school districts of the
7 state respecting the educational programs is the same in all respects
8 as set forth in chapter 28A.190 RCW respecting programs of education
9 for state residential school residents. For the purposes of this
10 section, the terms "department of (~~social and health services~~)
11 children, youth, and families," "residential school" or "schools,"
12 and "superintendent or chief administrator of a residential school"
13 as used in chapter 28A.190 RCW shall be respectively construed to
14 mean "the several counties of the state," "detention facilities," and
15 "the administrator of juvenile court detention services." Nothing in
16 this section shall prohibit a school district from utilizing the
17 services of an educational service district subject to RCW
18 28A.310.180.

19 **Sec. 605.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1
20 are each reenacted and amended to read as follows:

21 For the purposes of this chapter:

22 (1) "Assessment" means an individualized examination of a child
23 to determine the child's psychosocial needs and problems, including
24 the type and extent of any mental health, substance abuse, or co-
25 occurring mental health and substance abuse disorders, and
26 recommendations for treatment. "Assessment" includes, but is not
27 limited to, drug and alcohol evaluations, psychological and
28 psychiatric evaluations, records review, clinical interview, and
29 administration of a formal test or instrument;

30 (2) "Community-based rehabilitation" means one or more of the
31 following: Employment; attendance of information classes; literacy
32 classes; counseling, outpatient substance abuse treatment programs,
33 outpatient mental health programs, anger management classes,
34 education or outpatient treatment programs to prevent animal cruelty,
35 or other services including, when appropriate, restorative justice
36 programs; or attendance at school or other educational programs
37 appropriate for the juvenile as determined by the school district.
38 Placement in community-based rehabilitation programs is subject to
39 available funds;

1 (3) "Community-based sanctions" may include one or more of the
2 following:

3 (a) A fine, not to exceed five hundred dollars;

4 (b) Community restitution not to exceed one hundred fifty hours
5 of community restitution;

6 (4) "Community restitution" means compulsory service, without
7 compensation, performed for the benefit of the community by the
8 offender as punishment for committing an offense. Community
9 restitution may be performed through public or private organizations
10 or through work crews;

11 (5) "Community supervision" means an order of disposition by the
12 court of an adjudicated youth not committed to the department or an
13 order granting a deferred disposition. A community supervision order
14 for a single offense may be for a period of up to two years for a sex
15 offense as defined by RCW 9.94A.030 and up to one year for other
16 offenses. As a mandatory condition of any term of community
17 supervision, the court shall order the juvenile to refrain from
18 committing new offenses. As a mandatory condition of community
19 supervision, the court shall order the juvenile to comply with the
20 mandatory school attendance provisions of chapter 28A.225 RCW and to
21 inform the school of the existence of this requirement. Community
22 supervision is an individualized program comprised of one or more of
23 the following:

24 (a) Community-based sanctions;

25 (b) Community-based rehabilitation;

26 (c) Monitoring and reporting requirements;

27 (d) Posting of a probation bond;

28 (e) Residential treatment, where substance abuse, mental health,
29 and/or co-occurring disorders have been identified in an assessment
30 by a qualified mental health professional, psychologist,
31 psychiatrist, or chemical dependency professional and a funded bed is
32 available. If a child agrees to voluntary placement in a state-funded
33 long-term evaluation and treatment facility, the case must follow the
34 existing placement procedure including consideration of less
35 restrictive treatment options and medical necessity.

36 (i) A court may order residential treatment after consideration
37 and findings regarding whether:

38 (A) The referral is necessary to rehabilitate the child;

39 (B) The referral is necessary to protect the public or the child;

40 (C) The referral is in the child's best interest;

1 (D) The child has been given the opportunity to engage in less
2 restrictive treatment and has been unable or unwilling to comply; and

3 (E) Inpatient treatment is the least restrictive action
4 consistent with the child's needs and circumstances.

5 (ii) In any case where a court orders a child to inpatient
6 treatment under this section, the court must hold a review hearing no
7 later than sixty days after the youth begins inpatient treatment, and
8 every thirty days thereafter, as long as the youth is in inpatient
9 treatment;

10 (6) "Confinement" means physical custody by the department of
11 (~~social and health services~~) children, youth, and families in a
12 facility operated by or pursuant to a contract with the state, or
13 physical custody in a detention facility operated by or pursuant to a
14 contract with any county. The county may operate or contract with
15 vendors to operate county detention facilities. The department may
16 operate or contract to operate detention facilities for juveniles
17 committed to the department. Pretrial confinement or confinement of
18 less than thirty-one days imposed as part of a disposition or
19 modification order may be served consecutively or intermittently, in
20 the discretion of the court;

21 (7) "Court," when used without further qualification, means the
22 juvenile court judge(s) or commissioner(s);

23 (8) "Criminal history" includes all criminal complaints against
24 the respondent for which, prior to the commission of a current
25 offense:

26 (a) The allegations were found correct by a court. If a
27 respondent is convicted of two or more charges arising out of the
28 same course of conduct, only the highest charge from among these
29 shall count as an offense for the purposes of this chapter; or

30 (b) The criminal complaint was diverted by a prosecutor pursuant
31 to the provisions of this chapter on agreement of the respondent and
32 after an advisement to the respondent that the criminal complaint
33 would be considered as part of the respondent's criminal history. A
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history;

37 (9) "Department" means the department of (~~social and health~~
38 ~~services~~) children, youth, and families;

39 (10) "Detention facility" means a county facility, paid for by
40 the county, for the physical confinement of a juvenile alleged to

1 have committed an offense or an adjudicated offender subject to a
2 disposition or modification order. "Detention facility" includes
3 county group homes, inpatient substance abuse programs, juvenile
4 basic training camps, and electronic monitoring;

5 (11) "Director" means the director of the department of children,
6 youth, and families;

7 (12) "Diversion unit" means any probation counselor who enters
8 into a diversion agreement with an alleged youthful offender, or any
9 other person, community accountability board, youth court under the
10 supervision of the juvenile court, or other entity except a law
11 enforcement official or entity, with whom the juvenile court
12 administrator has contracted to arrange and supervise such agreements
13 pursuant to RCW 13.40.080, or any person, community accountability
14 board, or other entity specially funded by the legislature to arrange
15 and supervise diversion agreements in accordance with the
16 requirements of this chapter. For purposes of this subsection,
17 "community accountability board" means a board comprised of members
18 of the local community in which the juvenile offender resides. The
19 superior court shall appoint the members. The boards shall consist of
20 at least three and not more than seven members. If possible, the
21 board should include a variety of representatives from the community,
22 such as a law enforcement officer, teacher or school administrator,
23 high school student, parent, and business owner, and should represent
24 the cultural diversity of the local community;

25 ~~((12))~~ (13) "Foster care" means temporary physical care in a
26 foster family home or group care facility as defined in RCW 74.15.020
27 and licensed by the department, or other legally authorized care;

28 ~~((13))~~ (14) "Institution" means a juvenile facility established
29 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

30 ~~((14))~~ (15) "Intensive supervision program" means a parole
31 program that requires intensive supervision and monitoring, offers an
32 array of individualized treatment and transitional services, and
33 emphasizes community involvement and support in order to reduce the
34 likelihood a juvenile offender will commit further offenses;

35 ~~((15))~~ (16) "Juvenile," "youth," and "child" mean any
36 individual who is under the chronological age of eighteen years and
37 who has not been previously transferred to adult court pursuant to
38 RCW 13.40.110, unless the individual was convicted of a lesser charge
39 or acquitted of the charge for which he or she was previously

1 transferred pursuant to RCW 13.40.110 or who is not otherwise under
2 adult court jurisdiction;

3 ~~((16))~~ (17) "Juvenile offender" means any juvenile who has been
4 found by the juvenile court to have committed an offense, including a
5 person eighteen years of age or older over whom jurisdiction has been
6 extended under RCW 13.40.300;

7 ~~((17))~~ (18) "Labor" means the period of time before a birth
8 during which contractions are of sufficient frequency, intensity, and
9 duration to bring about effacement and progressive dilation of the
10 cervix;

11 ~~((18))~~ (19) "Local sanctions" means one or more of the
12 following: (a) 0-30 days of confinement; (b) 0-12 months of community
13 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500
14 fine;

15 ~~((19))~~ (20) "Manifest injustice" means a disposition that would
16 either impose an excessive penalty on the juvenile or would impose a
17 serious, and clear danger to society in light of the purposes of this
18 chapter;

19 ~~((20))~~ (21) "Monitoring and reporting requirements" means one
20 or more of the following: Curfews; requirements to remain at home,
21 school, work, or court-ordered treatment programs during specified
22 hours; restrictions from leaving or entering specified geographical
23 areas; requirements to report to the probation officer as directed
24 and to remain under the probation officer's supervision; and other
25 conditions or limitations as the court may require which may not
26 include confinement;

27 ~~((21))~~ (22) "Offense" means an act designated a violation or a
28 crime if committed by an adult under the law of this state, under any
29 ordinance of any city or county of this state, under any federal law,
30 or under the law of another state if the act occurred in that state;

31 ~~((22))~~ (23) "Physical restraint" means the use of any bodily
32 force or physical intervention to control a juvenile offender or
33 limit a juvenile offender's freedom of movement in a way that does
34 not involve a mechanical restraint. Physical restraint does not
35 include momentary periods of minimal physical restriction by direct
36 person-to-person contact, without the aid of mechanical restraint,
37 accomplished with limited force and designed to:

38 (a) Prevent a juvenile offender from completing an act that would
39 result in potential bodily harm to self or others or damage property;

1 (b) Remove a disruptive juvenile offender who is unwilling to
2 leave the area voluntarily; or

3 (c) Guide a juvenile offender from one location to another;

4 ~~((+23))~~ (24) "Postpartum recovery" means (a) the entire period a
5 woman or youth is in the hospital, birthing center, or clinic after
6 giving birth and (b) an additional time period, if any, a treating
7 physician determines is necessary for healing after the youth leaves
8 the hospital, birthing center, or clinic;

9 ~~((+24))~~ (25) "Probation bond" means a bond, posted with
10 sufficient security by a surety justified and approved by the court,
11 to secure the offender's appearance at required court proceedings and
12 compliance with court-ordered community supervision or conditions of
13 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
14 a deposit of cash or posting of other collateral in lieu of a bond if
15 approved by the court;

16 ~~((+25))~~ (26) "Respondent" means a juvenile who is alleged or
17 proven to have committed an offense;

18 ~~((+26))~~ (27) "Restitution" means financial reimbursement by the
19 offender to the victim, and shall be limited to easily ascertainable
20 damages for injury to or loss of property, actual expenses incurred
21 for medical treatment for physical injury to persons, lost wages
22 resulting from physical injury, and costs of the victim's counseling
23 reasonably related to the offense. Restitution shall not include
24 reimbursement for damages for mental anguish, pain and suffering, or
25 other intangible losses. Nothing in this chapter shall limit or
26 replace civil remedies or defenses available to the victim or
27 offender;

28 ~~((+27))~~ (28) "Restorative justice" means practices, policies,
29 and programs informed by and sensitive to the needs of crime victims
30 that are designed to encourage offenders to accept responsibility for
31 repairing the harm caused by their offense by providing safe and
32 supportive opportunities for voluntary participation and
33 communication between the victim, the offender, their families, and
34 relevant community members;

35 ~~((+28))~~ (29) "Restraints" means anything used to control the
36 movement of a person's body or limbs and includes:

37 (a) Physical restraint; or

38 (b) Mechanical device including but not limited to: Metal
39 handcuffs, plastic ties, ankle restraints, leather cuffs, other
40 hospital-type restraints, tasers, or batons;

1 ~~((29))~~ (30) "Screening" means a process that is designed to
2 identify a child who is at risk of having mental health, substance
3 abuse, or co-occurring mental health and substance abuse disorders
4 that warrant immediate attention, intervention, or more comprehensive
5 assessment. A screening may be undertaken with or without the
6 administration of a formal instrument;

7 ~~((30) "Secretary" means the secretary of the department of
8 social and health services. "Assistant secretary" means the assistant
9 secretary for juvenile rehabilitation for the department;)~~

10 (31) "Services" means services which provide alternatives to
11 incarceration for those juveniles who have pleaded or been
12 adjudicated guilty of an offense or have signed a diversion agreement
13 pursuant to this chapter;

14 (32) "Sex offense" means an offense defined as a sex offense in
15 RCW 9.94A.030;

16 (33) "Sexual motivation" means that one of the purposes for which
17 the respondent committed the offense was for the purpose of his or
18 her sexual gratification;

19 (34) "Surety" means an entity licensed under state insurance laws
20 or by the state department of licensing, to write corporate,
21 property, or probation bonds within the state, and justified and
22 approved by the superior court of the county having jurisdiction of
23 the case;

24 (35) "Transportation" means the conveying, by any means, of an
25 incarcerated pregnant youth from the institution or detention
26 facility to another location from the moment she leaves the
27 institution or detention facility to the time of arrival at the other
28 location, and includes the escorting of the pregnant incarcerated
29 youth from the institution or detention facility to a transport
30 vehicle and from the vehicle to the other location;

31 (36) "Violation" means an act or omission, which if committed by
32 an adult, must be proven beyond a reasonable doubt, and is punishable
33 by sanctions which do not include incarceration;

34 (37) "Violent offense" means a violent offense as defined in RCW
35 9.94A.030;

36 (38) "Youth court" means a diversion unit under the supervision
37 of the juvenile court.

38 **Sec. 606.** RCW 13.40.030 and 2003 c 207 s 5 are each amended to
39 read as follows:

1 (1) The ((~~secretary~~)) director shall submit guidelines pertaining
2 to the nature of the security to be imposed on youth placed in his or
3 her custody based on the age, offense(s), and criminal history of the
4 juvenile offender. Such guidelines shall be submitted to the
5 legislature for its review no later than November 1st of each year.
6 The department shall include security status definitions in the
7 security guidelines it submits to the legislature pursuant to this
8 section.

9 (2) The permissible ranges of confinement resulting from a
10 finding of manifest injustice under RCW 13.40.0357 are subject to the
11 following limitations:

12 (a) Where the maximum term in the range is ninety days or less,
13 the minimum term in the range may be no less than fifty percent of
14 the maximum term in the range;

15 (b) Where the maximum term in the range is greater than ninety
16 days but not greater than one year, the minimum term in the range may
17 be no less than seventy-five percent of the maximum term in the
18 range; and

19 (c) Where the maximum term in the range is more than one year,
20 the minimum term in the range may be no less than eighty percent of
21 the maximum term in the range.

22 **Sec. 607.** RCW 13.40.040 and 2002 c 171 s 2 are each amended to
23 read as follows:

24 (1) A juvenile may be taken into custody:

25 (a) Pursuant to a court order if a complaint is filed with the
26 court alleging, and the court finds probable cause to believe, that
27 the juvenile has committed an offense or has violated terms of a
28 disposition order or release order; or

29 (b) Without a court order, by a law enforcement officer if
30 grounds exist for the arrest of an adult in identical circumstances.
31 Admission to, and continued custody in, a court detention facility
32 shall be governed by subsection (2) of this section; or

33 (c) Pursuant to a court order that the juvenile be held as a
34 material witness; or

35 (d) Where the ((~~secretary~~)) director or the ((~~secretary's~~))
36 director's designee has suspended the parole of a juvenile offender.

37 (2) A juvenile may not be held in detention unless there is
38 probable cause to believe that:

1 (a) The juvenile has committed an offense or has violated the
2 terms of a disposition order; and

3 (i) The juvenile will likely fail to appear for further
4 proceedings; or

5 (ii) Detention is required to protect the juvenile from himself
6 or herself; or

7 (iii) The juvenile is a threat to community safety; or

8 (iv) The juvenile will intimidate witnesses or otherwise
9 unlawfully interfere with the administration of justice; or

10 (v) The juvenile has committed a crime while another case was
11 pending; or

12 (b) The juvenile is a fugitive from justice; or

13 (c) The juvenile's parole has been suspended or modified; or

14 (d) The juvenile is a material witness.

15 (3) Notwithstanding subsection (2) of this section, and within
16 available funds, a juvenile who has been found guilty of one of the
17 following offenses shall be detained pending disposition: Rape in the
18 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
19 child in the first degree (RCW 9A.44.073).

20 (4) Upon a finding that members of the community have threatened
21 the health of a juvenile taken into custody, at the juvenile's
22 request the court may order continued detention pending further order
23 of the court.

24 (5) Except as provided in RCW 9.41.280, a juvenile detained under
25 this section may be released upon posting a probation bond set by the
26 court. The juvenile's parent or guardian may sign for the probation
27 bond. A court authorizing such a release shall issue an order
28 containing a statement of conditions imposed upon the juvenile and
29 shall set the date of his or her next court appearance. The court
30 shall advise the juvenile of any conditions specified in the order
31 and may at any time amend such an order in order to impose additional
32 or different conditions of release upon the juvenile or to return the
33 juvenile to custody for failing to conform to the conditions imposed.
34 In addition to requiring the juvenile to appear at the next court
35 date, the court may condition the probation bond on the juvenile's
36 compliance with conditions of release. The juvenile's parent or
37 guardian may notify the court that the juvenile has failed to conform
38 to the conditions of release or the provisions in the probation bond.
39 If the parent notifies the court of the juvenile's failure to comply
40 with the probation bond, the court shall notify the surety. As

1 provided in the terms of the bond, the surety shall provide notice to
2 the court of the offender's noncompliance. A juvenile may be released
3 only to a responsible adult or the department of (~~social and health~~
4 ~~services~~) children, youth, and families. Failure to appear on the
5 date scheduled by the court pursuant to this section shall constitute
6 the crime of bail jumping.

7 **Sec. 608.** RCW 13.40.045 and 1997 c 338 s 14 are each amended to
8 read as follows:

9 The (~~secretary, assistant secretary,~~) director or the
10 (~~secretary's~~) director's designee shall issue arrest warrants for
11 juveniles who escape from department residential custody. The
12 (~~secretary, assistant secretary,~~) director or the (~~secretary's~~)
13 director's designee may issue arrest warrants for juveniles who
14 abscond from parole supervision or fail to meet conditions of parole.
15 These arrest warrants shall authorize any law enforcement, probation
16 and parole, or peace officer of this state, or any other state where
17 the juvenile is located, to arrest the juvenile and to place the
18 juvenile in physical custody pending the juvenile's return to
19 confinement in a state juvenile rehabilitation facility.

20 **Sec. 609.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each
21 amended to read as follows:

22 (1) Any term of confinement imposed for an offense which exceeds
23 thirty days shall be served under the supervision of the department.
24 If the period of confinement imposed for more than one offense
25 exceeds thirty days but the term imposed for each offense is less
26 than thirty days, the confinement may, in the discretion of the
27 court, be served in a juvenile facility operated by or pursuant to a
28 contract with the state or a county.

29 (2) Whenever a juvenile is confined in a detention facility or is
30 committed to the department, the court may not directly order a
31 juvenile into a particular county or state facility. The juvenile
32 court administrator and the (~~secretary, assistant secretary,~~)
33 director or the (~~secretary's~~) director's designee, as appropriate,
34 has the sole discretion to determine in which facility a juvenile
35 should be confined or committed. The counties may operate a variety
36 of detention facilities as determined by the county legislative
37 authority subject to available funds.

1 **Sec. 610.** RCW 13.40.205 and 2002 c 175 s 26 are each amended to
2 read as follows:

3 (1) A juvenile sentenced to a term of confinement to be served
4 under the supervision of the department shall not be released from
5 the physical custody of the department prior to the release date
6 established under RCW 13.40.210 except as otherwise provided in this
7 section.

8 (2) A juvenile serving a term of confinement under the
9 supervision of the department may be released on authorized leave
10 from the physical custody of the department only if consistent with
11 public safety and if:

12 (a) Sixty percent of the minimum term of confinement has been
13 served; and

14 (b) The purpose of the leave is to enable the juvenile:

15 (i) To visit the juvenile's family for the purpose of
16 strengthening or preserving family relationships;

17 (ii) To make plans for parole or release which require the
18 juvenile's personal appearance in the community and which will
19 facilitate the juvenile's reintegration into the community; or

20 (iii) To make plans for a residential placement out of the
21 juvenile's home which requires the juvenile's personal appearance in
22 the community.

23 (3) No authorized leave may exceed seven consecutive days. The
24 total of all pre-minimum term authorized leaves granted to a juvenile
25 prior to final discharge from confinement shall not exceed thirty
26 days.

27 (4) Prior to authorizing a leave, the ((~~secretary~~)) director
28 shall require a written leave plan, which shall detail the purpose of
29 the leave and how it is to be achieved, the address at which the
30 juvenile shall reside, the identity of the person responsible for
31 supervising the juvenile during the leave, and a statement by such
32 person acknowledging familiarity with the leave plan and agreeing to
33 supervise the juvenile and to notify the ((~~secretary~~)) director
34 immediately if the juvenile violates any terms or conditions of the
35 leave. The leave plan shall include such terms and conditions as the
36 ((~~secretary~~)) director deems appropriate and shall be signed by the
37 juvenile.

38 (5) Upon authorizing a leave, the ((~~secretary~~)) director shall
39 issue to the juvenile an authorized leave order which shall contain
40 the name of the juvenile, the fact that the juvenile is on leave from

1 a designated facility, the time period of the leave, and the identity
2 of an appropriate official of the department to contact when
3 necessary. The authorized leave order shall be carried by the
4 juvenile at all times while on leave.

5 (6) Prior to the commencement of any authorized leave, the
6 ((secretary)) director shall give notice of the leave to the
7 appropriate law enforcement agency in the jurisdiction in which the
8 juvenile will reside during the leave period. The notice shall
9 include the identity of the juvenile, the time period of the leave,
10 the residence of the juvenile during the leave, and the identity of
11 the person responsible for supervising the juvenile during the leave.

12 (7) The ((secretary)) director may authorize a leave, which shall
13 not exceed forty-eight hours plus travel time, to meet an emergency
14 situation such as a death or critical illness of a member of the
15 juvenile's family. The ((secretary)) director may authorize a leave,
16 which shall not exceed the period of time medically necessary, to
17 obtain medical care not available in a juvenile facility maintained
18 by the department. In cases of emergency or medical leave the
19 ((secretary)) director may waive all or any portions of subsections
20 (2)(a), (3), (4), (5), and (6) of this section.

21 (8) If requested by the juvenile's victim or the victim's
22 immediate family, the ((secretary)) director shall give notice of any
23 leave to the victim or the victim's immediate family.

24 (9) A juvenile who violates any condition of an authorized leave
25 plan may be taken into custody and returned to the department in the
26 same manner as an adult in identical circumstances.

27 (10) Notwithstanding the provisions of this section, a juvenile
28 placed in minimum security status may participate in work,
29 educational, community restitution, or treatment programs in the
30 community up to twelve hours a day if approved by the ((secretary))
31 director. Such a release shall not be deemed a leave of absence.

32 (11) Subsections (6), (7), and (8) of this section do not apply
33 to juveniles covered by RCW 13.40.215.

34 **Sec. 611.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to
35 read as follows:

36 (1) The ((secretary)) director shall set a release date for each
37 juvenile committed to its custody. The release date shall be within
38 the prescribed range to which a juvenile has been committed under RCW
39 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320

1 concerning offenders the department determines are eligible for the
2 juvenile offender basic training camp program. Such dates shall be
3 determined prior to the expiration of sixty percent of a juvenile's
4 minimum term of confinement included within the prescribed range to
5 which the juvenile has been committed. The ((secretary)) director
6 shall release any juvenile committed to the custody of the department
7 within four calendar days prior to the juvenile's release date or on
8 the release date set under this chapter. Days spent in the custody of
9 the department shall be tolled by any period of time during which a
10 juvenile has absented himself or herself from the department's
11 supervision without the prior approval of the ((secretary)) director
12 or the ((secretary's)) director's designee.

13 (2) The ((secretary)) director shall monitor the average daily
14 population of the state's juvenile residential facilities. When the
15 ((secretary)) director concludes that in-residence population of
16 residential facilities exceeds one hundred five percent of the rated
17 bed capacity specified in statute, or in absence of such
18 specification, as specified by the department in rule, the
19 ((secretary)) director may recommend reductions to the governor. On
20 certification by the governor that the recommended reductions are
21 necessary, the ((secretary)) director has authority to
22 administratively release a sufficient number of offenders to reduce
23 in-residence population to one hundred percent of rated bed capacity.
24 The ((secretary)) director shall release those offenders who have
25 served the greatest proportion of their sentence. However, the
26 ((secretary)) director may deny release in a particular case at the
27 request of an offender, or if the ((secretary)) director finds that
28 there is no responsible custodian, as determined by the department,
29 to whom to release the offender, or if the release of the offender
30 would pose a clear danger to society. The department shall notify the
31 committing court of the release at the time of release if any such
32 early releases have occurred as a result of excessive in-residence
33 population. In no event shall an offender adjudicated of a violent
34 offense be granted release under the provisions of this subsection.

35 (3)(a) Following the release of any juvenile under subsection (1)
36 of this section, the ((secretary)) director may require the juvenile
37 to comply with a program of parole to be administered by the
38 department in his or her community which shall last no longer than
39 eighteen months, except that in the case of a juvenile sentenced for
40 rape in the first or second degree, rape of a child in the first or

1 second degree, child molestation in the first degree, or indecent
2 liberties with forcible compulsion, the period of parole shall be
3 twenty-four months and, in the discretion of the ((secretary))
4 director, may be up to thirty-six months when the ((secretary))
5 director finds that an additional period of parole is necessary and
6 appropriate in the interests of public safety or to meet the ongoing
7 needs of the juvenile. A parole program is mandatory for offenders
8 released under subsection (2) of this section and for offenders who
9 receive a juvenile residential commitment sentence for theft of a
10 motor vehicle, possession of a stolen motor vehicle, or taking a
11 motor vehicle without permission 1. A juvenile adjudicated for
12 unlawful possession of a firearm, possession of a stolen firearm,
13 theft of a firearm, or drive-by shooting may participate in
14 aggression replacement training, functional family therapy, or
15 functional family parole aftercare if the juvenile meets eligibility
16 requirements for these services. The decision to place an offender in
17 an evidence-based parole program shall be based on an assessment by
18 the department of the offender's risk for reoffending upon release
19 and an assessment of the ongoing treatment needs of the juvenile. The
20 department shall prioritize available parole resources to provide
21 supervision and services to offenders at moderate to high risk for
22 reoffending.

23 (b) The ((secretary)) director shall, for the period of parole,
24 facilitate the juvenile's reintegration into his or her community and
25 to further this goal shall require the juvenile to refrain from
26 possessing a firearm or using a deadly weapon and refrain from
27 committing new offenses and may require the juvenile to: (i) Undergo
28 available medical, psychiatric, drug and alcohol, sex offender,
29 mental health, and other offense-related treatment services; (ii)
30 report as directed to a parole officer and/or designee; (iii) pursue
31 a course of study, vocational training, or employment; (iv) notify
32 the parole officer of the current address where he or she resides;
33 (v) be present at a particular address during specified hours; (vi)
34 remain within prescribed geographical boundaries; (vii) submit to
35 electronic monitoring; (viii) refrain from using illegal drugs and
36 alcohol, and submit to random urinalysis when requested by the
37 assigned parole officer; (ix) refrain from contact with specific
38 individuals or a specified class of individuals; (x) meet other
39 conditions determined by the parole officer to further enhance the
40 juvenile's reintegration into the community; (xi) pay any court-

1 ordered fines or restitution; and (xii) perform community
2 restitution. Community restitution for the purpose of this section
3 means compulsory service, without compensation, performed for the
4 benefit of the community by the offender. Community restitution may
5 be performed through public or private organizations or through work
6 crews.

7 (c) The (~~secretary~~) director may further require up to twenty-
8 five percent of the highest risk juvenile offenders who are placed on
9 parole to participate in an intensive supervision program. Offenders
10 participating in an intensive supervision program shall be required
11 to comply with all terms and conditions listed in (b) of this
12 subsection and shall also be required to comply with the following
13 additional terms and conditions: (i) Obey all laws and refrain from
14 any conduct that threatens public safety; (ii) report at least once a
15 week to an assigned community case manager; and (iii) meet all other
16 requirements imposed by the community case manager related to
17 participating in the intensive supervision program. As a part of the
18 intensive supervision program, the (~~secretary~~) director may require
19 day reporting.

20 (d) After termination of the parole period, the juvenile shall be
21 discharged from the department's supervision.

22 (4)(a) The department may also modify parole for violation
23 thereof. If, after affording a juvenile all of the due process rights
24 to which he or she would be entitled if the juvenile were an adult,
25 the (~~secretary~~) director finds that a juvenile has violated a
26 condition of his or her parole, the (~~secretary~~) director shall
27 order one of the following which is reasonably likely to effectuate
28 the purpose of the parole and to protect the public: (i) Continued
29 supervision under the same conditions previously imposed; (ii)
30 intensified supervision with increased reporting requirements; (iii)
31 additional conditions of supervision authorized by this chapter; (iv)
32 except as provided in (a)(v) and (vi) of this subsection, imposition
33 of a period of confinement not to exceed thirty days in a facility
34 operated by or pursuant to a contract with the state of Washington or
35 any city or county for a portion of each day or for a certain number
36 of days each week with the balance of the days or weeks spent under
37 supervision; (v) the (~~secretary~~) director may order any of the
38 conditions or may return the offender to confinement for the
39 remainder of the sentence range if the offense for which the offender
40 was sentenced is rape in the first or second degree, rape of a child

1 in the first or second degree, child molestation in the first degree,
2 indecent liberties with forcible compulsion, or a sex offense that is
3 also a serious violent offense as defined by RCW 9.94A.030; and (vi)
4 the (~~secretary~~) director may order any of the conditions or may
5 return the offender to confinement for the remainder of the sentence
6 range if the youth has completed the basic training camp program as
7 described in RCW 13.40.320.

8 (b) The (~~secretary~~) director may modify parole and order any of
9 the conditions or may return the offender to confinement for up to
10 twenty-four weeks if the offender was sentenced for a sex offense as
11 defined under RCW (~~9A.44.130~~) 9A.44.128 and is known to have
12 violated the terms of parole. Confinement beyond thirty days is
13 intended to only be used for a small and limited number of sex
14 offenders. It shall only be used when other graduated sanctions or
15 interventions have not been effective or the behavior is so egregious
16 it warrants the use of the higher level intervention and the
17 violation: (i) Is a known pattern of behavior consistent with a
18 previous sex offense that puts the youth at high risk for reoffending
19 sexually; (ii) consists of sexual behavior that is determined to be
20 predatory as defined in RCW 71.09.020; or (iii) requires a review
21 under chapter 71.09 RCW, due to a recent overt act. The total number
22 of days of confinement for violations of parole conditions during the
23 parole period shall not exceed the number of days provided by the
24 maximum sentence imposed by the disposition for the underlying
25 offense pursuant to RCW 13.40.0357. The department shall not
26 aggregate multiple parole violations that occur prior to the parole
27 revocation hearing and impose consecutive twenty-four week periods of
28 confinement for each parole violation. The department is authorized
29 to engage in rule making pursuant to chapter 34.05 RCW, to implement
30 this subsection, including narrowly defining the behaviors that could
31 lead to this higher level intervention.

32 (c) If the department finds that any juvenile in a program of
33 parole has possessed a firearm or used a deadly weapon during the
34 program of parole, the department shall modify the parole under (a)
35 of this subsection and confine the juvenile for at least thirty days.
36 Confinement shall be in a facility operated by or pursuant to a
37 contract with the state or any county.

38 (5) A parole officer of the department of (~~social and health~~
39 ~~services~~) children, youth, and families shall have the power to

1 arrest a juvenile under his or her supervision on the same grounds as
2 a law enforcement officer would be authorized to arrest the person.

3 (6) If so requested and approved under chapter 13.06 RCW, the
4 ((secretary)) director shall permit a county or group of counties to
5 perform functions under subsections (3) through (5) of this section.

6 **Sec. 612.** RCW 13.40.215 and 1999 c 198 s 1 are each amended to
7 read as follows:

8 (1)(a) Except as provided in subsection (2) of this section, at
9 the earliest possible date, and in no event later than thirty days
10 before discharge, parole, or any other authorized leave or release,
11 or before transfer to a community residential facility, the
12 ((secretary)) director shall send written notice of the discharge,
13 parole, authorized leave or release, or transfer of a juvenile found
14 to have committed a violent offense, a sex offense, or stalking, to
15 the following:

16 (i) The chief of police of the city, if any, in which the
17 juvenile will reside;

18 (ii) The sheriff of the county in which the juvenile will reside;
19 and

20 (iii) The approved private schools and the common school district
21 board of directors of the district in which the juvenile intends to
22 reside or the approved private school or public school district in
23 which the juvenile last attended school, whichever is appropriate,
24 except when it has been determined by the department that the
25 juvenile is twenty-one years old or will be in the community for less
26 than seven consecutive days on approved leave and will not be
27 attending school during that time.

28 (b) After July 25, 1999, the department shall send a written
29 notice to approved private and public schools under the same
30 conditions identified in subsection (1)(a)(iii) of this section when
31 a juvenile adjudicated of any offense is transferred to a community
32 residential facility, discharged, paroled, released, or granted a
33 leave. The community residential facility shall provide written
34 notice of the offender's criminal history to any school that the
35 offender attends while residing at the community residential facility
36 and to any employer that employs the offender while residing at the
37 community residential facility.

1 (c) The same notice as required by (a) of this subsection shall
2 be sent to the following, if such notice has been requested in
3 writing about a specific juvenile:

4 (i) The victim of the offense for which the juvenile was found to
5 have committed or the victim's next of kin if the crime was a
6 homicide;

7 (ii) Any witnesses who testified against the juvenile in any
8 court proceedings involving the offense; and

9 (iii) Any person specified in writing by the prosecuting
10 attorney.

11 Information regarding victims, next of kin, or witnesses requesting
12 the notice, information regarding any other person specified in
13 writing by the prosecuting attorney to receive the notice, and the
14 notice are confidential and shall not be available to the juvenile.
15 The notice to the chief of police or the sheriff shall include the
16 identity of the juvenile, the residence where the juvenile will
17 reside, the identity of the person, if any, responsible for
18 supervising the juvenile, and the time period of any authorized
19 leave.

20 (d) The thirty-day notice requirements contained in this
21 subsection shall not apply to emergency medical furloughs.

22 (e) The existence of the notice requirements in this subsection
23 will not require any extension of the release date in the event the
24 release plan changes after notification.

25 (2)(a) If a juvenile found to have committed a violent offense, a
26 sex offense, or stalking escapes from a facility of the department,
27 the ((~~secretary~~)) director shall immediately notify, by the most
28 reasonable and expedient means available, the chief of police of the
29 city and the sheriff of the county in which the juvenile resided
30 immediately before the juvenile's arrest. If previously requested,
31 the ((~~secretary~~)) director shall also notify the witnesses and the
32 victim of the offense which the juvenile was found to have committed
33 or the victim's next of kin if the crime was a homicide. If the
34 juvenile is recaptured, the ((~~secretary~~)) director shall send notice
35 to the persons designated in this subsection as soon as possible but
36 in no event later than two working days after the department learns
37 of such recapture.

38 (b) The ((~~secretary~~)) director may authorize a leave, for a
39 juvenile found to have committed a violent offense, a sex offense, or
40 stalking, which shall not exceed forty-eight hours plus travel time,

1 to meet an emergency situation such as a death or critical illness of
2 a member of the juvenile's family. The ((~~secretary~~)) director may
3 authorize a leave, which shall not exceed the time medically
4 necessary, to obtain medical care not available in a juvenile
5 facility maintained by the department. Prior to the commencement of
6 an emergency or medical leave, the ((~~secretary~~)) director shall give
7 notice of the leave to the appropriate law enforcement agency in the
8 jurisdiction in which the juvenile will be during the leave period.
9 The notice shall include the identity of the juvenile, the time
10 period of the leave, the residence of the juvenile during the leave,
11 and the identity of the person responsible for supervising the
12 juvenile during the leave. If previously requested, the department
13 shall also notify the witnesses and victim of the offense which the
14 juvenile was found to have committed or the victim's next of kin if
15 the offense was a homicide.

16 In case of an emergency or medical leave the ((~~secretary~~))
17 director may waive all or any portion of the requirements for leaves
18 pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

19 (3) If the victim, the victim's next of kin, or any witness is
20 under the age of sixteen, the notice required by this section shall
21 be sent to the parents or legal guardian of the child.

22 (4) The ((~~secretary~~)) director shall send the notices required by
23 this chapter to the last address provided to the department by the
24 requesting party. The requesting party shall furnish the department
25 with a current address.

26 (5) Upon discharge, parole, transfer to a community residential
27 facility, or other authorized leave or release, a convicted juvenile
28 sex offender shall not attend a public or approved private
29 elementary, middle, or high school that is attended by a victim or a
30 sibling of a victim of the sex offender. The parents or legal
31 guardians of the convicted juvenile sex offender shall be responsible
32 for transportation or other costs associated with or required by the
33 sex offender's change in school that otherwise would be paid by a
34 school district. Upon discharge, parole, transfer to a community
35 residential facility, or other authorized leave or release of a
36 convicted juvenile sex offender, the ((~~secretary~~)) director shall
37 send written notice of the discharge, parole, or other authorized
38 leave or release and the requirements of this subsection to the
39 common school district board of directors of the district in which
40 the sex offender intends to reside or the district in which the sex

1 offender last attended school, whichever is appropriate. The
2 ((secretary)) director shall send a similar notice to any approved
3 private school the juvenile will attend, if known, or if unknown, to
4 the approved private schools within the district the juvenile resides
5 or intends to reside.

6 (6) For purposes of this section the following terms have the
7 following meanings:

8 (a) "Violent offense" means a violent offense under RCW
9 9.94A.030;

10 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

11 (c) "Stalking" means the crime of stalking as defined in RCW
12 9A.46.110;

13 (d) "Next of kin" means a person's spouse, parents, siblings, and
14 children.

15 **Sec. 613.** RCW 13.40.217 and 1997 c 364 s 2 are each amended to
16 read as follows:

17 (1) In addition to any other information required to be released
18 under this chapter, the department is authorized, pursuant to RCW
19 4.24.550, to release relevant information that is necessary to
20 protect the public concerning juveniles adjudicated of sex offenses.

21 (2) In order for public agencies to have the information
22 necessary for notifying the public about sex offenders as authorized
23 in RCW 4.24.550, the ((secretary)) director shall issue to
24 appropriate law enforcement agencies narrative notices regarding the
25 pending release of sex offenders from the department's juvenile
26 rehabilitation facilities. The narrative notices shall, at a minimum,
27 describe the identity and criminal history behavior of the offender
28 and shall include the department's risk level classification for the
29 offender. For sex offenders classified as either risk level II or
30 III, the narrative notices shall also include the reasons underlying
31 the classification.

32 (3) For the purposes of this section, the department shall
33 classify as risk level I those offenders whose risk assessments
34 indicate a low risk of reoffense within the community at large. The
35 department shall classify as risk level II those offenders whose risk
36 assessments indicate a moderate risk of reoffense within the
37 community at large. The department shall classify as risk level III
38 those offenders whose risk assessments indicate a high risk of
39 reoffense within the community at large.

1 **Sec. 614.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to
2 read as follows:

3 (1) Whenever legal custody of a child is vested in someone other
4 than his or her parents, under this chapter, and not vested in the
5 department (~~(of social and health services)~~), after due notice to the
6 parents or other persons legally obligated to care for and support
7 the child, and after a hearing, the court may order and decree that
8 the parent or other legally obligated person shall pay in such a
9 manner as the court may direct a reasonable sum representing in whole
10 or in part the costs of support, treatment, and confinement of the
11 child after the decree is entered.

12 (2) If the parent or other legally obligated person willfully
13 fails or refuses to pay such sum, the court may proceed against such
14 person for contempt.

15 (3) Whenever legal custody of a child is vested in the department
16 under this chapter, the parents or other persons legally obligated to
17 care for and support the child shall be liable for the costs of
18 support, treatment, and confinement of the child, in accordance with
19 the department's reimbursement of cost schedule. The department shall
20 adopt a reimbursement of cost schedule based on the costs of
21 providing such services, and shall determine an obligation based on
22 the responsible parents' or other legally obligated person's ability
23 to pay. The department is authorized to adopt additional rules as
24 appropriate to enforce this section.

25 (4) To enforce subsection (3) of this section, the department
26 shall serve on the parents or other person legally obligated to care
27 for and support the child a notice and finding of financial
28 responsibility requiring the parents or other legally obligated
29 person to appear and show cause in an adjudicative proceeding why the
30 finding of responsibility and/or the amount thereof is incorrect and
31 should not be ordered. This notice and finding shall relate to the
32 costs of support, treatment, and confinement of the child in
33 accordance with the department's reimbursement of cost schedule
34 adopted under this section, including periodic payments to be made in
35 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
36 the administrative procedure act, and the rules of the department.

37 (5) The notice and finding of financial responsibility shall be
38 served in the same manner prescribed for the service of a summons in
39 a civil action or may be served on the parent or legally obligated

1 person by certified mail, return receipt requested. The receipt shall
2 be prima facie evidence of service.

3 (6) If the parents or other legally obligated person objects to
4 the notice and finding of financial responsibility, then an
5 application for an adjudicative hearing may be filed within twenty
6 days of the date of service of the notice. If an application for an
7 adjudicative proceeding is filed, the presiding or reviewing officer
8 shall determine the past liability and responsibility, if any, of the
9 parents or other legally obligated person and shall also determine
10 the amount of periodic payments to be made in the future. If the
11 parents or other legally responsible person fails to file an
12 application within twenty days, the notice and finding of financial
13 responsibility shall become a final administrative order.

14 (7) Debts determined pursuant to this section are subject to
15 collection action without further necessity of action by a presiding
16 or reviewing officer. The department may collect the debt in
17 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
18 74.20A.070. The department shall exempt from payment parents
19 receiving adoption support under RCW (~~74.13.100 through 74.13.145~~)
20 74.13A.005 through 74.13A.080, parents eligible to receive adoption
21 support under RCW (~~74.13.150~~) 74.13A.085, and a parent or other
22 legally obligated person when the parent or other legally obligated
23 person, or such person's child, spouse, or spouse's child, was the
24 victim of the offense for which the child was committed.

25 (8) An administrative order entered pursuant to this section
26 shall supersede any court order entered prior to June 13, 1994.

27 (9) The department shall be subrogated to the right of the child
28 and his or her parents or other legally responsible person to receive
29 support payments for the benefit of the child from any parent or
30 legally obligated person pursuant to a support order established by a
31 superior court or pursuant to RCW 74.20A.055. The department's right
32 of subrogation under this section is limited to the liability
33 established in accordance with its cost schedule for support,
34 treatment, and confinement, except as addressed in subsection (10) of
35 this section.

36 (10) Nothing in this section precludes the department from
37 recouping such additional support payments from the child's parents
38 or other legally obligated person as required to qualify for receipt
39 of federal funds. The department may adopt such rules dealing with
40 liability for recoupment of support, treatment, or confinement costs

1 as may become necessary to entitle the state to participate in
2 federal funds unless such rules would be expressly prohibited by law.
3 If any law dealing with liability for recoupment of support,
4 treatment, or confinement costs is ruled to be in conflict with
5 federal requirements which are a prescribed condition of the
6 allocation of federal funds, such conflicting law is declared to be
7 inoperative solely to the extent of the conflict.

8 **Sec. 615.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8
9 are each reenacted and amended to read as follows:

10 (1) The ~~((secretary))~~ director of the department of children,
11 youth, and families, with the consent of the secretary of the
12 department of corrections, has the authority to transfer a juvenile
13 presently or hereafter committed to the department of ~~((social and~~
14 ~~health services))~~ children, youth, and families to the department of
15 corrections for appropriate institutional placement in accordance
16 with this section.

17 (2) The ~~((secretary))~~ director of the department of ~~((social and~~
18 ~~health services))~~ children, youth, and families may, with the consent
19 of the secretary of the department of corrections, transfer a
20 juvenile offender to the department of corrections if it is
21 established at a hearing before a review board that continued
22 placement of the juvenile offender in an institution for juvenile
23 offenders presents a continuing and serious threat to the safety of
24 others in the institution. The department of ~~((social and health~~
25 ~~services))~~ children, youth, and families shall establish rules for
26 the conduct of the hearing, including provision of counsel for the
27 juvenile offender.

28 (3) Assaults made against any staff member at a juvenile
29 corrections institution that are reported to a local law enforcement
30 agency shall require a hearing held by the department of ~~((social and~~
31 ~~health services))~~ children, youth, and families review board within
32 ten judicial working days. The board shall determine whether the
33 accused juvenile offender represents a continuing and serious threat
34 to the safety of others in the institution.

35 (4) Upon conviction in a court of law for custodial assault as
36 defined in RCW 9A.36.100, the department of ~~((social and health~~
37 ~~services))~~ children, youth, and families review board shall conduct a
38 second hearing, within five judicial working days, to recommend to
39 the ~~((secretary))~~ director of the department of ~~((social and health~~

1 ~~services))~~ children, youth, and families that the convicted juvenile
2 be transferred to an adult correctional facility if the review board
3 has determined the juvenile offender represents a continuing and
4 serious threat to the safety of others in the institution.

5 The juvenile has the burden to show cause why the transfer to an
6 adult correctional facility should not occur.

7 (5) A juvenile offender transferred to an institution operated by
8 the department of corrections shall not remain in such an institution
9 beyond the maximum term of confinement imposed by the juvenile court.

10 (6) A juvenile offender who has been transferred to the
11 department of corrections under this section may, in the discretion
12 of the ~~((secretary))~~ director of the department of ~~((social and~~
13 ~~health services))~~ children, youth, and families and with the consent
14 of the secretary of the department of corrections, be transferred
15 from an institution operated by the department of corrections to a
16 facility for juvenile offenders deemed appropriate by the
17 ~~((secretary))~~ director.

18 **Sec. 616.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to
19 read as follows:

20 A juvenile offender ordered to serve a term of confinement with
21 the department of ~~((social and health services))~~ children, youth, and
22 families who is subsequently sentenced to the department of
23 corrections may, with the consent of the department of corrections,
24 be transferred by the ~~((secretary))~~ director of ~~((social and health~~
25 ~~services))~~ children, youth, and families to the department of
26 corrections to serve the balance of the term of confinement ordered
27 by the juvenile court. The juvenile and adult sentences shall be
28 served consecutively. In no case shall the secretary credit time
29 served as a result of an adult conviction against the term of
30 confinement ordered by the juvenile court.

31 **Sec. 617.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
32 read as follows:

33 (1) In no case may a juvenile offender be committed by the
34 juvenile court to the department of ~~((social and health services))~~
35 children, youth, and families for placement in a juvenile
36 correctional institution beyond the juvenile offender's twenty-first
37 birthday. A juvenile may be under the jurisdiction of the juvenile
38 court or the authority of the department of ~~((social and health~~

1 ~~services))~~ children, youth, and families beyond the juvenile's
2 eighteenth birthday only if prior to the juvenile's eighteenth
3 birthday:

4 (a) Proceedings are pending seeking the adjudication of a
5 juvenile offense and the court by written order setting forth its
6 reasons extends jurisdiction of juvenile court over the juvenile
7 beyond his or her eighteenth birthday;

8 (b) The juvenile has been found guilty after a fact finding or
9 after a plea of guilty and an automatic extension is necessary to
10 allow for the imposition of disposition;

11 (c) Disposition has been held and an automatic extension is
12 necessary to allow for the execution and enforcement of the court's
13 order of disposition. If an order of disposition imposes commitment
14 to the department, then jurisdiction is automatically extended to
15 include a period of up to twelve months of parole, in no case
16 extending beyond the offender's twenty-first birthday; or

17 (d) While proceedings are pending in a case in which jurisdiction
18 has been transferred to the adult criminal court pursuant to RCW
19 13.04.030, the juvenile turns eighteen years of age and is
20 subsequently found not guilty of the charge for which he or she was
21 transferred, or is convicted in the adult criminal court of a lesser
22 included offense, and an automatic extension is necessary to impose
23 the disposition as required by RCW 13.04.030(1)(e)(v)(E).

24 (2) If the juvenile court previously has extended jurisdiction
25 beyond the juvenile offender's eighteenth birthday and that period of
26 extension has not expired, the court may further extend jurisdiction
27 by written order setting forth its reasons.

28 (3) In no event may the juvenile court have authority to extend
29 jurisdiction over any juvenile offender beyond the juvenile
30 offender's twenty-first birthday except for the purpose of enforcing
31 an order of restitution or penalty assessment.

32 (4) Notwithstanding any extension of jurisdiction over a person
33 pursuant to this section, the juvenile court has no jurisdiction over
34 any offenses alleged to have been committed by a person eighteen
35 years of age or older.

36 **Sec. 618.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to
37 read as follows:

38 (1) The department (~~of social and health services~~) may contract
39 with a community-based nonprofit organization to establish a three-

1 step transitional treatment program for gang and drug-involved
2 juvenile offenders committed to the custody of the department under
3 this chapter (~~13.40~~ RCW). Any such program shall provide six to
4 twenty-four months of treatment. The program shall emphasize the
5 principles of self-determination, unity, collective work and
6 responsibility, cooperative economics, and creativity. The program
7 shall be culturally relevant and appropriate and shall include:

8 (a) A culturally relevant and appropriate institution-based
9 program that provides comprehensive drug and alcohol services,
10 individual and family counseling, and a wilderness experience of
11 constructive group living, rigorous physical exercise, and academic
12 studies;

13 (b) A culturally relevant and appropriate community-based
14 structured group living program that focuses on individual goals,
15 positive community involvement, coordinated drug and alcohol
16 treatment, coordinated individual and family counseling, academic and
17 vocational training, and employment in apprenticeship, internship,
18 and entrepreneurial programs; and

19 (c) A culturally relevant and appropriate transitional group
20 living program that provides support services, academic services, and
21 coordinated individual and family counseling.

22 (2) Participation in any such program shall be on a voluntary
23 basis.

24 (3) The department shall adopt rules as necessary to implement
25 any such program.

26 **Sec. 619.** RCW 13.40.320 and 2015 3rd sp.s. c 23 s 1 are each
27 amended to read as follows:

28 (1) The department (~~(of social and health services)~~) may
29 establish a medium security juvenile offender basic training camp
30 program. This program for juvenile offenders serving a term of
31 confinement under the supervision of the department is exempt from
32 the licensing requirements of chapter 74.15 RCW.

33 (2) The department may contract under this chapter with private
34 companies, the national guard, or other federal, state, or local
35 agencies to operate the juvenile offender basic training camp.

36 (3) The juvenile offender basic training camp shall be a
37 structured and regimented model emphasizing the building up of an
38 offender's self-esteem, confidence, and discipline. The juvenile
39 offender basic training camp program shall provide participants with

1 basic education, prevocational training, work-based learning, work
2 experience, work ethic skills, conflict resolution counseling,
3 substance abuse intervention, anger management counseling, and
4 structured intensive physical training. The juvenile offender basic
5 training camp program shall have a curriculum training and work
6 schedule that incorporates a balanced assignment of these or other
7 rehabilitation and training components for no less than sixteen hours
8 per day, six days a week.

9 The department shall develop standards for the safe and effective
10 operation of the juvenile offender basic training camp program, for
11 an offender's successful program completion, and for the continued
12 after-care supervision of offenders who have successfully completed
13 the program.

14 (4) Offenders eligible for the juvenile offender basic training
15 camp option shall be those with a disposition of not more than sixty-
16 five weeks. Violent and sex offenders shall not be eligible for the
17 juvenile offender basic training camp program.

18 (5) If the court determines that the offender is eligible for the
19 juvenile offender basic training camp option, the court may recommend
20 that the department place the offender in the program. The department
21 shall evaluate the offender and may place the offender in the
22 program. The evaluation shall include, at a minimum, a risk
23 assessment developed by the department and designed to determine the
24 offender's suitability for the program. No juvenile who is assessed
25 as a high risk offender or suffers from any mental or physical
26 problems that could endanger his or her health or drastically affect
27 his or her performance in the program shall be admitted to or
28 retained in the juvenile offender basic training camp program.

29 (6) All juvenile offenders eligible for the juvenile offender
30 basic training camp sentencing option shall spend one hundred twenty
31 days of their disposition in a juvenile offender basic training camp.
32 This period may be extended for up to forty days by the ((~~secretary~~))
33 director if a juvenile offender requires additional time to
34 successfully complete the basic training camp program. If the
35 juvenile offender's activities while in the juvenile offender basic
36 training camp are so disruptive to the juvenile offender basic
37 training camp program, as determined by the ((~~secretary~~)) director
38 according to standards developed by the department, as to result in
39 the removal of the juvenile offender from the juvenile offender basic
40 training camp program, or if the offender cannot complete the

1 juvenile offender basic training camp program due to medical
2 problems, the (~~secretary~~) director shall require that the offender
3 be committed to a juvenile institution to serve the entire remainder
4 of his or her disposition, less the amount of time already served in
5 the juvenile offender basic training camp program.

6 (7) All offenders who successfully graduate from the juvenile
7 offender basic training camp program shall spend the remainder of
8 their disposition on parole in a department juvenile rehabilitation
9 (~~administration~~) intensive aftercare program in the local
10 community. Violation of the conditions of parole is subject to
11 sanctions specified in RCW 13.40.210(4). The program shall provide
12 for the needs of the offender based on his or her progress in the
13 aftercare program as indicated by ongoing assessment of those needs
14 and progress. The intensive aftercare program shall monitor
15 postprogram juvenile offenders and assist them to successfully
16 reintegrate into the community. In addition, the program shall
17 develop a process for closely monitoring and assessing public safety
18 risks. The intensive aftercare program shall be designed and funded
19 by the department (~~of social and health services~~).

20 (8) The department shall also develop and maintain a database to
21 measure recidivism rates specific to this incarceration program. The
22 database shall maintain data on all juvenile offenders who complete
23 the juvenile offender basic training camp program for a period of two
24 years after they have completed the program. The database shall also
25 maintain data on the criminal activity, educational progress, and
26 employment activities of all juvenile offenders who participated in
27 the program.

28 **Sec. 620.** RCW 13.40.460 and 2003 c 229 s 1 are each amended to
29 read as follows:

30 The (~~secretary, assistant secretary,~~) director or the
31 (~~secretary's~~) director's designee shall manage and administer the
32 department's juvenile rehabilitation responsibilities, including but
33 not limited to the operation of all state institutions or facilities
34 used for juvenile rehabilitation.

35 The (~~secretary or assistant secretary~~) director or the
36 director's designee shall:

37 (1) Prepare a biennial budget request sufficient to meet the
38 confinement and rehabilitative needs of the juvenile rehabilitation
39 program, as forecast by the office of financial management;

1 (2) Create by rule a formal system for inmate classification.
2 This classification system shall consider:
3 (a) Public safety;
4 (b) Internal security and staff safety;
5 (c) Rehabilitative resources both within and outside the
6 department;
7 (d) An assessment of each offender's risk of sexually aggressive
8 behavior as provided in RCW 13.40.470; and
9 (e) An assessment of each offender's vulnerability to sexually
10 aggressive behavior as provided in RCW 13.40.470;
11 (3) Develop agreements with local jurisdictions to develop
12 regional facilities with a variety of custody levels;
13 (4) Adopt rules establishing effective disciplinary policies to
14 maintain order within institutions;
15 (5) Develop a comprehensive diagnostic evaluation process to be
16 used at intake, including but not limited to evaluation for substance
17 addiction or abuse, literacy, learning disabilities, fetal alcohol
18 syndrome or effect, attention deficit disorder, and mental health;
19 (6) Develop placement criteria:
20 (a) To avoid assigning youth who present a moderate or high risk
21 of sexually aggressive behavior to the same sleeping quarters as
22 youth assessed as vulnerable to sexual victimization under RCW
23 13.40.470(1)(c); and
24 (b) To avoid placing a juvenile offender on parole status who has
25 been assessed as a moderate to high risk for sexually aggressive
26 behavior in a department community residential program with another
27 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
28 youth or child in need of services under chapter 13.32A RCW; and (ii)
29 not also a juvenile offender on parole status;
30 (7) Develop a plan to implement, by July 1, 1995:
31 (a) Substance abuse treatment programs for all state juvenile
32 rehabilitation facilities and institutions;
33 (b) Vocational education and instruction programs at all state
34 juvenile rehabilitation facilities and institutions; and
35 (c) An educational program to establish self-worth and
36 responsibility in juvenile offenders. This educational program shall
37 emphasize instruction in character-building principles such as:
38 Respect for self, others, and authority; victim awareness;
39 accountability; work ethics; good citizenship; and life skills; and

1 (8)(a) The (~~juvenile rehabilitation administration~~) department
2 shall develop uniform policies related to custodial assaults
3 consistent with RCW 72.01.045 and 9A.36.100 that are to be followed
4 in all juvenile rehabilitation (~~administration~~) facilities; and

5 (b) The (~~juvenile rehabilitation administration~~) department
6 will report assaults in accordance with the policies developed in (a)
7 of this subsection.

8 **Sec. 621.** RCW 13.40.462 and 2011 1st sp.s. c 32 s 4 are each
9 amended to read as follows:

10 (1) The department (~~of social and health services juvenile~~
11 ~~rehabilitation administration~~) shall establish a reinvesting in
12 youth program that awards grants to counties for implementing
13 research-based early intervention services that target juvenile
14 justice-involved youth and reduce crime, subject to the availability
15 of amounts appropriated for this specific purpose.

16 (2) Effective July 1, 2007, any county or group of counties may
17 apply for participation in the reinvesting in youth program.

18 (3) Counties that participate in the reinvesting in youth program
19 shall have a portion of their costs of serving youth through the
20 research-based intervention service models paid for with moneys from
21 the reinvesting in youth account established pursuant to RCW
22 13.40.466.

23 (4) The department (~~of social and health services juvenile~~
24 ~~rehabilitation administration~~) shall review county applications for
25 funding through the reinvesting in youth program and shall select the
26 counties that will be awarded grants with funds appropriated to
27 implement this program. The department, in consultation with the
28 Washington state institute for public policy, shall develop
29 guidelines to determine which counties will be awarded funding in
30 accordance with the reinvesting in youth program. At a minimum,
31 counties must meet the following criteria in order to participate in
32 the reinvesting in youth program:

33 (a) Counties must match state moneys awarded for research-based
34 early intervention services with nonstate resources that are at least
35 proportional to the expected local government share of state and
36 local government cost avoidance that would result from the
37 implementation of such services;

1 (b) Counties must demonstrate that state funds allocated pursuant
2 to this section are used only for the intervention service models
3 authorized pursuant to RCW 13.40.464;

4 (c) Counties must participate fully in the state quality
5 assurance program established in RCW 13.40.468 to ensure fidelity of
6 program implementation. If no state quality assurance program is in
7 effect for a particular selected research-based service, the county
8 must submit a quality assurance plan for state approval with its
9 grant application. Failure to demonstrate continuing compliance with
10 quality assurance plans shall be grounds for termination of state
11 funding; and

12 (d) Counties that submit joint applications must submit for
13 approval by the department (~~of social and health services juvenile~~
14 ~~rehabilitation administration~~) multicounty plans for efficient
15 program delivery.

16 **Sec. 622.** RCW 13.40.464 and 2006 c 304 s 3 are each amended to
17 read as follows:

18 (1)(a) In order to receive funding through the reinvesting in
19 youth program established pursuant to RCW 13.40.462, intervention
20 service models must meet the following minimum criteria:

21 (i) There must be scientific evidence from at least one rigorous
22 evaluation study of the specific service model that measures
23 recidivism reduction;

24 (ii) There must be evidence that the specific service model's
25 results can be replicated outside of an academic research
26 environment;

27 (iii) The evaluation or evaluations of the service model must
28 permit dollar cost estimates of both benefits and costs so that the
29 benefit-cost ratio of the model can be calculated; and

30 (iv) The public taxpayer benefits to all levels of state and
31 local government must exceed the service model costs.

32 (b) In calendar year 2006, for use beginning in fiscal year 2008,
33 the Washington state institute for public policy shall publish a list
34 of service models that are eligible for reimbursement through the
35 investing in youth program. As authorized by the board of the
36 institute and to the extent necessary to respond to new research and
37 information, the institute shall periodically update the list of
38 service models. The institute shall use the technical advisory
39 committee established in RCW 13.40.462(5) to review and provide

1 comments on the list of service models that are eligible for
2 reimbursement.

3 (2) In calendar year 2006, for use beginning in fiscal year 2008,
4 the Washington state institute for public policy shall review and
5 update the methodology for calculating cost savings resulting from
6 implementation of this program. As authorized by the board of the
7 institute and to the extent necessary to respond to new research and
8 information, the institute shall periodically further review and
9 update the methodology. As authorized by the board of the institute,
10 when the institute reviews and updates the methodology for
11 calculating cost savings, the institute shall provide an estimate of
12 savings and avoided costs resulting from this program, along with a
13 projection of future savings and avoided costs, to the appropriate
14 committees of the legislature. The institute shall use the technical
15 advisory committee established in RCW 13.40.462(5) to review and
16 provide comments on its methodology and cost calculations.

17 (3) In calendar year 2006, for use beginning in fiscal year 2008,
18 the department (~~of social and health services' juvenile~~
19 ~~rehabilitation administration~~) shall establish a distribution
20 formula to provide funding to local governments that implement
21 research-based intervention services pursuant to this program. The
22 department shall periodically update the distribution formula. The
23 distribution formula shall require that the state allocation to local
24 governments be proportional to the expected state government share of
25 state and local government cost avoidance that would result from the
26 implementation of such services based on the methodology maintained
27 by the Washington state institute for public policy pursuant to
28 subsection (2) of this section. The department shall use the
29 technical advisory committee established in RCW 13.40.462(5) to
30 review and provide comments on its proposed distribution formula.

31 (~~(4) The department of social and health services juvenile~~
32 ~~rehabilitation administration shall provide a report to the~~
33 ~~legislature on the initial cost savings calculation methodology and~~
34 ~~distribution formula by October 1, 2006.~~)

35 **Sec. 623.** RCW 13.40.466 and 2013 2nd sp.s. c 4 s 953 are each
36 amended to read as follows:

37 (1) The reinvesting in youth account is created in the state
38 treasury. Moneys in the account shall be spent only after
39 appropriation. Expenditures from the account may be used to reimburse

1 local governments for the implementation of the reinvesting in youth
2 program established in RCW 13.40.462 and 13.40.464. During the
3 2013-2015 fiscal biennium, the legislature may appropriate moneys
4 from the reinvesting in youth account for juvenile rehabilitation
5 purposes.

6 (2) Revenues to the reinvesting in youth account consist of
7 revenues appropriated to or deposited in the account.

8 (3) The department (~~(of social and health services juvenile~~
9 ~~rehabilitation administration)~~) shall review and monitor the
10 expenditures made by any county or group of counties that is funded,
11 in whole or in part, with funds provided through the reinvesting in
12 youth account. Counties shall repay any funds that are not spent in
13 accordance with RCW 13.40.462 and 13.40.464.

14 **Sec. 624.** RCW 13.40.468 and 2006 c 304 s 6 are each amended to
15 read as follows:

16 The department (~~(of social and health services juvenile~~
17 ~~rehabilitation administration)~~) shall establish a state quality
18 assurance program. The (~~(juvenile rehabilitation administration)~~)
19 department shall monitor the implementation of intervention services
20 funded pursuant to RCW 13.40.466 and shall evaluate adherence to
21 service model design and service completion rate.

22 **Sec. 625.** RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each
23 amended to read as follows:

24 (1) In order to receive funds under RCW 13.40.500 through
25 13.40.540, local governments may, through their respective agencies
26 that administer funding for consolidated juvenile services, submit
27 proposals that establish community juvenile accountability programs
28 within their communities. These proposals must be submitted to the
29 (~~(juvenile rehabilitation administration of the)~~) department (~~(of~~
30 ~~social and health services)~~) for certification.

31 (2) The proposals must:

32 (a) Demonstrate that the proposals were developed with the input
33 of the local law and justice councils established under RCW
34 72.09.300;

35 (b) Describe how local community groups or members are involved
36 in the implementation of the programs funded under RCW 13.40.500
37 through 13.40.540;

1 (c) Include a description of how the grant funds will contribute
2 to the expected outcomes of the program and the reduction of youth
3 violence and juvenile crime in their community. Data approaches are
4 not required to be replicated if the networks have information that
5 addresses risks in the community for juvenile offenders.

6 (3) A local government receiving a grant under this section shall
7 agree that any funds received must be used efficiently to encourage
8 the use of community-based programs that reduce the reliance on
9 secure confinement as the sole means of holding juvenile offenders
10 accountable for their crimes. The local government shall also agree
11 to account for the expenditure of all funds received under the grant
12 and to submit to audits for compliance with the grant criteria
13 developed under RCW 13.40.520.

14 (4) The (~~juvenile rehabilitation administration~~) department, in
15 consultation with the Washington association of juvenile court
16 administrators and the state law and justice advisory council, shall
17 establish guidelines for programs that may be funded under RCW
18 13.40.500 through 13.40.540. The guidelines must:

19 (a) Target diverted and adjudicated juvenile offenders;

20 (b) Include assessment methods to determine services, programs,
21 and intervention strategies most likely to change behaviors and norms
22 of juvenile offenders;

23 (c) Provide maximum structured supervision in the community.
24 Programs should use natural surveillance and community guardians such
25 as employers, relatives, teachers, clergy, and community mentors to
26 the greatest extent possible;

27 (d) Promote good work ethic values and educational skills and
28 competencies necessary for the juvenile offender to function
29 effectively and positively in the community;

30 (e) Maximize the efficient delivery of treatment services aimed
31 at reducing risk factors associated with the commission of juvenile
32 offenses;

33 (f) Maximize the reintegration of the juvenile offender into the
34 community upon release from confinement;

35 (g) Maximize the juvenile offender's opportunities to make full
36 restitution to the victims and amends to the community;

37 (h) Support and encourage increased court discretion in imposing
38 community-based intervention strategies;

39 (i) Be compatible with research that shows which prevention and
40 early intervention strategies work with juvenile offenders;

1 (j) Be outcome-based in that it describes what outcomes will be
2 achieved or what outcomes have already been achieved;

3 (k) Include an evaluation component; and

4 (l) Recognize the diversity of local needs.

5 (5) The state law and justice advisory council may provide
6 support and technical assistance to local governments for training
7 and education regarding community-based prevention and intervention
8 strategies.

9 **Sec. 626.** RCW 13.40.520 and 1997 c 338 s 62 are each amended to
10 read as follows:

11 (1) The state may make grants to local governments for the
12 provision of community-based programs for juvenile offenders. The
13 grants must be made under a grant formula developed by the ((juvenile
14 ~~rehabilitation administration~~)) department, in consultation with the
15 Washington association of juvenile court administrators.

16 (2) Upon certification by the ((juvenile—rehabilitation
17 ~~administration~~)) department that a proposal satisfies the application
18 and selection criteria, grant funds will be distributed to the local
19 government agency that administers funding for consolidated juvenile
20 services.

21 **Sec. 627.** RCW 13.40.540 and 1997 c 338 s 64 are each amended to
22 read as follows:

23 (1) Each community juvenile accountability program approved and
24 funded under RCW 13.40.500 through 13.40.540 shall comply with the
25 information collection requirements in subsection (2) of this section
26 and the reporting requirements in subsection (3) of this section.

27 (2) The information collected by each community juvenile
28 accountability program must include, at a minimum for each juvenile
29 participant: (a) The name, date of birth, gender, social security
30 number, and, when available, the juvenile information system (JUVIS)
31 control number; (b) an initial intake assessment of each juvenile
32 participating in the program; (c) a list of all juveniles who
33 completed the program; and (d) an assessment upon completion or
34 termination of each juvenile, including outcomes and, where
35 applicable, reasons for termination.

36 (3) The ((juvenile—rehabilitation—administration)) department
37 shall annually compile the data and report to the legislature on: (a)
38 The programs funded under RCW 13.40.500 through 13.40.540; (b) the

1 total cost for each funded program and cost per juvenile; and (c) the
2 essential elements of the program.

3 **Sec. 628.** RCW 13.40.560 and 1999 c 182 s 1 are each amended to
4 read as follows:

5 The juvenile accountability incentive account is created in the
6 custody of the state treasurer. Federal awards for juvenile
7 accountability incentives received by the ((secretary)) director of
8 the department ((of social and health services)) shall be deposited
9 into the account. Interest earned from the inception of the trust
10 account shall be deposited in the account. Expenditures from the
11 account may be used only for the purposes specified in the federal
12 award or awards. Moneys in the account may be spent only after
13 appropriation.

14 **Sec. 629.** RCW 13.40.570 and 2005 c 274 s 210 are each amended to
15 read as follows:

16 (1) When the ((secretary)) director has reasonable cause to
17 believe that sexual intercourse or sexual contact between an employee
18 and an offender has occurred, notwithstanding any rule adopted under
19 chapter 41.06 RCW the ((secretary)) director shall immediately
20 suspend the employee.

21 (2) The ((secretary)) director shall immediately institute
22 proceedings to terminate the employment of any person:

23 (a) Who is found by the department, based on a preponderance of
24 the evidence, to have had sexual intercourse or sexual contact with
25 the offender; or

26 (b) Upon a guilty plea or conviction for any crime specified in
27 chapter 9A.44 RCW when the victim was an offender.

28 (3) When the ((secretary)) director has reasonable cause to
29 believe that sexual intercourse or sexual contact between the
30 employee of a contractor and an offender has occurred, the
31 ((secretary)) director shall require the employee of a contractor to
32 be immediately removed from any employment position which would
33 permit the employee to have any access to any offender.

34 (4) The ((secretary)) director shall disqualify for employment
35 with a contractor in any position with access to an offender, any
36 person:

1 (a) Who is found by the department, based on a preponderance of
2 the evidence, to have had sexual intercourse or sexual contact with
3 the offender; or

4 (b) Upon a guilty plea or conviction for any crime specified in
5 chapter 9A.44 RCW when the victim was an offender.

6 (5) The ((secretary)) director, when considering the renewal of a
7 contract with a contractor who has taken action under subsection (3)
8 or (4) of this section, shall require the contractor to demonstrate
9 that there has been significant progress made in reducing the
10 likelihood that any of its employees will have sexual intercourse or
11 sexual contact with an offender. The ((secretary)) director shall
12 examine whether the contractor has taken steps to improve hiring,
13 training, and monitoring practices and whether the employee remains
14 with the contractor. The ((secretary)) director shall not renew a
15 contract unless he or she determines that significant progress has
16 been made.

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

19 (b)(i) The department may, within its discretion or upon request
20 of any member of the public, release information to an individual or
21 to the public regarding any person or contract terminated under this
22 section.

23 (ii) An appointed or elected public official, public employee, or
24 public agency as defined in RCW 4.24.470 is immune from civil
25 liability for damages for any discretionary release of relevant and
26 necessary information, unless it is shown that the official,
27 employee, or agency acted with gross negligence or in bad faith. The
28 immunity provided under this section applies to the release of
29 relevant and necessary information to other public officials, public
30 employees, or public agencies, and to the public.

31 (iii) Except as provided in chapter 42.56 RCW, or elsewhere,
32 nothing in this section shall impose any liability upon a public
33 official, public employee, or public agency for failing to release
34 information authorized under this section. Nothing in this section
35 implies that information regarding persons designated in subsection
36 (2) of this section is confidential except as may otherwise be
37 provided by law.

38 (7) The department shall adopt rules to implement this section.
39 The rules shall reflect the legislative intent that this section
40 prohibits individuals who are employed by the department or a

1 contractor of the department from having sexual intercourse or sexual
2 contact with offenders. The rules shall also reflect the legislative
3 intent that when a person is employed by the department or a
4 contractor of the department, and has sexual intercourse or sexual
5 contact with an offender against the employed person's will, the
6 termination provisions of this section shall not be invoked.

7 (8) As used in this section:

8 (a) "Contractor" includes all subcontractors of a contractor;

9 (b) "Offender" means a person under the jurisdiction or
10 supervision of the department; and

11 (c) "Sexual intercourse" and "sexual contact" have the meanings
12 provided in RCW 9A.44.010.

13 **Sec. 630.** RCW 74.14A.030 and 1983 c 192 s 3 are each amended to
14 read as follows:

15 The department of children, youth, and families shall address the
16 needs of juvenile offenders whose standard range sentences do not
17 include commitment by developing nonresidential community-based
18 programs designed to reduce the incidence of manifest injustice
19 commitments when consistent with public safety.

20 **Sec. 631.** RCW 74.14A.040 and 1983 c 192 s 4 are each amended to
21 read as follows:

22 The department of children, youth, and families shall involve a
23 juvenile offender's family as a unit in the treatment process. The
24 department need not involve the family as a unit in cases when family
25 ties have by necessity been irrevocably broken. When the natural
26 parents have been or will be replaced by a foster family or guardian,
27 the new family will be involved in the treatment process.

28 **Sec. 632.** RCW 72.01.045 and 2002 c 77 s 1 are each amended to
29 read as follows:

30 (1) For purposes of this section only, "assault" means an
31 unauthorized touching of an employee by a resident, patient, or
32 juvenile offender resulting in physical injury to the employee.

33 (2) In recognition of the hazardous nature of employment in state
34 institutions, the legislature hereby provides a supplementary program
35 to reimburse employees of the department of social and health
36 services, the department of natural resources, the department of
37 children, youth, and families, and the department of veterans affairs

1 for some of their costs attributable to their being the victims of
2 assault by residents, patients, or juvenile offenders. This program
3 shall be limited to the reimbursement provided in this section.

4 (3) An employee is only entitled to receive the reimbursement
5 provided in this section if the secretary of social and health
6 services, the commissioner of public lands, the director of the
7 department of children, youth, and families, or the director of the
8 department of veterans affairs, or the secretary's, commissioner's,
9 or director's designee, finds that each of the following has
10 occurred:

11 (a) A resident or patient has assaulted the employee and as a
12 result thereof the employee has sustained demonstrated physical
13 injuries which have required the employee to miss days of work;

14 (b) The assault cannot be attributable to any extent to the
15 employee's negligence, misconduct, or failure to comply with any
16 rules or conditions of employment; and

17 (c) The department of labor and industries has approved the
18 employee's workers' compensation application pursuant to chapter
19 51.32 RCW.

20 (4) The reimbursement authorized under this section shall be as
21 follows:

22 (a) The employee's accumulated sick leave days shall not be
23 reduced for the workdays missed;

24 (b) For each workday missed for which the employee is not
25 eligible to receive compensation under chapter 51.32 RCW, the
26 employee shall receive full pay; and

27 (c) In respect to workdays missed for which the employee will
28 receive or has received compensation under chapter 51.32 RCW, the
29 employee shall be reimbursed in an amount which, when added to that
30 compensation, will result in the employee receiving full pay for the
31 workdays missed.

32 (5) Reimbursement under this section may not last longer than
33 three hundred sixty-five consecutive days after the date of the
34 injury.

35 (6) The employee shall not be entitled to the reimbursement
36 provided in subsection (4) of this section for any workday for which
37 the secretary, commissioner, director, or applicable designee, finds
38 that the employee has not diligently pursued his or her compensation
39 remedies under chapter 51.32 RCW.

1 (7) The reimbursement shall only be made for absences which the
2 secretary, commissioner, director, or applicable designee believes
3 are justified.

4 (8) While the employee is receiving reimbursement under this
5 section, he or she shall continue to be classified as a state
6 employee and the reimbursement amount shall be considered as salary
7 or wages.

8 (9) All reimbursement payments required to be made to employees
9 under this section shall be made by the employing department. The
10 payments shall be considered as a salary or wage expense and shall be
11 paid by the department in the same manner and from the same
12 appropriations as other salary and wage expenses of the department.

13 (10) Should the legislature revoke the reimbursement authorized
14 under this section or repeal this section, no affected employee is
15 entitled thereafter to receive the reimbursement as a matter of
16 contractual right.

17 **Sec. 633.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to
18 read as follows:

19 (1) The secretary of social and health services shall have full
20 power to manage and govern the following public institutions: The
21 western state hospital, the eastern state hospital, the northern
22 state hospital, (~~the state training school, the state school for~~
23 ~~girls,~~) Lakeland Village, the Rainier school, and such other
24 institutions as authorized by law, subject only to the limitations
25 contained in laws relating to the management of such institutions.

26 (2) The secretary of corrections shall have full power to manage,
27 govern, and name all state correctional facilities, subject only to
28 the limitations contained in laws relating to the management of such
29 institutions.

30 (3) If any state correctional facility is fully or partially
31 destroyed by natural causes or otherwise, the secretary of
32 corrections may, with the approval of the governor, provide for the
33 establishment and operation of additional residential correctional
34 facilities to place those inmates displaced by such destruction.
35 However, such additional facilities may not be established if there
36 are existing residential correctional facilities to which all of the
37 displaced inmates can be appropriately placed. The establishment and
38 operation of any additional facility shall be on a temporary basis,

1 and the facility may not be operated beyond July 1 of the year
2 following the year in which it was partially or fully destroyed.

3 (4) The director of the department of children, youth, and
4 families shall have full power to manage and govern Echo Glen, the
5 Green Hill school, and such other institutions as authorized by law,
6 subject only to the limitations contained in laws relating to the
7 management of such institutions.

8 **Sec. 634.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each
9 amended to read as follows:

10 Motion pictures unrated after November 1968 or rated R, X, or
11 NC-17 by the motion picture association of America shall not be shown
12 in juvenile detention facilities or facilities operated by the
13 ((~~division of juvenile rehabilitation in the~~)) department of ((~~social~~
14 ~~and health services~~)) children, youth, and families.

15 **Sec. 635.** RCW 72.09.337 and 2001 2nd sp.s. c 12 s 502 are each
16 amended to read as follows:

17 The secretary of corrections, the secretary of social and health
18 services, the director of children, youth, and families, and the
19 indeterminate sentence review board may adopt rules to implement
20 chapter 12, Laws of 2001 2nd sp. sess.

21 PART VII

22 TRANSFER OF CHILDREN AND YOUTH RESIDENTIAL AND CUSTODIAL SERVICES

23 **Sec. 701.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to
24 read as follows:

25 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To
26 provide for every child with behavior problems, mentally and
27 physically handicapped persons, and hearing and visually impaired
28 children, within the purview of RCW 72.05.010 through 72.05.210, as
29 now or hereafter amended, such care, guidance and instruction,
30 control and treatment as will best serve the welfare of the child or
31 person and society; to insure nonpolitical and qualified operation,
32 supervision, management, and control of the Green Hill school, ((~~the~~
33 Maple Lane school,)) the Naselle Youth Camp, ((~~the Mission Creek~~
34 Youth Camp,)) Echo Glen, ((~~the Cascadia Diagnostic Center,~~)) Lakeland
35 Village, Rainier school, the Yakima Valley school, Interlake school,
36 Fircrest school, the Francis Haddon Morgan Center, the Child Study

1 and Treatment Center and Secondary School of western state hospital,
2 and like residential state schools, camps, and centers hereafter
3 established(~~(, and to place them under the department of social and~~
4 ~~health services except where specified otherwise)~~); and to provide
5 for the persons committed or admitted to those schools that type of
6 care, instruction, and treatment most likely to accomplish their
7 rehabilitation and restoration to normal citizenship.

8 (2) To further such purposes, Green Hill School, Echo Glen, and
9 such other juvenile rehabilitation facilities, as may hereafter be
10 established, are placed under the department of children, youth, and
11 families; Lakeland Village, Rainier school, the Yakima Valley school,
12 the Naselle Youth Camp, Green Hill school, Interlake school, Fircrest
13 school, the Francis Haddon Morgan Center, the Child Study and
14 Treatment Center and Secondary School of western state hospital, and
15 like residential state schools, camps, and centers, hereafter
16 established, are placed under the department of social and health
17 services.

18 **Sec. 702.** RCW 72.05.020 and 2010 c 181 s 7 are each amended to
19 read as follows:

20 As used in this chapter, unless the context requires otherwise:

21 (1) "Community facility" means a group care facility operated for
22 the care of juveniles committed to the department under RCW
23 13.40.185. A county detention facility that houses juveniles
24 committed to the department under RCW 13.40.185 pursuant to a
25 contract with the department is not a community facility.

26 (2) "Department" means the department of (~~social and health~~
27 ~~services~~) children, youth, and families.

28 (3) "Director" means the director of the department of children,
29 youth, and families.

30 (4) "Juvenile" means a person under the age of twenty-one who has
31 been sentenced to a term of confinement under the supervision of the
32 department under RCW 13.40.185.

33 (~~(4)~~) (5) "Labor" means the period of time before a birth
34 during which contractions are of sufficient frequency, intensity, and
35 duration to bring about effacement and progressive dilation of the
36 cervix.

37 (~~(5)~~) (6) "Physical restraint" means the use of any bodily
38 force or physical intervention to control an offender or limit a
39 juvenile offender's freedom of movement in a way that does not

1 involve a mechanical restraint. Physical restraint does not include
2 momentary periods of minimal physical restriction by direct person-
3 to-person contact, without the aid of mechanical restraint,
4 accomplished with limited force and designed to:

5 (a) Prevent a juvenile offender from completing an act that would
6 result in potential bodily harm to self or others or damage property;

7 (b) Remove a disruptive juvenile offender who is unwilling to
8 leave the area voluntarily; or

9 (c) Guide a juvenile offender from one location to another.

10 ~~((+6))~~ (7) "Postpartum recovery" means (a) the entire period a
11 youth is in the hospital, birthing center, or clinic after giving
12 birth and (b) an additional time period, if any, a treating physician
13 determines is necessary for healing after the youth leaves the
14 hospital, birthing center, or clinic.

15 ~~((+7))~~ (8) "Restraints" means anything used to control the
16 movement of a person's body or limbs and includes:

17 (a) Physical restraint; or

18 (b) Mechanical device including but not limited to: Metal
19 handcuffs, plastic ties, ankle restraints, leather cuffs, other
20 hospital-type restraints, tasers, or batons.

21 ~~((+8))~~ (9) "Secretary" means the secretary of the department of
22 social and health services.

23 (10) "Service provider" means the entity that operates a
24 community facility.

25 ~~((+9))~~ (11) "Transportation" means the conveying, by any means,
26 of an incarcerated pregnant woman or youth from the institution or
27 community facility to another location from the moment she leaves the
28 institution or community facility to the time of arrival at the other
29 location, and includes the escorting of the pregnant incarcerated
30 woman or youth from the institution or community facility to a
31 transport vehicle and from the vehicle to the other location.

32 **Sec. 703.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to
33 read as follows:

34 The department of social and health services and the department
35 of children, youth, and families shall establish, maintain, operate
36 and administer a comprehensive program for the custody, care,
37 education, treatment, instruction, guidance, control and
38 rehabilitation of all persons who may be committed or admitted to
39 institutions, schools, or other facilities (~~controlled and operated~~

1 ~~by the department~~)), placed under the control of each, except for the
2 programs of education provided pursuant to RCW 28A.190.030 through
3 28A.190.050 which shall be established, operated, and administered by
4 the school district conducting the program, and in order to
5 accomplish these purposes, the powers and duties of the secretary and
6 the director for the institutions placed under the respective
7 department shall include the following:

8 (1) The assembling, analyzing, tabulating, and reproduction in
9 report form, of statistics and other data with respect to children
10 with behavior problems in the state of Washington, including, but not
11 limited to, the extent, kind, and causes of such behavior problems in
12 the different areas and population centers of the state. Such reports
13 shall not be open to public inspection, but shall be open to the
14 inspection of the governor and to the superior court judges of the
15 state of Washington.

16 (2) The establishment and supervision of diagnostic facilities
17 and services in connection with the custody, care, and treatment of
18 mentally and physically handicapped, and behavior problem children
19 who may be committed or admitted to any of the institutions, schools,
20 or facilities controlled and operated by the department, or who may
21 be referred for such diagnosis and treatment by any superior court of
22 this state. Such diagnostic services may be established in connection
23 with, or apart from, any other state institution under the
24 supervision and direction of the secretary or the director. Such
25 diagnostic services shall be available to the superior courts of the
26 state for persons referred for such services by them prior to
27 commitment, or admission to, any school, institution, or other
28 facility. Such diagnostic services shall also be available to other
29 departments of the state. When the secretary or the director
30 determines it necessary, the secretary or the director may create
31 waiting lists and set priorities for use of diagnostic services for
32 juvenile offenders on the basis of those most severely in need.

33 (3) The supervision of all persons committed or admitted to any
34 institution, school, or other facility operated by the department of
35 social and health services or the department of children, youth, and
36 families, and the transfer of such persons from any such institution,
37 school, or facility to any other such school, institution, or
38 facility: PROVIDED, That where a person has been committed to a
39 minimum security institution, school, or facility by any of the
40 superior courts of this state, a transfer to a close security

1 institution shall be made only with the consent and approval of such
2 court.

3 (4) The supervision of parole, discharge, or other release, and
4 the post-institutional placement of all persons committed to Green
5 Hill school (~~and Maple Lane school~~), or such as may be assigned,
6 paroled, or transferred therefrom to other facilities operated by the
7 department. Green Hill school (~~and Maple Lane school are~~) is hereby
8 designated as a "close security" institution(~~s~~) to which shall be
9 given the custody of children with the most serious behavior
10 problems.

11 **Sec. 704.** RCW 72.05.150 and 1979 ex.s. c 67 s 6 are each amended
12 to read as follows:

13 The department shall have power to acquire, establish, maintain,
14 and operate "minimum security" facilities for the care, custody,
15 education, and treatment of children with less serious behavior
16 problems. Such facilities may include parental schools or homes, farm
17 units, and forest camps. Admission to such minimum security
18 facilities shall be by juvenile court commitment or by transfer as
19 herein otherwise provided. In carrying out the purposes of this
20 section, the department may establish or acquire the use of such
21 facilities by gift, purchase, lease, contract, or other arrangement
22 with existing public entities, and to that end the (~~secretary~~)
23 director may execute necessary leases, contracts, or other
24 agreements. In establishing forest camps, the department may contract
25 with other divisions of the state and the federal government;
26 including, but not limited to, the department of natural resources,
27 the state parks and recreation commission, the U.S. forest service,
28 and the national park service, on a basis whereby such camps may be
29 made as nearly as possible self-sustaining. Under any such
30 arrangement the contracting agency shall reimburse the department for
31 the value of services which may be rendered by the inmates of a camp.

32 **Sec. 705.** RCW 72.05.154 and 2012 c 117 s 460 are each amended to
33 read as follows:

34 From and after July 1, 1973, any inmate working in a juvenile
35 forest camp established and operated pursuant to RCW 72.05.150,
36 pursuant to an agreement between the department of (~~social and~~
37 ~~health services~~) children, youth, and families and the department of
38 natural resources shall be eligible for the benefits provided by

1 Title 51 RCW, as now or hereafter amended, relating to industrial
2 insurance, with the exceptions provided by this section.

3 No inmate as described in RCW 72.05.152, until released upon an
4 order of parole by the department of (~~social and health services~~)
5 children, youth, and families, or discharged from custody upon
6 expiration of sentence, or discharged from custody by order of a
7 court of appropriate jurisdiction, or his or her dependents or
8 beneficiaries, shall be entitled to any payment for temporary
9 disability or permanent total disability as provided for in RCW
10 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or
11 to the benefits of chapter 51.36 RCW relating to medical aid:
12 PROVIDED, That RCW 72.05.152 and (~~72.05.154~~) this section shall not
13 affect the eligibility, payment or distribution of benefits for any
14 industrial injury to the inmate which occurred prior to his or her
15 existing commitment to the department of (~~social and health~~
16 ~~services~~) children, youth, and families.

17 Any and all premiums or assessments as may arise under this
18 section pursuant to the provisions of Title 51 RCW shall be the
19 obligation of and be paid by the state department of natural
20 resources.

21 **Sec. 706.** RCW 72.05.400 and 1998 c 269 s 5 are each amended to
22 read as follows:

23 (1) Whenever the department operates, or the (~~secretary~~)
24 director enters a contract to operate, a community facility, the
25 community facility may be operated only after the public notification
26 and opportunities for review and comment as required by this section.

27 (2) The (~~secretary~~) director shall establish a process for
28 early and continuous public participation in establishing or
29 relocating community facilities. The process shall include, at a
30 minimum, public meetings in the local communities affected, as well
31 as opportunities for written and oral comments, in the following
32 manner:

33 (a) If there are more than three sites initially selected as
34 potential locations and the selection process by the (~~secretary~~)
35 director or a service provider reduces the number of possible sites
36 for a community facility to no fewer than three, the (~~secretary~~)
37 director or the chief operating officer of the service provider shall
38 notify the public of the possible siting and hold at least two public
39 hearings in each community where a community facility may be sited.

1 (b) When the ((secretary)) director or service provider has
2 determined the community facility's location, the ((secretary))
3 director or the chief operating officer of the service provider shall
4 hold at least one additional public hearing in the community where
5 the community facility will be sited.

6 (c) When the ((secretary)) director has entered negotiations with
7 a service provider and only one site is under consideration, then at
8 least two public hearings shall be held.

9 (d) To provide adequate notice of, and opportunity for interested
10 persons to comment on, a proposed location, the ((secretary))
11 director or the chief operating officer of the service provider shall
12 provide at least fourteen days' advance notice of the meeting to all
13 newspapers of general circulation in the community, all radio and
14 television stations generally available to persons in the community,
15 any school district in which the community facility would be sited or
16 whose boundary is within two miles of a proposed community facility,
17 any library district in which the community facility would be sited,
18 local business or fraternal organizations that request notification
19 from the ((secretary)) director or agency, and any person or property
20 owner within a one-half mile radius of the proposed community
21 facility. Before initiating this process, the department shall
22 contact local government planning agencies in the communities
23 containing the proposed community facility. The department shall
24 coordinate with local government agencies to ensure that
25 opportunities are provided for effective citizen input and to reduce
26 the duplication of notice and meetings.

27 (3) The ((secretary)) director shall not issue a license to any
28 service provider until the service provider submits proof that the
29 requirements of this section have been met.

30 (4) This section shall apply only to community facilities sited
31 after September 1, 1998.

32 **Sec. 707.** RCW 72.05.405 and 1998 c 269 s 6 are each amended to
33 read as follows:

34 The department shall adopt an infraction policy for juveniles
35 placed in community facilities. The policy shall require written
36 documentation by the department and service providers of all
37 infractions and violations by juveniles of conditions set by the
38 department. Any juvenile who commits a serious infraction or a
39 serious violation of conditions set by the department shall be

1 returned to an institution. The ((secretary)) director shall not
2 return a juvenile to a community facility until a new risk assessment
3 has been completed and the ((secretary)) director reasonably believes
4 that the juvenile can adhere to the conditions set by the department.
5 The department shall define the terms "serious infraction" and
6 "serious violation" in rule and shall include but not necessarily
7 (({be})) be limited to the commission of any criminal offense, any
8 unlawful use or possession of a controlled substance, and any use or
9 possession of an alcoholic beverage.

10 **Sec. 708.** RCW 72.05.415 and 1998 c 269 s 9 are each amended to
11 read as follows:

12 (1) ~~((Promptly following the report due under section 17, chapter~~
13 ~~269, Laws of 1998, the secretary))~~ The director shall develop a
14 process with local governments that allows each community to
15 establish a community placement oversight committee. The department
16 may conduct community awareness activities. The community placement
17 oversight committees developed pursuant to this section shall be
18 implemented no later than September 1, 1999.

19 (2) The community placement oversight committees may review and
20 make recommendations regarding the placement of any juvenile who the
21 ((secretary)) director proposes to place in the community facility.

22 (3) The community placement oversight committees, their members,
23 and any agency represented by a member shall not be liable in any
24 cause of action as a result of its decision in regard to a proposed
25 placement of a juvenile unless the committee acts with gross
26 negligence or bad faith in making a placement decision.

27 (4) Members of the committee shall be reimbursed for travel
28 expenses as provided in RCW 43.03.050 and 43.03.060.

29 (5) Except as provided in RCW 13.40.215, at least seventy-two
30 hours prior to placing a juvenile in a community facility the
31 ((secretary)) director shall provide to the chief law enforcement
32 officer of the jurisdiction in which the community facility is sited:
33 (a) The name of the juvenile; (b) the juvenile's criminal history;
34 and (c) such other relevant and disclosable information as the law
35 enforcement officer may require.

36 **Sec. 709.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to
37 read as follows:

1 (1) The department shall not initially place an offender in a
2 community facility unless:

3 (a) The department has conducted a risk assessment, including a
4 determination of drug and alcohol abuse, and the results indicate the
5 juvenile will pose not more than a minimum risk to public safety; and

6 (b) The offender has spent at least ten percent of his or her
7 sentence, but in no event less than thirty days, in a secure
8 institution operated by, or under contract with, the department.

9 The risk assessment must include consideration of all prior
10 convictions and all available nonconviction data released upon
11 request under RCW 10.97.050, and any serious infractions or serious
12 violations while under the jurisdiction of the (~~secretary~~) director
13 or the courts.

14 (2) No juvenile offender may be placed in a community facility
15 until the juvenile's student records and information have been
16 received and the department has reviewed them in conjunction with all
17 other information used for risk assessment, security classification,
18 and placement of the juvenile.

19 (3) A juvenile offender shall not be placed in a community
20 facility until the department's risk assessment and security
21 classification is complete and local law enforcement has been
22 properly notified.

23 **Sec. 710.** RCW 72.05.430 and 1998 c 269 s 14 are each amended to
24 read as follows:

25 (1) Whenever the department operates, or the (~~secretary~~)
26 director enters a contract to operate, a community facility, the
27 placement and supervision of juveniles must be accomplished in
28 accordance with this section.

29 (2) The (~~secretary~~) director shall require that any juvenile
30 placed in a community facility and who is employed or assigned as a
31 volunteer be subject to monitoring for compliance with requirements
32 for attendance at his or her job or assignment. The monitoring
33 requirements shall be included in a written agreement between the
34 employer or supervisor, the (~~secretary~~) director or chief operating
35 officer of the contracting agency, and the juvenile. The requirements
36 shall include, at a minimum, the following:

37 (a) Acknowledgment of the juvenile's offender status;

38 (b) The name, address, and telephone number of the community
39 facility at which the juvenile resides;

1 (c) The twenty-four-hour telephone number required under RCW
2 72.05.410;

3 (d) The name and work telephone number of all persons responsible
4 for the supervision of the juvenile;

5 (e) A prohibition on the juvenile's departure from the work or
6 volunteer site without prior approval of the person in charge of the
7 community facility;

8 (f) A prohibition on personal telephone calls except to the
9 community facility;

10 (g) A prohibition on receiving compensation in any form other
11 than a negotiable instrument;

12 (h) A requirement that rest breaks during work hours be taken
13 only in those areas at the location which are designated for such
14 breaks;

15 (i) A prohibition on visits from persons not approved in advance
16 by the person in charge of the community facility;

17 (j) A requirement that any unexcused absence, tardiness, or
18 departure by the juvenile be reported immediately upon discovery to
19 the person in charge of the community facility;

20 (k) A requirement that any notice from the juvenile that he or
21 she will not report to the work or volunteer site be verified as
22 legitimate by contacting the person in charge of the community
23 facility; and

24 (l) An agreement that the community facility will conduct and
25 document random visits to determine compliance by the juvenile with
26 the terms of this section.

27 (3) The (~~secretary~~) director shall require that any juvenile
28 placed in a community facility and who is enrolled in a public or
29 private school be subject to monitoring for compliance with
30 requirements for attendance at his or her school. The monitoring
31 requirements shall be included in a written agreement between the
32 school district or appropriate administrative officer, the
33 (~~secretary~~) director or chief operating officer of the contracting
34 agency, and the juvenile. The requirements shall include, at a
35 minimum, the following:

36 (a) Acknowledgment of the juvenile's offender status;

37 (b) The name, address, and telephone number of the community
38 facility at which the juvenile resides;

39 (c) The twenty-four-hour telephone number required under RCW
40 72.05.410;

1 (d) The name and work telephone number of at least two persons at
2 the school to contact if issues arise concerning the juvenile's
3 compliance with the terms of his or her attendance at school;

4 (e) A prohibition on the juvenile's departure from the school
5 without prior approval of the appropriate person at the school;

6 (f) A prohibition on personal telephone calls except to the
7 community facility;

8 (g) A requirement that the juvenile remain on school grounds
9 except for authorized and supervised school activities;

10 (h) A prohibition on visits from persons not approved in advance
11 by the person in charge of the community facility;

12 (i) A requirement that any unexcused absence or departure by the
13 juvenile be reported immediately upon discovery to the person in
14 charge of the community facility;

15 (j) A requirement that any notice from the juvenile that he or
16 she will not attend school be verified as legitimate by contacting
17 the person in charge of the community facility; and

18 (k) An agreement that the community facility will conduct and
19 document random visits to determine compliance by the juvenile with
20 the terms of this section.

21 (4) The ((~~secretary~~)) director shall require that when any
22 juvenile placed in a community facility is employed, assigned as a
23 volunteer, or enrolled in a public or private school:

24 (a) Program staff members shall make and document periodic and
25 random accountability checks while the juvenile is at the school or
26 work facility;

27 (b) A program counselor assigned to the juvenile shall contact
28 the juvenile's employer, teacher, or school counselor regularly to
29 discuss school or job performance-related issues.

30 (5) The department shall maintain a copy of all agreements
31 executed under this section. The department shall also provide each
32 affected juvenile with a copy of every agreement to which he or she
33 is a party. The service provider shall maintain a copy of every
34 agreement it executes under this section.

35 **Sec. 711.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
36 read as follows:

37 (1) The department shall establish by rule a policy for the
38 common use of residential group homes for juvenile offenders under

1 the jurisdiction of the (~~juvenile rehabilitation administration and~~
2 ~~the children's administration~~) department.

3 (2) A juvenile confined under the jurisdiction of the (~~juvenile~~
4 ~~rehabilitation administration~~) department who is convicted of a
5 class A felony is not eligible for placement in a community facility
6 operated by (~~children's administration~~) the department that houses
7 juveniles who are not under the jurisdiction of (~~juvenile~~
8 ~~rehabilitation administration~~) the department unless:

9 (a) The juvenile is housed in a separate living unit solely for
10 juvenile offenders;

11 (b) The community facility is a specialized treatment program and
12 the youth is not assessed as sexually aggressive under RCW 13.40.470;
13 or

14 (c) The community facility is a specialized treatment program
15 that houses one or more sexually aggressive youth and the juvenile is
16 not assessed as sexually vulnerable under RCW 13.40.470.

17 **Sec. 712.** RCW 72.05.440 and 1998 c 269 s 16 are each amended to
18 read as follows:

19 (1) A person shall not be eligible for an employed or volunteer
20 position within the (~~juvenile rehabilitation administration~~)
21 department of children, youth, and families or any agency with which
22 it contracts in which the person may have regular access to juveniles
23 under the jurisdiction of the department of (~~social and health~~
24 ~~services~~) children, youth, and families or the department of
25 corrections if the person has been convicted of one or more of the
26 following:

27 (a) Any felony sex offense;

28 (b) Any violent offense, as defined in RCW 9.94A.030.

29 (2) Subsection (1) of this section applies only to persons hired
30 by the department or any of its contracting agencies after September
31 1, 1998.

32 (3) Any person employed by the (~~juvenile rehabilitation~~
33 ~~administration~~) department of children, youth, and families, or by
34 any contracting agency, who may have regular access to juveniles
35 under the jurisdiction of the department of children, youth, and
36 families or the department of corrections and who is convicted of an
37 offense set forth in this section after September 1, 1998, shall
38 report the conviction to his or her supervisor. The report must be

1 made within seven days of conviction. Failure to report within seven
2 days of conviction constitutes misconduct under Title 50 RCW.

3 (4) For purposes of this section "may have regular access to
4 juveniles" means access for more than a nominal amount of time.

5 (5) The department shall adopt rules to implement this section.

6 **Sec. 713.** RCW 72.05.451 and 2010 c 181 s 9 are each amended to
7 read as follows:

8 (1) The ((secretary)) director shall provide an informational
9 packet about the requirements of chapter 181, Laws of 2010 to all
10 medical staff and nonmedical staff of the institution or community
11 facility who are involved in the transportation of youth who are
12 pregnant, as well as such other staff as the ((secretary)) director
13 deems appropriate. The informational packet provided to staff under
14 this section shall be developed as provided in RCW 70.48.800.

15 (2) The ((secretary)) director shall cause the requirements of
16 chapter 181, Laws of 2010 to be provided to all youth who are
17 pregnant, at the time the ((secretary)) director assumes custody of
18 the person. In addition, the ((secretary)) director shall cause a
19 notice containing the requirements of chapter 181, Laws of 2010 to be
20 posted in conspicuous locations in the institutions or community
21 facilities, including but not limited to the locations in which
22 medical care is provided within the facilities.

23 **Sec. 714.** RCW 72.19.010 and 1979 c 141 s 222 are each amended to
24 read as follows:

25 There is hereby established under the supervision and control of
26 the ((secretary)) director of ((social and health services))
27 children, youth, and families a correctional institution for the
28 confinement and rehabilitation of juveniles committed by the juvenile
29 courts to the department of ((social and health services)) children,
30 youth, and families. Such institution shall be situated upon publicly
31 owned lands within King county, under the supervision of the
32 department of natural resources, which land is located in the
33 vicinity of Echo Lake and more particularly situated in Section 34,
34 Township 24 North, Range 7 East W.M. and that portion of Section 3,
35 Township 23 North, Range 7 East W.M. lying north of U.S. Highway 10,
36 together with necessary access routes thereto, all of which tract is
37 leased by the department of natural resources to the department of
38 ((social and health services)) children, youth, and families for the

1 establishment and construction of the correctional institution
2 authorized and provided for in this chapter.

3 **Sec. 715.** RCW 72.19.020 and 1979 c 141 s 223 are each amended to
4 read as follows:

5 The ~~((secretary))~~ director of children, youth, and families may
6 make, amend, and repeal rules ~~((and—regulations))~~ for the
7 administration of the juvenile correctional institution established
8 by this chapter in furtherance of the provisions of this chapter and
9 not inconsistent with law.

10 **Sec. 716.** RCW 72.19.030 and 1983 1st ex.s. c 41 s 27 are each
11 amended to read as follows:

12 The superintendent of the correctional institution established by
13 this chapter shall be appointed by the ~~((secretary))~~ director of
14 children, youth, and families.

15 **Sec. 717.** RCW 72.19.040 and 2012 c 117 s 461 are each amended to
16 read as follows:

17 The superintendent, subject to the approval of the ~~((secretary))~~
18 director of children, youth, and families, shall appoint such
19 associate superintendents as shall be deemed necessary. In the event
20 the superintendent shall be absent from the institution, or during
21 periods of illness or other situations incapacitating the
22 superintendent from properly performing his or her duties, one of the
23 associate superintendents of such institution shall act as
24 superintendent during such period of absence, illness, or incapacity
25 as may be designated by the ~~((secretary))~~ director of children,
26 youth, and families.

27 **Sec. 718.** RCW 72.19.050 and 1993 c 281 s 65 are each amended to
28 read as follows:

29 The superintendent shall have the following powers, duties and
30 responsibilities:

31 (1) Subject to the rules of the department of children, youth,
32 and families, the superintendent shall have the supervision and
33 management of the institution, of the grounds and buildings, the
34 subordinate officers and employees, and of the juveniles received at
35 such institution and the custody of such persons until released or
36 transferred as provided by law.

1 (2) Subject to the rules of the department of children, youth,
2 and families and the (~~Washington personnel resources board~~) office
3 of financial management, appoint all subordinate officers and
4 employees.

5 (3) The superintendent shall be the custodian of the personal
6 property of all juveniles in the institution and shall make rules
7 governing the accounting and disposition of all moneys received by
8 such juveniles, not inconsistent with the law, and subject to the
9 approval of the (~~secretary~~) director of children, youth, and
10 families.

11 **Sec. 719.** RCW 72.19.060 and 1979 c 141 s 227 are each amended to
12 read as follows:

13 The plans and construction of the juvenile correctional
14 institution established by this chapter shall provide for adequate
15 separation of the residential housing of the male juvenile from the
16 female juvenile. In all other respects, the juvenile correctional
17 programs for both boys and girls may be combined or separated as the
18 (~~secretary~~) director of children, youth, and families deems most
19 reasonable and effective to accomplish the reformation, training and
20 rehabilitation of the juvenile offender, realizing all possible
21 economies from the lack of necessity for duplication of facilities.

22 **Sec. 720.** RCW 72.72.030 and 1991 sp.s. c 13 s 10 are each
23 amended to read as follows:

24 (1) There is hereby created, in the state treasury, an
25 institutional impact account. The (~~secretary~~) director of (~~social~~
26 ~~and health services~~) children, youth, and families may reimburse
27 political subdivisions for criminal justice costs incurred directly
28 as a result of crimes committed by offenders residing in an
29 institution as defined herein under the jurisdiction of the
30 (~~secretary~~) director of (~~social and health services~~) children,
31 youth, and families. Such reimbursement shall be made to the extent
32 funds are available from the institutional impact account.
33 Reimbursements shall be limited to law enforcement, prosecutorial,
34 judicial, and jail facilities costs which are documented to be
35 strictly related to the criminal activities of the offender.

36 (2) The secretary of corrections may reimburse political
37 subdivisions for criminal justice costs incurred directly as a result
38 of crimes committed by offenders residing in an institution as

1 defined herein under the jurisdiction of the secretary of
2 corrections. Such reimbursement shall be made to the extent funds are
3 available from the institutional impact account. Reimbursements shall
4 be limited to law enforcement, prosecutorial, judicial, and jail
5 facilities costs which are documented to be strictly related to the
6 criminal activities of the offender.

7 **Sec. 721.** RCW 72.72.040 and 1983 c 279 s 3 are each amended to
8 read as follows:

9 (1) The ((secretary)) director of ((social and health services))
10 children, youth, and families and the secretary of corrections shall
11 each promulgate rules pursuant to chapter 34.05 RCW regarding the
12 reimbursement process for their respective agencies.

13 (2) Reimbursement shall not be made if otherwise provided
14 pursuant to other provisions of state law.

15 **Sec. 722.** RCW 13.06.020 and 1983 c 191 s 2 are each amended to
16 read as follows:

17 From any state moneys made available for such purpose, the state
18 of Washington, through the department of ((social and health
19 services)) children, youth, and families, shall, in accordance with
20 this chapter and applicable departmental rules, share in the cost of
21 providing services to juveniles.

22 **Sec. 723.** RCW 13.06.030 and 1983 c 191 s 3 are each amended to
23 read as follows:

24 The department of ((social and health services)) children, youth,
25 and families shall adopt rules prescribing minimum standards for the
26 operation of consolidated juvenile services programs for juvenile
27 offenders and such other rules as may be necessary for the
28 administration of the provisions of this chapter. Consolidated
29 juvenile services is a mechanism through which the department of
30 ((social and health services)) children, youth, and families supports
31 local county comprehensive program plans in providing services to
32 offender groups. Standards shall be sufficiently flexible to support
33 current programs which have demonstrated effectiveness and
34 efficiency, to foster development of innovative and improved services
35 for juvenile offenders, to permit direct contracting with private
36 vendors, and to encourage community support for and assistance to
37 local programs. The ((secretary)) director of ((social and health

1 services)) children, youth, and families shall seek advice from
2 appropriate juvenile justice system participants in developing
3 standards and procedures for the operation of consolidated juvenile
4 services programs and the distribution of funds under this chapter.

5 **Sec. 724.** RCW 13.06.040 and 1983 c 191 s 4 are each amended to
6 read as follows:

7 Any county or group of counties may make application to the
8 department of (~~social and health services~~) children, youth, and
9 families in the manner and form prescribed by the department for
10 financial aid for the cost of consolidated juvenile services
11 programs. Any such application must include a plan or plans for
12 providing consolidated services to juvenile offenders in accordance
13 with standards of the department.

14 **Sec. 725.** RCW 13.06.050 and 1993 c 415 s 7 are each amended to
15 read as follows:

16 No county shall be entitled to receive any state funds provided
17 by this chapter until its application and plan are approved, and
18 unless and until the minimum standards prescribed by the department
19 of (~~social and health services~~) children, youth, and families are
20 complied with and then only on such terms as are set forth in this
21 section. In addition, any county making application for state funds
22 under this chapter that also operates a juvenile detention facility
23 must have standards of operations in place that include: Intake and
24 admissions, medical and health care, communication, correspondence,
25 visiting and telephone use, security and control, sanitation and
26 hygiene, juvenile rights, rules and discipline, property, juvenile
27 records, safety and emergency procedures, programming, release and
28 transfer, training and staff development, and food service.

29 (1) The distribution of funds to a county or a group of counties
30 shall be based on criteria including but not limited to the county's
31 per capita income, regional or county at-risk populations, juvenile
32 crime or arrest rates, rates of poverty, size of racial minority
33 populations, existing programs, and the effectiveness and efficiency
34 of consolidating local programs towards reducing commitments to state
35 correctional facilities for offenders whose standard range
36 disposition does not include commitment of the offender to the
37 department and reducing reliance on other traditional departmental
38 services.

1 (2) The ~~((secretary))~~ director of children, youth, and families
2 will reimburse a county upon presentation and approval of a valid
3 claim pursuant to the provisions of this chapter based on actual
4 performance in meeting the terms and conditions of the approved plan
5 and contract. Funds received by participating counties under this
6 chapter shall not be used to replace local funds for existing
7 programs.

8 (3) The ~~((secretary))~~ director of children, youth, and families,
9 in conjunction with the human rights commission, shall evaluate the
10 effectiveness of programs funded under this chapter in reducing
11 racial disproportionality. The ~~((secretary))~~ director shall
12 investigate whether implementation of such programs has reduced
13 disproportionality in counties with initially high levels of
14 disproportionality. The analysis shall indicate which programs are
15 cost-effective in reducing disproportionality in such areas as
16 alternatives to detention, intake and risk assessment standards
17 pursuant to RCW 13.40.038, alternatives to incarceration, and in the
18 prosecution and adjudication of juveniles. The ~~((secretary))~~ director
19 shall report his or her findings to the legislature by ~~((December 1,~~
20 ~~1994, and))~~ December 1st of each year ~~((thereafter))~~.

21 **Sec. 726.** RCW 28A.190.010 and 2014 c 157 s 2 are each amended to
22 read as follows:

23 A program of education shall be provided for by the department of
24 ~~((social and health services))~~ children, youth, and families and the
25 several school districts of the state for common school-age persons
26 who have been admitted to facilities staffed and maintained or
27 contracted pursuant to RCW 13.40.320 by the department of ~~((social~~
28 ~~and health services))~~ children, youth, and families for the education
29 and treatment of juveniles who have been diverted or who have been
30 found to have committed a juvenile offense. The division of duties,
31 authority, and liabilities of the department of ~~((social and health~~
32 ~~services))~~ children, youth, and families and the several school
33 districts of the state respecting the educational programs shall be
34 the same in all respects as set forth in this chapter respecting
35 programs of education for state residential school residents. For the
36 purposes of this section, the term "residential school" or "schools"
37 as used in this chapter shall be construed to mean a facility staffed
38 and maintained by the department of ~~((social and health services))~~
39 children, youth, and families or a program established under RCW

1 13.40.320, for the education and treatment of juvenile offenders on
2 probation or parole. Nothing in this section shall prohibit a school
3 district from utilizing the services of an educational service
4 district subject to RCW 28A.310.180.

5 **Sec. 727.** RCW 28A.190.020 and 2014 c 157 s 3 are each amended to
6 read as follows:

7 The term "residential school" as used in this chapter and RCW
8 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, (~~Maple~~
9 ~~Lane school,~~) Naselle Youth Camp, (~~Cedar Creek Youth Camp, Mission~~
10 ~~Creek Youth Camp,~~) Echo Glen, Lakeland Village, Rainier school,
11 Yakima Valley school, Interlake school, Fircrest school, Francis
12 Haddon Morgan Center, the Child Study and Treatment Center and
13 Secondary School of western state hospital, and such other schools,
14 camps, and centers as are now or hereafter established by the
15 department of social and health services or the department of
16 children, youth, and families for the diagnosis, confinement and
17 rehabilitation of juveniles committed by the courts or for the care
18 and treatment of persons who are exceptional in their needs by reason
19 of mental and/or physical deficiency: PROVIDED, That the term shall
20 not include the state schools for the deaf and blind or adult
21 correctional institutions.

22 **Sec. 728.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended
23 to read as follows:

24 The duties and authority of the department of (~~social and health~~
25 ~~services~~) children, youth, and families and of each superintendent
26 or chief administrator of a residential school to support each
27 program of education conducted by a school district pursuant to RCW
28 28A.190.030, shall include the following:

29 (1) The provision of transportation for residential school
30 students to and from the sites of the program of education through
31 the purchase, lease or rental of school buses and other vehicles as
32 necessary;

33 (2) The provision of safe and healthy building and playground
34 space for the conduct of the program of education through the
35 construction, purchase, lease or rental of such space as necessary;

36 (3) The provision of furniture, vocational instruction machines
37 and tools, building and playground fixtures, and other equipment and

1 fixtures for the conduct of the program of education through
2 construction, purchase, lease or rental as necessary;

3 (4) The provision of heat, lights, telephones, janitorial
4 services, repair services, and other support services for the
5 vehicles, building and playground spaces, equipment and fixtures
6 provided for in this section;

7 (5) The employment, supervision and control of persons to
8 transport students and to maintain the vehicles, building and
9 playground spaces, equipment and fixtures, provided for in this
10 section;

11 (6) Clinical and medical evaluation services necessary to a
12 determination by the school district of the educational needs of
13 residential school students; and

14 (7) Such other support services and facilities as are reasonably
15 necessary for the conduct of the program of education.

16 **Sec. 729.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended
17 to read as follows:

18 Each school district required to conduct a program of education
19 pursuant to RCW 28A.190.030, and the department of (~~social and~~
20 ~~health services~~) children, youth, and families shall hereafter
21 negotiate and execute a written contract for each school year or such
22 longer period as may be agreed to which delineates the manner in
23 which their respective duties and authority will be cooperatively
24 performed and exercised, and any disputes and grievances resolved.
25 Any such contract may provide for the performance of duties by a
26 school district in addition to those set forth in RCW 28A.190.030 (1)
27 through (5), including duties imposed upon the department of (~~social~~
28 ~~and health services~~) children, youth, and families and its agents
29 pursuant to RCW 28A.190.040: PROVIDED, That funds identified in RCW
30 28A.190.030(6) and/or funds provided by the department of (~~social~~
31 ~~and health services~~) children, youth, and families are available to
32 fully pay the direct and indirect costs of such additional duties and
33 the district is otherwise authorized by law to perform such duties in
34 connection with the maintenance and operation of a school district.

35 **Sec. 730.** RCW 28A.190.060 and 2014 c 157 s 4 are each amended to
36 read as follows:

37 The department of (~~social and health services~~) children, youth,
38 and families shall provide written notice on or before April 15th of

1 each school year to the superintendent of each school district
2 conducting a program of education pursuant to this chapter of any
3 foreseeable residential school closure, reduction in the number of
4 residents, or any other cause for a reduction in the school
5 district's staff for the next school year. In the event the
6 department of (~~social and health services~~) children, youth, and
7 families fails to provide notice as prescribed by this section, the
8 department shall be liable and responsible for the payment of the
9 salary and employment related costs for the next school year of each
10 school district employee whose contract the school district would
11 have nonrenewed but for the failure of the department to provide
12 notice.

13 **Sec. 731.** RCW 71.34.795 and 1985 c 354 s 19 are each amended to
14 read as follows:

15 When in the judgment of the department of children, youth, and
16 families the welfare of any person committed to or confined in any
17 state juvenile correctional institution or facility necessitates that
18 the person be transferred or moved for observation, diagnosis, or
19 treatment to an evaluation and treatment facility, the (~~secretary~~)
20 director or the (~~secretary's~~) director's designee is authorized to
21 order and effect such move or transfer for a period of up to fourteen
22 days, provided that the (~~secretary~~) director notifies the original
23 committing court of the transfer and the evaluation and treatment
24 facility is in agreement with the transfer. No person committed to or
25 confined in any state juvenile correctional institution or facility
26 may be transferred to an evaluation and treatment facility for more
27 than fourteen days unless that person has been admitted as a
28 voluntary patient or committed for one hundred eighty-day treatment
29 under this chapter or ninety-day treatment under chapter 71.05 RCW if
30 eighteen years of age or older. Underlying jurisdiction of minors
31 transferred or committed under this section remains with the state
32 correctional institution. A voluntary admitted minor or minors
33 committed under this section and no longer meeting the criteria for
34 one hundred eighty-day commitment shall be returned to the state
35 correctional institution to serve the remaining time of the
36 underlying dispositional order or sentence. The time spent by the
37 minor at the evaluation and treatment facility shall be credited
38 towards the minor's juvenile court sentence.

1 **Sec. 732.** RCW 72.01.010 and 1981 c 136 s 66 are each amended to
2 read as follows:

3 As used in this chapter:

4 "Department" means the departments of social and health services,
5 children, youth, and families, and corrections;

6 "Director" means the director of the department of children,
7 youth, and families; and

8 "Secretary" means the secretaries of social and health services
9 and corrections.

10 The powers and duties granted and imposed in this chapter, when
11 applicable, apply to (~~both~~) the departments of social and health
12 services, children, youth, and families, and corrections (~~and~~), the
13 secretaries of social and health services and corrections, and the
14 director of children, youth and families, for institutions under
15 their control. A power or duty may be exercised or fulfilled jointly
16 if joint action is more efficient, as determined by the secretaries
17 and the director.

18 **Sec. 733.** RCW 72.01.210 and 2008 c 104 s 3 are each amended to
19 read as follows:

20 (1) The secretary of corrections shall appoint institutional
21 chaplains for the state correctional institutions for convicted
22 felons. Institutional chaplains shall be appointed as employees of
23 the department of corrections. The secretary of corrections may
24 further contract with chaplains to be employed as is necessary to
25 meet the religious needs of those inmates whose religious
26 denominations are not represented by institutional chaplains and
27 where volunteer chaplains are not available.

28 (2) Institutional chaplains appointed by the department of
29 corrections under this section shall have qualifications necessary to
30 function as religious program coordinators for all faith groups
31 represented within the department. Every chaplain so appointed or
32 contracted with shall have qualifications consistent with community
33 standards of the given faith group to which the chaplain belongs and
34 shall not be required to violate the tenets of his or her faith when
35 acting in an ecclesiastical role.

36 (3) The (~~secretary of social and health services~~) director of
37 children, youth, and families shall appoint chaplains for the
38 correctional institutions for juveniles found delinquent by the
39 juvenile courts; and the secretary of corrections and the secretary

1 of social and health services shall appoint one or more chaplains for
2 other custodial, correctional, and mental institutions under their
3 control.

4 (4) Except as provided in this section, the chaplains so
5 appointed under this section shall have the qualifications and shall
6 be compensated in an amount as recommended by the appointing
7 department and approved by the Washington personnel resources board.

8 **Sec. 734.** RCW 72.01.410 and 2015 c 156 s 2 are each amended to
9 read as follows:

10 (1) Whenever any child under the age of eighteen is convicted as
11 an adult in the courts of this state of a crime amounting to a
12 felony, and is committed for a term of confinement, that child shall
13 be initially placed in a facility operated by the department of
14 corrections to determine the child's earned release date.

15 (a) If the earned release date is prior to the child's twenty-
16 first birthday, the department of corrections shall transfer the
17 child to the custody of the department of (~~social and health~~
18 ~~services~~) children, youth, and families, or to such other
19 institution as is now, or may hereafter be authorized by law to
20 receive such child, until such time as the child completes the
21 ordered term of confinement or arrives at the age of twenty-one
22 years.

23 (i) While in the custody of the department of (~~social and health~~
24 ~~services~~) children, youth, and families, the child must have the
25 same treatment, housing options, transfer, and access to program
26 resources as any other child committed directly to that juvenile
27 correctional facility or institution pursuant to chapter 13.40 RCW.
28 Treatment, placement, and program decisions shall be at the sole
29 discretion of the department of (~~social and health services~~)
30 children, youth, and families. The youth shall only be transferred
31 back to the custody of the department of corrections with the
32 approval of the department of (~~social and health services~~)
33 children, youth, and families or when the child reaches the age of
34 twenty-one.

35 (ii) If the child's sentence includes a term of community
36 custody, the department of (~~social and health services~~) children,
37 youth, and families shall not release the child to community custody
38 until the department of corrections has approved the child's release
39 plan pursuant to RCW 9.94A.729(5)(b). If a child is held past his or

1 her earned release date pending release plan approval, the department
2 of (~~social and health services~~) children, youth, and families shall
3 retain custody until a plan is approved or the child completes the
4 ordered term of confinement prior to age twenty-one.

5 (iii) If the department of (~~social and health services~~)
6 children, youth, and families determines that retaining custody of
7 the child presents a safety risk, the child may be returned to the
8 custody of the department of corrections.

9 (b) If the child's earned release date is on or after the child's
10 twenty-first birthday, the department of corrections shall, with the
11 consent of the (~~secretary of social and health services~~) director
12 of children, youth, and families, transfer the child to a facility or
13 institution operated by the department of (~~social and health~~
14 ~~services~~) children, youth, and families. Despite the transfer, the
15 department of corrections retains authority over custody decisions
16 and must approve any leave from the facility. When the child turns
17 age twenty-one, he or she must be transferred back to the department
18 of corrections. The department of (~~social and health services~~)
19 children, youth, and families has all routine and day-to-day
20 operations authority for the child while in its custody.

21 (2)(a) Except as provided in (b) and (c) of this subsection, an
22 offender under the age of eighteen who is convicted in adult criminal
23 court and who is committed to a term of confinement at the department
24 of corrections must be placed in a housing unit, or a portion of a
25 housing unit, that is separated from offenders eighteen years of age
26 or older, until the offender reaches the age of eighteen.

27 (b) An offender who reaches eighteen years of age may remain in a
28 housing unit for offenders under the age of eighteen if the secretary
29 of corrections determines that: (i) The offender's needs and the
30 correctional goals for the offender could continue to be better met
31 by the programs and housing environment that is separate from
32 offenders eighteen years of age and older; and (ii) the programs or
33 housing environment for offenders under the age of eighteen will not
34 be substantially affected by the continued placement of the offender
35 in that environment. The offender may remain placed in a housing unit
36 for offenders under the age of eighteen until such time as the
37 secretary of corrections determines that the offender's needs and
38 correctional goals are no longer better met in that environment but
39 in no case past the offender's twenty-first birthday.

1 (c) An offender under the age of eighteen may be housed in an
2 intensive management unit or administrative segregation unit
3 containing offenders eighteen years of age or older if it is
4 necessary for the safety or security of the offender or staff. In
5 these cases, the offender must be kept physically separate from other
6 offenders at all times.

7 **PART VIII**

8 **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

9 NEW SECTION. **Sec. 801.** (1) The director shall investigate the
10 conviction records, pending charges, and disciplinary board final
11 decisions of any current employee or applicant seeking or being
12 considered for any position with the department who will or may have
13 unsupervised access to children. This includes, but is not limited
14 to, positions conducting comprehensive assessments, financial
15 eligibility determinations, licensing and certification activities,
16 investigations, surveys, or case management; or for state positions
17 otherwise required by federal law to meet employment standards.

18 (2) The director shall require a fingerprint-based background
19 check through both the Washington state patrol and the federal bureau
20 of investigation as provided in RCW 43.43.837. Unless otherwise
21 authorized by law, the director shall use the information solely for
22 the purpose of determining the character, suitability, and competence
23 of the applicant.

24 (3) Criminal justice agencies shall provide the director such
25 information as they may have and that the director may require for
26 such purpose.

27 (4) Any person whose criminal history would otherwise disqualify
28 the person under this section from a position that will or may have
29 unsupervised access to children shall not be disqualified if the
30 department of social and health services reviewed the person's
31 otherwise disqualifying criminal history through the department of
32 social and health services' background assessment review team process
33 conducted in 2002 and determined that such person could remain in a
34 position covered by this section, or if the otherwise disqualifying
35 conviction or disposition has been the subject of a pardon,
36 annulment, or other equivalent procedure.

1 NEW SECTION. **Sec. 802.** (1) The department of early learning is
2 hereby abolished and its powers, duties, and functions are hereby
3 transferred to the department of children, youth, and families. All
4 references to the director or the department of early learning in the
5 Revised Code of Washington shall be construed to mean the director or
6 the department of children, youth, and families.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the department of
9 early learning shall be delivered to the custody of the department of
10 children, youth, and families. All cabinets, furniture, office
11 equipment, motor vehicles, and other tangible property employed by
12 the department of early learning shall be made available to the
13 department of children, youth, and families. All funds, credits, or
14 other assets held by the department of early learning shall be
15 assigned to the department of children, youth, and families.

16 (b) Any appropriations made to the department of early learning
17 shall, on the effective date of this section, be transferred and
18 credited to the department of children, youth, and families.

19 (c) If any question arises as to the transfer of any personnel,
20 funds, books, documents, records, papers, files, equipment, or other
21 tangible property used or held in the exercise of the powers and the
22 performance of the duties and functions transferred, the director of
23 financial management shall make a determination as to the proper
24 allocation and certify the same to the state agencies concerned.

25 (3) All employees of the department of early learning are
26 transferred to the jurisdiction of the department of children, youth,
27 and families. All employees classified under chapter 41.06 RCW, the
28 state civil service law, are assigned to the department of children,
29 youth, and families to perform their usual duties upon the same terms
30 as formerly, without any loss of rights, subject to any action that
31 may be appropriate thereafter in accordance with the laws and rules
32 governing state civil service.

33 (4) All rules and all pending business before the department of
34 early learning shall be continued and acted upon by the department of
35 children, youth, and families. All existing contracts and obligations
36 shall remain in full force and shall be performed by the department
37 of children, youth, and families.

38 (5) The transfer of the powers, duties, functions, and personnel
39 of the department of early learning shall not affect the validity of
40 any act performed before the effective date of this section.

1 (6) If apportionments of budgeted funds are required because of
2 the transfers directed by this section, the director of financial
3 management shall certify the apportionments to the agencies affected,
4 the state auditor, and the state treasurer. Each of these shall make
5 the appropriate transfer and adjustments in funds and appropriation
6 accounts and equipment records in accordance with the certification.

7 (7)(a) The bargaining units of employees at the department of
8 early learning existing on the effective date of this section that
9 are transferred to the department of children, youth, and families
10 shall be considered separate appropriate units within the department
11 of children, youth, and families unless and until modified by the
12 public employment relations commission pursuant to Title 391 WAC. The
13 exclusive bargaining representatives recognized as representing the
14 bargaining units of employees at the department of early learning
15 existing on the effective date of this section shall continue as the
16 exclusive bargaining representatives of the transferred bargaining
17 units without the necessity of an election.

18 (b) The public employment relations commission may review the
19 appropriateness of the collective bargaining units that are a result
20 of the transfer from the department of early learning to the
21 department of children, youth, and families under this act. The
22 employer or the exclusive bargaining representative may petition the
23 public employment relations commission to review the bargaining units
24 in accordance with this section.

25 NEW SECTION. **Sec. 803.** (1) All powers, duties, and functions of
26 the department of social and health services pertaining to child
27 welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60,
28 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are
29 transferred to the department of children, youth, and families. All
30 references to the secretary or the department of social and health
31 services in the Revised Code of Washington shall be construed to mean
32 the director or the department of children, youth, and families when
33 referring to the functions transferred in this section.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the department of
36 social and health services pertaining to the powers, duties, and
37 functions transferred shall be delivered to the custody of the
38 department of children, youth, and families. All cabinets, furniture,
39 office equipment, motor vehicles, and other tangible property

1 employed by the department of social and health services in carrying
2 out the powers, duties, and functions transferred shall be made
3 available to the department of children, youth, and families. All
4 funds, credits, or other assets held in connection with the powers,
5 duties, and functions transferred shall be assigned to the department
6 of children, youth, and families.

7 (b) Any appropriations made to the department of social and
8 health services for carrying out the powers, duties, and functions
9 transferred shall, on the effective date of this section, be
10 transferred and credited to the department of children, youth, and
11 families.

12 (c) Whenever any question arises as to the transfer of any
13 personnel, funds, books, documents, records, papers, files,
14 equipment, or other tangible property used or held in the exercise of
15 the powers and the performance of the duties and functions
16 transferred, the director of financial management shall make a
17 determination as to the proper allocation and certify the same to the
18 state agencies concerned.

19 (3) All employees of the department of social and health services
20 engaged in performing the powers, duties, and functions transferred
21 are transferred to the jurisdiction of the department of children,
22 youth, and families. All employees classified under chapter 41.06
23 RCW, the state civil service law, are assigned to the department of
24 children, youth, and families to perform their usual duties upon the
25 same terms as formerly, without any loss of rights, subject to any
26 action that may be appropriate thereafter in accordance with the laws
27 and rules governing state civil service.

28 (4) All rules and all pending business before the department of
29 social and health services pertaining to the powers, duties, and
30 functions transferred shall be continued and acted upon by the
31 department of children, youth, and families. All existing contracts
32 and obligations shall remain in full force and shall be performed by
33 the department of children, youth, and families.

34 (5) The transfer of the powers, duties, functions, and personnel
35 of the department of social and health services shall not affect the
36 validity of any act performed before the effective date of this
37 section.

38 (6) If apportionments of budgeted funds are required because of
39 the transfers directed by this section, the director of financial
40 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7)(a) The portions of any bargaining units of employees at the
5 department of social and health services existing on the effective
6 date of this section that are transferred to the department of
7 children, youth, and families shall be considered separate
8 appropriate units within the department of children, youth, and
9 families unless and until modified by the public employment relations
10 commission pursuant to Title 391 WAC. The exclusive bargaining
11 representatives recognized as representing the portions of the
12 bargaining units of employees at the department of social and health
13 services existing on the effective date of this section shall
14 continue as the exclusive bargaining representatives of the
15 transferred bargaining units without the necessity of an election.

16 (b) The public employment relations commission may review the
17 appropriateness of the collective bargaining units that are a result
18 of the transfer from the department of social and health services to
19 the department of children, youth, and families under this act. The
20 employer or the exclusive bargaining representative may petition the
21 public employment relations commission to review the bargaining units
22 in accordance with this section.

23 **Sec. 804.** RCW 9.96A.060 and 2001 c 296 s 2 are each amended to
24 read as follows:

25 This chapter is not applicable to the department of social and
26 health services or the department of children, youth, and families
27 when employing a person, who in the course of his or her employment,
28 has or may have unsupervised access to any person who is under the
29 age of eighteen, who is under the age of twenty-one and has been
30 sentenced to a term of confinement under the supervision of the
31 department of (~~social and health services~~) children, youth, and
32 families under chapter 13.40 RCW, who is a vulnerable adult under
33 chapter 74.34 RCW, or who is a vulnerable person. For purposes of
34 this section "vulnerable person" means an adult of any age who lacks
35 the functional, mental, or physical ability to care for himself or
36 herself.

37 **Sec. 805.** RCW 9.97.020 and 2016 c 81 s 3 are each amended to
38 read as follows:

1 (1) Except as provided in this section, no state, county, or
2 municipal department, board, officer, or agency authorized to assess
3 the qualifications of any applicant for a license, certificate of
4 authority, qualification to engage in the practice of a profession or
5 business, or for admission to an examination to qualify for such a
6 license or certificate may disqualify a qualified applicant, solely
7 based on the applicant's criminal history, if the qualified applicant
8 has obtained a certificate of restoration of opportunity and the
9 applicant meets all other statutory and regulatory requirements,
10 except as required by federal law or exempted under this subsection.
11 Nothing in this section is interpreted as restoring or creating a
12 means to restore any firearms rights or eligibility to obtain a
13 firearm dealer license pursuant to RCW 9.41.110 or requiring the
14 removal of a protection order.

15 (a)(i) Criminal justice agencies, as defined in RCW 10.97.030,
16 and the Washington state bar association are exempt from this
17 section.

18 (ii) This section does not apply to the licensing, certification,
19 or qualification of the following professionals: Accountants, RCW
20 18.04.295; assisted living facilities employees, RCW 18.20.125; bail
21 bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term
22 care workers, RCW 18.88B.080; nursing home administrators, RCW
23 18.52.071; nursing, chapter 18.79 RCW; physicians and physician
24 assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW
25 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and
26 28A.410 RCW; notaries public, chapter 42.44 RCW; private
27 investigators, chapter 18.165 RCW; real estate brokers and
28 salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter
29 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

30 (iii) To the extent this section conflicts with the requirements
31 for receipt of federal funding under the adoption and safe families
32 act, 42 U.S.C. Sec. 671, this section does not apply.

33 (b) Unless otherwise addressed in statute, in cases where an
34 applicant would be disqualified under RCW 43.20A.710, and the
35 applicant has obtained a certificate of restoration of opportunity,
36 the department of social and health services and the department of
37 children, youth, and families may, after review of relevant factors,
38 including the nature and seriousness of the offense, time that has
39 passed since conviction, changed circumstances since the offense

1 occurred, and the nature of the employment or license sought, at
2 ((its)) their discretion:

3 (i) Allow the applicant to have unsupervised access to children,
4 vulnerable adults, or individuals with mental illness or
5 developmental disabilities if the applicant is otherwise qualified
6 and suitable; or

7 (ii) Disqualify the applicant solely based on the applicant's
8 criminal history.

9 (c) If the practice of a profession or business involves
10 unsupervised contact with vulnerable adults, children, or individuals
11 with mental illness or developmental disabilities, or populations
12 otherwise defined by statute as vulnerable, the department of health
13 may, after review of relevant factors, including the nature and
14 seriousness of the offense, time that has passed since conviction,
15 changed circumstances since the offense occurred, and the nature of
16 the employment or license sought, at its discretion:

17 (i) Disqualify an applicant who has obtained a certificate of
18 restoration of opportunity, for a license, certification, or
19 registration to engage in the practice of a health care profession or
20 business solely based on the applicant's criminal history; or

21 (ii) If such applicant is otherwise qualified and suitable,
22 credential or credential with conditions an applicant who has
23 obtained a certificate of restoration of opportunity for a license,
24 certification, or registration to engage in the practice of a health
25 care profession or business.

26 (d) The state of Washington, any of its counties, cities, towns,
27 municipal corporations, or quasi-municipal corporations, the
28 department of health, and its officers, employees, contractors, and
29 agents are immune from suit in law, equity, or any action under the
30 administrative procedure act based upon its exercise of discretion
31 under this section. This section does not create a protected class;
32 private right of action; any right, privilege, or duty; or change to
33 any right, privilege, or duty existing under law. This section does
34 not modify a licensing or certification applicant's right to a review
35 of an agency's decision under the administrative procedure act or
36 other applicable statute or agency rule. A certificate of restoration
37 of opportunity does not remove or alter citizenship or legal
38 residency requirements already in place for state agencies and
39 employers.

1 (2) A qualified court has jurisdiction to issue a certificate of
2 restoration of opportunity to a qualified applicant.

3 (a) A court must determine, in its discretion whether the
4 certificate:

5 (i) Applies to all past criminal history; or

6 (ii) Applies only to the convictions or adjudications in the
7 jurisdiction of the court.

8 (b) The certificate does not apply to any future criminal justice
9 involvement that occurs after the certificate is issued.

10 (c) A court must determine whether to issue a certificate by
11 determining whether the applicant is a qualified applicant as defined
12 in RCW 9.97.010.

13 (3) An employer or housing provider may, in its sole discretion,
14 determine whether to consider a certificate of restoration of
15 opportunity issued under this chapter in making employment or rental
16 decisions. An employer or housing provider is immune from suit in
17 law, equity, or under the administrative procedure act for damages
18 based upon its exercise of discretion under this section or the
19 refusal to exercise such discretion. In any action at law against an
20 employer or housing provider arising out of the employment of or
21 provision of housing to the recipient of a certificate of restoration
22 of opportunity, evidence of the crime for which a certificate of
23 restoration of opportunity has been issued may not be introduced as
24 evidence of negligence or intentionally tortious conduct on the part
25 of the employer or housing provider. This subsection does not create
26 a protected class, private right of action, any right, privilege, or
27 duty, or to change any right, privilege, or duty existing under law
28 related to employment or housing except as provided in RCW 7.60.035.

29 (4)(a) Department of social and health services: A certificate of
30 restoration of opportunity does not apply to the state abuse and
31 neglect registry. No finding of abuse, neglect, or misappropriation
32 of property may be removed from the registry based solely on a
33 certificate. The department must include such certificates as part of
34 its criminal history record reports, qualifying letters, or other
35 assessments pursuant to RCW 43.43.830 through 43.43.838. The
36 department shall adopt rules to implement this subsection.

37 (b) Washington state patrol: The Washington state patrol is not
38 required to remove any records based solely on a certificate of
39 restoration of opportunity. The state patrol must include a
40 certificate as part of its criminal history record report.

1 (c) Court records:

2 (i) A certificate of restoration of opportunity has no effect on
3 any other court records, including records in the judicial
4 information system. The court records related to a certificate of
5 restoration of opportunity must be processed and recorded in the same
6 manner as any other record.

7 (ii) The qualified court where the applicant seeks the
8 certificate of restoration of opportunity must administer the court
9 records regarding the certificate in the same manner as it does
10 regarding all other proceedings.

11 (d) Effect in other judicial proceedings: A certificate of
12 restoration of opportunity may only be submitted to a court to
13 demonstrate that the individual met the specific requirements of this
14 section and not for any other procedure, including evidence of
15 character, reputation, or conduct. A certificate is not an equivalent
16 procedure under Rule of Evidence 609(c).

17 (e) Department of health: The department of health must include a
18 certificate of restoration of opportunity on its public web site if:

19 (i) Its web site includes an order, stipulation to informal
20 disposition, or notice of decision related to the conviction
21 identified in the certificate of restoration of opportunity; and

22 (ii) The credential holder has provided a certified copy of the
23 certificate of restoration of opportunity to the department of
24 health.

25 (f) Department of children, youth, and families: A certificate of
26 restoration of opportunity does not apply to founded findings of
27 child abuse or neglect. No finding of child abuse or neglect may be
28 destroyed based solely on a certificate. The department of children,
29 youth, and families must include such certificates as part of its
30 criminal history record reports, qualifying letters, or other
31 assessments pursuant to RCW 43.43.830 through 43.43.838. The
32 department of children, youth, and families shall adopt rules to
33 implement this subsection (4)(f).

34 (5) In all cases, an applicant must provide notice to the
35 prosecutor in the county where he or she seeks a certificate of
36 restoration of opportunity of the pendency of such application. If
37 the applicant has been sentenced by any other jurisdiction in the
38 five years preceding the application for a certificate, the applicant
39 must also notify the prosecuting attorney in those jurisdictions. The
40 prosecutor in the county where an applicant applies for a certificate

1 shall provide the court with a report of the applicant's criminal
2 history.

3 (6) Application for a certificate of restoration of opportunity
4 must be filed as a civil action.

5 (7) A superior court in the county in which the applicant resides
6 may decline to consider the application for certificate of
7 restoration of opportunity. If the superior court in which the
8 applicant resides declines to consider the application, the court
9 must dismiss the application without prejudice and the applicant may
10 refile the application in another qualified court. The court must
11 state the reason for the dismissal on the order. If the court
12 determines that the applicant does not meet the required
13 qualifications, then the court must dismiss the application without
14 prejudice and state the reason(s) on the order. The superior court in
15 the county of the applicant's conviction or adjudication may not
16 decline to consider the application.

17 (8) Unless the qualified court determines that a hearing on an
18 application for certificate of restoration is necessary, the court
19 must decide without a hearing whether to grant the certificate of
20 restoration of opportunity based on a review of the application filed
21 by the applicant and pleadings filed by the prosecuting attorney.

22 (9) The clerk of the court in which the certificate of
23 restoration of opportunity is granted shall transmit the certificate
24 of restoration of opportunity to the Washington state patrol
25 identification section, which holds criminal history information for
26 the person who is the subject of the conviction. The Washington state
27 patrol shall update its records to reflect the certificate of
28 restoration of opportunity.

29 (10)(a) The administrative office of the courts shall develop and
30 prepare instructions, forms, and an informational brochure designed
31 to assist applicants applying for a certificate of restoration of
32 opportunity.

33 (b) The instructions must include, at least, a sample of a
34 standard application and a form order for a certificate of
35 restoration of opportunity.

36 (c) The administrative office of the courts shall distribute a
37 master copy of the instructions, informational brochure, and sample
38 application and form order to all county clerks and a master copy of
39 the application and order to all superior courts by January 1, 2017.

1 (d) The administrative office of the courts shall determine the
2 significant non-English-speaking or limited English-speaking
3 populations in the state. The administrator shall then arrange for
4 translation of the instructions, which shall contain a sample of the
5 standard application and order, and the informational brochure into
6 languages spoken by those significant non-English-speaking
7 populations and shall distribute a master copy of the translated
8 instructions and informational brochures to the county clerks by
9 January 1, 2017.

10 (e) The administrative office of the courts shall update the
11 instructions, brochures, standard application and order, and
12 translations when changes in the law make an update necessary.

13 **Sec. 806.** RCW 41.06.475 and 2007 c 387 s 8 are each amended to
14 read as follows:

15 The director shall adopt rules, in cooperation with the director
16 of the department of (~~early learning~~) children, youth, and
17 families, for the background investigation of current employees and
18 of persons being actively considered for positions with the
19 department who will or may have unsupervised access to children. The
20 director shall also adopt rules, in cooperation with the director of
21 the department of (~~early learning~~) children, youth, and families,
22 for background investigation of positions otherwise required by
23 federal law to meet employment standards. "Considered for positions"
24 includes decisions about (1) initial hiring, layoffs, reallocations,
25 transfers, promotions, or demotions, or (2) other decisions that
26 result in an individual being in a position that will or may have
27 unsupervised access to children as an employee, an intern, or a
28 volunteer.

29 **Sec. 807.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
30 amended to read as follows:

31 As used in this chapter:

32 (1) "Adult family home provider" means a provider as defined in
33 RCW 70.128.010 who receives payments from the medicaid and state-
34 funded long-term care programs.

35 (2) "Bargaining representative" means any lawful organization
36 which has as one of its primary purposes the representation of
37 employees in their employment relations with employers.

1 (3) "Child care subsidy" means a payment from the state through a
2 child care subsidy program established pursuant to RCW 74.12.340 or
3 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
4 program.

5 (4) "Collective bargaining" means the performance of the mutual
6 obligations of the public employer and the exclusive bargaining
7 representative to meet at reasonable times, to confer and negotiate
8 in good faith, and to execute a written agreement with respect to
9 grievance procedures and collective negotiations on personnel
10 matters, including wages, hours and working conditions, which may be
11 peculiar to an appropriate bargaining unit of such public employer,
12 except that by such obligation neither party shall be compelled to
13 agree to a proposal or be required to make a concession unless
14 otherwise provided in this chapter.

15 (5) "Commission" means the public employment relations
16 commission.

17 (6) "Executive director" means the executive director of the
18 commission.

19 (7) "Family child care provider" means a person who: (a) Provides
20 regularly scheduled care for a child or children in the home of the
21 provider or in the home of the child or children for periods of less
22 than twenty-four hours or, if necessary due to the nature of the
23 parent's work, for periods equal to or greater than twenty-four
24 hours; (b) receives child care subsidies; and (c) under chapter
25 43.215 RCW (as recodified by this act), is either licensed by the
26 state (~~(under RCW 74.15.030)~~) or is exempt from licensing (~~(under~~
27 ~~chapter 74.15 RCW)~~).

28 (8) "Individual provider" means an individual provider as defined
29 in RCW 74.39A.240(4) who, solely for the purposes of collective
30 bargaining, is a public employee as provided in RCW 74.39A.270.

31 (9) "Institution of higher education" means the University of
32 Washington, Washington State University, Central Washington
33 University, Eastern Washington University, Western Washington
34 University, The Evergreen State College, and the various state
35 community colleges.

36 (10)(a) "Language access provider" means any independent
37 contractor who provides spoken language interpreter services for
38 department of social and health services appointments or medicaid
39 enrollee appointments, or department of children, youth, and families
40 appointments, or provided these services on or after January 1, 2009,

1 and before June 10, 2010, whether paid by a broker, language access
2 agency, or the department.

3 (b) "Language access provider" does not mean an owner, manager,
4 or employee of a broker or a language access agency.

5 (11) "Public employee" means any employee of a public employer
6 except any person (a) elected by popular vote, or (b) appointed to
7 office pursuant to statute, ordinance or resolution for a specified
8 term of office as a member of a multimember board, commission, or
9 committee, whether appointed by the executive head or body of the
10 public employer, or (c) whose duties as deputy, administrative
11 assistant or secretary necessarily imply a confidential relationship
12 to (i) the executive head or body of the applicable bargaining unit,
13 or (ii) any person elected by popular vote, or (iii) any person
14 appointed to office pursuant to statute, ordinance or resolution for
15 a specified term of office as a member of a multimember board,
16 commission, or committee, whether appointed by the executive head or
17 body of the public employer, or (d) who is a court commissioner or a
18 court magistrate of superior court, district court, or a department
19 of a district court organized under chapter 3.46 RCW, or (e) who is a
20 personal assistant to a district court judge, superior court judge,
21 or court commissioner. For the purpose of (e) of this subsection, no
22 more than one assistant for each judge or commissioner may be
23 excluded from a bargaining unit.

24 (12) "Public employer" means any officer, board, commission,
25 council, or other person or body acting on behalf of any public body
26 governed by this chapter, or any subdivision of such public body. For
27 the purposes of this section, the public employer of district court
28 or superior court employees for wage-related matters is the
29 respective county legislative authority, or person or body acting on
30 behalf of the legislative authority, and the public employer for
31 nonwage-related matters is the judge or judge's designee of the
32 respective district court or superior court.

33 (13) "Uniformed personnel" means: (a) Law enforcement officers as
34 defined in RCW 41.26.030 employed by the governing body of any city
35 or town with a population of two thousand five hundred or more and
36 law enforcement officers employed by the governing body of any county
37 with a population of ten thousand or more; (b) correctional employees
38 who are uniformed and nonuniformed, commissioned and noncommissioned
39 security personnel employed in a jail as defined in RCW 70.48.020(9),
40 by a county with a population of seventy thousand or more, and who

1 are trained for and charged with the responsibility of controlling
2 and maintaining custody of inmates in the jail and safeguarding
3 inmates from other inmates; (c) general authority Washington peace
4 officers as defined in RCW 10.93.020 employed by a port district in a
5 county with a population of one million or more; (d) security forces
6 established under RCW 43.52.520; (e) firefighters as that term is
7 defined in RCW 41.26.030; (f) employees of a port district in a
8 county with a population of one million or more whose duties include
9 crash fire rescue or other firefighting duties; (g) employees of fire
10 departments of public employers who dispatch exclusively either fire
11 or emergency medical services, or both; (h) employees in the several
12 classes of advanced life support technicians, as defined in RCW
13 18.71.200, who are employed by a public employer; or (i) court
14 marshals of any county who are employed by, trained for, and
15 commissioned by the county sheriff and charged with the
16 responsibility of enforcing laws, protecting and maintaining security
17 in all county-owned or contracted property, and performing any other
18 duties assigned to them by the county sheriff or mandated by judicial
19 order.

20 **Sec. 808.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to
21 read as follows:

22 (1) In addition to the entities listed in RCW 41.56.020, this
23 chapter applies to the governor with respect to language access
24 providers. Solely for the purposes of collective bargaining and as
25 expressly limited under subsections (2) and (3) of this section, the
26 governor is the public employer of language access providers who,
27 solely for the purposes of collective bargaining, are public
28 employees. The governor or the governor's designee shall represent
29 the public employer for bargaining purposes.

30 (2) There shall be collective bargaining, as defined in RCW
31 41.56.030, between the governor and language access providers, except
32 as follows:

33 (a) A statewide unit of all language access providers is the only
34 unit appropriate for purposes of collective bargaining under RCW
35 41.56.060;

36 (b) The exclusive bargaining representative of language access
37 providers in the unit specified in (a) of this subsection shall be
38 the representative chosen in an election conducted pursuant to RCW
39 41.56.070.

1 Bargaining authorization cards furnished as the showing of
2 interest in support of any representation petition or motion for
3 intervention filed under this section are exempt from disclosure
4 under chapter 42.56 RCW;

5 (c) Notwithstanding the definition of "collective bargaining" in
6 RCW 41.56.030(4), the scope of collective bargaining for language
7 access providers under this section is limited solely to: (i)
8 Economic compensation, such as the manner and rate of payments; (ii)
9 professional development and training; (iii) labor-management
10 committees; and (iv) grievance procedures. Retirement benefits are
11 not subject to collective bargaining. By such obligation neither
12 party may be compelled to agree to a proposal or be required to make
13 a concession unless otherwise provided in this chapter;

14 (d) In addition to the entities listed in the mediation and
15 interest arbitration provisions of RCW 41.56.430 through 41.56.470
16 and 41.56.480, the provisions apply to the governor or the governor's
17 designee and the exclusive bargaining representative of language
18 access providers, except that:

19 (i) In addition to the factors to be taken into consideration by
20 an interest arbitration panel under RCW 41.56.465, the panel shall
21 consider the financial ability of the state to pay for the
22 compensation and benefit provisions of a collective bargaining
23 agreement;

24 (ii) The decision of the arbitration panel is not binding on the
25 legislature and, if the legislature does not approve the request for
26 funds necessary to implement the compensation and benefit provisions
27 of the arbitrated collective bargaining agreement, the decision is
28 not binding on the state;

29 (e) Language access providers do not have the right to strike.

30 (3) Language access providers who are public employees solely for
31 the purposes of collective bargaining under subsection (1) of this
32 section are not, for that reason, employees of the state for any
33 other purpose. This section applies only to the governance of the
34 collective bargaining relationship between the employer and language
35 access providers as provided in subsections (1) and (2) of this
36 section.

37 (4) Each party with whom the department of social and health
38 services or the department of children, youth, and families contracts
39 for language access services and each of their subcontractors shall
40 provide to the department an accurate list of language access

1 providers, as defined in RCW 41.56.030, including their names,
2 addresses, and other contact information, annually by January 30th,
3 except that initially the lists must be provided within thirty days
4 of June 10, 2010. The department shall, upon request, provide a list
5 of all language access providers, including their names, addresses,
6 and other contact information, to a labor union seeking to represent
7 language access providers.

8 (5) This section does not create or modify:

9 (a) The department's obligation to comply with the federal
10 statute and regulations; and

11 (b) The legislature's right to make programmatic modifications to
12 the delivery of state services under chapter 74.04 RCW. The governor
13 may not enter into, extend, or renew any agreement under this chapter
14 that does not expressly reserve the legislative rights described in
15 this subsection.

16 (6) Upon meeting the requirements of subsection (7) of this
17 section, the governor must submit, as a part of the proposed biennial
18 or supplemental operating budget submitted to the legislature under
19 RCW 43.88.030, a request for funds necessary to implement the
20 compensation and benefit provisions of a collective bargaining
21 agreement entered into under this section or for legislation
22 necessary to implement the agreement.

23 (7) A request for funds necessary to implement the compensation
24 and benefit provisions of a collective bargaining agreement entered
25 into under this section may not be submitted by the governor to the
26 legislature unless the request has been:

27 (a) Submitted to the director of financial management by October
28 1st prior to the legislative session at which the requests are to be
29 considered, except that, for initial negotiations under this section,
30 the request may not be submitted before July 1, 2011; and

31 (b) Certified by the director of financial management as
32 financially feasible for the state or reflective of a binding
33 decision of an arbitration panel reached under subsection (2)(d) of
34 this section.

35 (8) The legislature must approve or reject the submission of the
36 request for funds as a whole. If the legislature rejects or fails to
37 act on the submission, any collective bargaining agreement must be
38 reopened for the sole purpose of renegotiating the funds necessary to
39 implement the agreement.

1 (9) If, after the compensation and benefit provisions of an
2 agreement are approved by the legislature, a significant revenue
3 shortfall occurs resulting in reduced appropriations, as declared by
4 proclamation of the governor or by resolution of the legislature,
5 both parties shall immediately enter into collective bargaining for a
6 mutually agreed upon modification of the agreement.

7 (10) After the expiration date of any collective bargaining
8 agreement entered into under this section, all of the terms and
9 conditions specified in the agreement remain in effect until the
10 effective date of a subsequent agreement, not to exceed one year from
11 the expiration date stated in the agreement.

12 (11) In enacting this section, the legislature intends to provide
13 state action immunity under federal and state antitrust laws for the
14 joint activities of language access providers and their exclusive
15 bargaining representative to the extent the activities are authorized
16 by this chapter.

17 **Sec. 809.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each
18 amended to read as follows:

19 The secretary shall appoint a deputy secretary, a department
20 personnel director and such assistant secretaries as shall be needed
21 to administer the department. The deputy secretary shall have charge
22 and general supervision of the department in the absence or
23 disability of the secretary, and in case of a vacancy in the office
24 of secretary, shall continue in charge of the department until a
25 successor is appointed and qualified, or until the governor shall
26 appoint an acting secretary. (~~The secretary shall appoint an~~
27 ~~assistant secretary to administer the juvenile rehabilitation~~
28 ~~responsibilities required of the department by chapters 13.04, 13.40,~~
29 ~~and 13.50 RCW.)) The officers appointed under this section, and
30 exempt from the provisions of the state civil service law by the
31 terms of RCW 41.06.076, shall be paid salaries to be fixed by the
32 governor in accordance with the procedure established by law for the
33 fixing of salaries for officers exempt from the operation of the
34 state civil service law.~~

35 **Sec. 810.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to
36 read as follows:

37 (1) In addition to the disclosures authorized by RCW 70.02.050
38 and 70.02.210, a health care provider or health care facility may

1 disclose health care information, except for information and records
2 related to sexually transmitted diseases and information related to
3 mental health services which are addressed by RCW 70.02.220 through
4 70.02.260, about a patient without the patient's authorization, to:

5 (a) Any other health care provider or health care facility
6 reasonably believed to have previously provided health care to the
7 patient, to the extent necessary to provide health care to the
8 patient, unless the patient has instructed the health care provider
9 or health care facility in writing not to make the disclosure;

10 (b) Immediate family members of the patient, including a
11 patient's state registered domestic partner, or any other individual
12 with whom the patient is known to have a close personal relationship,
13 if made in accordance with good medical or other professional
14 practice, unless the patient has instructed the health care provider
15 or health care facility in writing not to make the disclosure;

16 (c) A health care provider or health care facility who is the
17 successor in interest to the health care provider or health care
18 facility maintaining the health care information;

19 (d) A person who obtains information for purposes of an audit, if
20 that person agrees in writing to:

21 (i) Remove or destroy, at the earliest opportunity consistent
22 with the purpose of the audit, information that would enable the
23 patient to be identified; and

24 (ii) Not to disclose the information further, except to
25 accomplish the audit or report unlawful or improper conduct involving
26 fraud in payment for health care by a health care provider or
27 patient, or other unlawful conduct by the health care provider;

28 (e) Provide directory information, unless the patient has
29 instructed the health care provider or health care facility not to
30 make the disclosure;

31 (f) Fire, police, sheriff, or other public authority, that
32 brought, or caused to be brought, the patient to the health care
33 facility or health care provider if the disclosure is limited to the
34 patient's name, residence, sex, age, occupation, condition,
35 diagnosis, estimated or actual discharge date, or extent and location
36 of injuries as determined by a physician, and whether the patient was
37 conscious when admitted;

38 (g) Federal, state, or local law enforcement authorities and the
39 health care provider, health care facility, or third-party payor
40 believes in good faith that the health care information disclosed

1 constitutes evidence of criminal conduct that occurred on the
2 premises of the health care provider, health care facility, or third-
3 party payor;

4 (h) Another health care provider, health care facility, or third-
5 party payor for the health care operations of the health care
6 provider, health care facility, or third-party payor that receives
7 the information, if each entity has or had a relationship with the
8 patient who is the subject of the health care information being
9 requested, the health care information pertains to such relationship,
10 and the disclosure is for the purposes described in RCW 70.02.010(17)
11 (a) and (b);

12 (i) An official of a penal or other custodial institution in
13 which the patient is detained; and

14 (j) Any law enforcement officer, corrections officer, or guard
15 supplied by a law enforcement or corrections agency who is
16 accompanying a patient pursuant to RCW 10.110.020, only to the extent
17 the disclosure is incidental to the fulfillment of the role of the
18 law enforcement officer, corrections officer, or guard under RCW
19 10.110.020.

20 (2) In addition to the disclosures required by RCW 70.02.050 and
21 70.02.210, a health care provider shall disclose health care
22 information, except for information related to sexually transmitted
23 diseases and information related to mental health services which are
24 addressed by RCW 70.02.220 through 70.02.260, about a patient without
25 the patient's authorization if the disclosure is:

26 (a) To federal, state, or local law enforcement authorities to
27 the extent the health care provider is required by law;

28 (b) To federal, state, or local law enforcement authorities, upon
29 receipt of a written or oral request made to a nursing supervisor,
30 administrator, or designated privacy official, in a case in which the
31 patient is being treated or has been treated for a bullet wound,
32 gunshot wound, powder burn, or other injury arising from or caused by
33 the discharge of a firearm, or an injury caused by a knife, an ice
34 pick, or any other sharp or pointed instrument which federal, state,
35 or local law enforcement authorities reasonably believe to have been
36 intentionally inflicted upon a person, or a blunt force injury that
37 federal, state, or local law enforcement authorities reasonably
38 believe resulted from a criminal act, the following information, if
39 known:

40 (i) The name of the patient;

1 (ii) The patient's residence;
2 (iii) The patient's sex;
3 (iv) The patient's age;
4 (v) The patient's condition;
5 (vi) The patient's diagnosis, or extent and location of injuries
6 as determined by a health care provider;
7 (vii) Whether the patient was conscious when admitted;
8 (viii) The name of the health care provider making the
9 determination in (b)(v), (vi), and (vii) of this subsection;
10 (ix) Whether the patient has been transferred to another
11 facility; and
12 (x) The patient's discharge time and date;
13 (c) Pursuant to compulsory process in accordance with RCW
14 70.02.060.

15 (3) To the extent they retain health care information subject to
16 this chapter, the department of social and health services and the
17 health care authority shall disclose to the department of children,
18 youth, and families health care information, except for information
19 and records related to sexually transmitted diseases and information
20 related to mental health services that are addressed by RCW 70.02.220
21 through 70.02.260, about a patient without the patient's
22 authorization, for the purpose of investigating and preventing child
23 abuse and neglect and providing for the health care coordination and
24 the well-being of children in foster care. Disclosure under this
25 subsection is mandatory for the purposes of the federal health
26 insurance portability and accountability act.

27 **Sec. 811.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each
28 amended to read as follows:

29 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
30 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
31 pursuant to a valid authorization under RCW 70.02.030, the fact of
32 admission to a provider for mental health services and all
33 information and records compiled, obtained, or maintained in the
34 course of providing mental health services to either voluntary or
35 involuntary recipients of services at public or private agencies must
36 be confidential.

37 (2) Information and records related to mental health services,
38 other than those obtained through treatment under chapter 71.34 RCW,
39 may be disclosed only:

1 (a) In communications between qualified professional persons to
2 meet the requirements of chapter 71.05 RCW, in the provision of
3 services or appropriate referrals, or in the course of guardianship
4 proceedings if provided to a professional person:

5 (i) Employed by the facility;

6 (ii) Who has medical responsibility for the patient's care;

7 (iii) Who is a designated crisis responder;

8 (iv) Who is providing services under chapter 71.24 RCW;

9 (v) Who is employed by a state or local correctional facility
10 where the person is confined or supervised; or

11 (vi) Who is providing evaluation, treatment, or follow-up
12 services under chapter 10.77 RCW;

13 (b) When the communications regard the special needs of a patient
14 and the necessary circumstances giving rise to such needs and the
15 disclosure is made by a facility providing services to the operator
16 of a facility in which the patient resides or will reside;

17 (c)(i) When the person receiving services, or his or her
18 guardian, designates persons to whom information or records may be
19 released, or if the person is a minor, when his or her parents make
20 such a designation;

21 (ii) A public or private agency shall release to a person's next
22 of kin, attorney, personal representative, guardian, or conservator,
23 if any:

24 (A) The information that the person is presently a patient in the
25 facility or that the person is seriously physically ill;

26 (B) A statement evaluating the mental and physical condition of
27 the patient, and a statement of the probable duration of the
28 patient's confinement, if such information is requested by the next
29 of kin, attorney, personal representative, guardian, or conservator;
30 and

31 (iii) Other information requested by the next of kin or attorney
32 as may be necessary to decide whether or not proceedings should be
33 instituted to appoint a guardian or conservator;

34 (d)(i) To the courts as necessary to the administration of
35 chapter 71.05 RCW or to a court ordering an evaluation or treatment
36 under chapter 10.77 RCW solely for the purpose of preventing the
37 entry of any evaluation or treatment order that is inconsistent with
38 any order entered under chapter 71.05 RCW.

1 (ii) To a court or its designee in which a motion under chapter
2 10.77 RCW has been made for involuntary medication of a defendant for
3 the purpose of competency restoration.

4 (iii) Disclosure under this subsection is mandatory for the
5 purpose of the federal health insurance portability and
6 accountability act;

7 (e)(i) When a mental health professional or designated crisis
8 responder is requested by a representative of a law enforcement or
9 corrections agency, including a police officer, sheriff, community
10 corrections officer, a municipal attorney, or prosecuting attorney to
11 undertake an investigation or provide treatment under RCW 71.05.150,
12 10.31.110, or 71.05.153, the mental health professional or designated
13 crisis responder shall, if requested to do so, advise the
14 representative in writing of the results of the investigation
15 including a statement of reasons for the decision to detain or
16 release the person investigated. The written report must be submitted
17 within seventy-two hours of the completion of the investigation or
18 the request from the law enforcement or corrections representative,
19 whichever occurs later.

20 (ii) Disclosure under this subsection is mandatory for the
21 purposes of the federal health insurance portability and
22 accountability act;

23 (f) To the attorney of the detained person;

24 (g) To the prosecuting attorney as necessary to carry out the
25 responsibilities of the office under RCW 71.05.330(2),
26 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
27 access to records regarding the committed person's treatment and
28 prognosis, medication, behavior problems, and other records relevant
29 to the issue of whether treatment less restrictive than inpatient
30 treatment is in the best interest of the committed person or others.
31 Information must be disclosed only after giving notice to the
32 committed person and the person's counsel;

33 (h)(i) To appropriate law enforcement agencies and to a person,
34 when the identity of the person is known to the public or private
35 agency, whose health and safety has been threatened, or who is known
36 to have been repeatedly harassed, by the patient. The person may
37 designate a representative to receive the disclosure. The disclosure
38 must be made by the professional person in charge of the public or
39 private agency or his or her designee and must include the dates of
40 commitment, admission, discharge, or release, authorized or

1 unauthorized absence from the agency's facility, and only any other
2 information that is pertinent to the threat or harassment. The agency
3 or its employees are not civilly liable for the decision to disclose
4 or not, so long as the decision was reached in good faith and without
5 gross negligence.

6 (ii) Disclosure under this subsection is mandatory for the
7 purposes of the federal health insurance portability and
8 accountability act;

9 (i)(i) To appropriate corrections and law enforcement agencies
10 all necessary and relevant information in the event of a crisis or
11 emergent situation that poses a significant and imminent risk to the
12 public. The mental health service agency or its employees are not
13 civilly liable for the decision to disclose or not so long as the
14 decision was reached in good faith and without gross negligence.

15 (ii) Disclosure under this subsection is mandatory for the
16 purposes of the health insurance portability and accountability act;

17 (j) To the persons designated in RCW 71.05.425 for the purposes
18 described in those sections;

19 (k) Upon the death of a person. The person's next of kin,
20 personal representative, guardian, or conservator, if any, must be
21 notified. Next of kin who are of legal age and competent must be
22 notified under this section in the following order: Spouse, parents,
23 children, brothers and sisters, and other relatives according to the
24 degree of relation. Access to all records and information compiled,
25 obtained, or maintained in the course of providing services to a
26 deceased patient are governed by RCW 70.02.140;

27 (l) To mark headstones or otherwise memorialize patients interred
28 at state hospital cemeteries. The department of social and health
29 services shall make available the name, date of birth, and date of
30 death of patients buried in state hospital cemeteries fifty years
31 after the death of a patient;

32 (m) To law enforcement officers and to prosecuting attorneys as
33 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of
34 information that may be released is limited as follows:

35 (i) Only the fact, place, and date of involuntary commitment, an
36 official copy of any order or orders of commitment, and an official
37 copy of any written or oral notice of ineligibility to possess a
38 firearm that was provided to the person pursuant to RCW 9.41.047(1),
39 must be disclosed upon request;

1 (ii) The law enforcement and prosecuting attorneys may only
2 release the information obtained to the person's attorney as required
3 by court rule and to a jury or judge, if a jury is waived, that
4 presides over any trial at which the person is charged with violating
5 RCW 9.41.040(2)(a)(iii);

6 (iii) Disclosure under this subsection is mandatory for the
7 purposes of the federal health insurance portability and
8 accountability act;

9 (n) When a patient would otherwise be subject to the provisions
10 of this section and disclosure is necessary for the protection of the
11 patient or others due to his or her unauthorized disappearance from
12 the facility, and his or her whereabouts is unknown, notice of the
13 disappearance, along with relevant information, may be made to
14 relatives, the department of corrections when the person is under the
15 supervision of the department, and governmental law enforcement
16 agencies designated by the physician or psychiatric advanced
17 registered nurse practitioner in charge of the patient or the
18 professional person in charge of the facility, or his or her
19 professional designee;

20 (o) Pursuant to lawful order of a court;

21 (p) To qualified staff members of the department, to the director
22 of behavioral health organizations, to resource management services
23 responsible for serving a patient, or to service providers designated
24 by resource management services as necessary to determine the
25 progress and adequacy of treatment and to determine whether the
26 person should be transferred to a less restrictive or more
27 appropriate treatment modality or facility;

28 (q) Within the mental health service agency where the patient is
29 receiving treatment, confidential information may be disclosed to
30 persons employed, serving in bona fide training programs, or
31 participating in supervised volunteer programs, at the facility when
32 it is necessary to perform their duties;

33 (r) Within the department as necessary to coordinate treatment
34 for mental illness, developmental disabilities, alcoholism, or drug
35 abuse of persons who are under the supervision of the department;

36 (s) Between the department of social and health services, the
37 department of children, youth, and families, and the health care
38 authority as necessary to coordinate treatment for mental illness,
39 developmental disabilities, alcoholism, or drug abuse of persons who

1 are under the supervision of the department of social and health
2 services or the department of children, youth, and families;

3 (t) To a licensed physician or psychiatric advanced registered
4 nurse practitioner who has determined that the life or health of the
5 person is in danger and that treatment without the information and
6 records related to mental health services could be injurious to the
7 patient's health. Disclosure must be limited to the portions of the
8 records necessary to meet the medical emergency;

9 ~~((t))~~ (u) Consistent with the requirements of the federal
10 health information portability and accountability act, to a licensed
11 mental health professional or a health care professional licensed
12 under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who
13 is providing care to a person, or to whom a person has been referred
14 for evaluation or treatment, to assure coordinated care and treatment
15 of that person. Psychotherapy notes may not be released without
16 authorization of the person who is the subject of the request for
17 release of information;

18 ~~((u))~~ (v) To administrative and office support staff designated
19 to obtain medical records for those licensed professionals listed in
20 ~~((t))~~ (u) of this subsection;

21 ~~((v))~~ (w) To a facility that is to receive a person who is
22 involuntarily committed under chapter 71.05 RCW, or upon transfer of
23 the person from one evaluation and treatment facility to another. The
24 release of records under this subsection is limited to the
25 information and records related to mental health services required by
26 law, a record or summary of all somatic treatments, and a discharge
27 summary. The discharge summary may include a statement of the
28 patient's problem, the treatment goals, the type of treatment which
29 has been provided, and recommendation for future treatment, but may
30 not include the patient's complete treatment record;

31 ~~((w))~~ (x) To the person's counsel or guardian ad litem, without
32 modification, at any time in order to prepare for involuntary
33 commitment or recommitment proceedings, reexaminations, appeals, or
34 other actions relating to detention, admission, commitment, or
35 patient's rights under chapter 71.05 RCW;

36 ~~((x))~~ (y) To staff members of the protection and advocacy
37 agency or to staff members of a private, nonprofit corporation for
38 the purpose of protecting and advocating the rights of persons with
39 mental disorders or developmental disabilities. Resource management
40 services may limit the release of information to the name, birthdate,

1 and county of residence of the patient, information regarding whether
2 the patient was voluntarily admitted, or involuntarily committed, the
3 date and place of admission, placement, or commitment, the name and
4 address of a guardian of the patient, and the date and place of the
5 guardian's appointment. Any staff member who wishes to obtain
6 additional information must notify the patient's resource management
7 services in writing of the request and of the resource management
8 services' right to object. The staff member shall send the notice by
9 mail to the guardian's address. If the guardian does not object in
10 writing within fifteen days after the notice is mailed, the staff
11 member may obtain the additional information. If the guardian objects
12 in writing within fifteen days after the notice is mailed, the staff
13 member may not obtain the additional information;

14 ~~((y))~~ (z) To all current treating providers of the patient with
15 prescriptive authority who have written a prescription for the
16 patient within the last twelve months. For purposes of coordinating
17 health care, the department may release without written authorization
18 of the patient, information acquired for billing and collection
19 purposes as described in RCW 70.02.050(1)(d). The department shall
20 notify the patient that billing and collection information has been
21 released to named providers, and provide the substance of the
22 information released and the dates of such release. The department
23 may not release counseling, inpatient psychiatric hospitalization, or
24 drug and alcohol treatment information without a signed written
25 release from the client;

26 ~~((z))~~ (aa)(i) To the secretary of social and health services
27 for either program evaluation or research, or both so long as the
28 secretary adopts rules for the conduct of the evaluation or research,
29 or both. Such rules must include, but need not be limited to, the
30 requirement that all evaluators and researchers sign an oath of
31 confidentiality substantially as follows:

32 "As a condition of conducting evaluation or research concerning
33 persons who have received services from (fill in the facility,
34 agency, or person) I,, agree not to divulge, publish, or
35 otherwise make known to unauthorized persons or the public any
36 information obtained in the course of such evaluation or research
37 regarding persons who have received services such that the person who
38 received such services is identifiable.

1 I recognize that unauthorized release of confidential information
2 may subject me to civil liability under the provisions of state law.

3 /s/"

4 (ii) Nothing in this chapter may be construed to prohibit the
5 compilation and publication of statistical data for use by government
6 or researchers under standards, including standards to assure
7 maintenance of confidentiality, set forth by the secretary.

8 (3) Whenever federal law or federal regulations restrict the
9 release of information contained in the information and records
10 related to mental health services of any patient who receives
11 treatment for chemical dependency, the department may restrict the
12 release of the information as necessary to comply with federal law
13 and regulations.

14 (4) Civil liability and immunity for the release of information
15 about a particular person who is committed to the department of
16 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)
17 after dismissal of a sex offense as defined in RCW 9.94A.030, is
18 governed by RCW 4.24.550.

19 (5) The fact of admission to a provider of mental health
20 services, as well as all records, files, evidence, findings, or
21 orders made, prepared, collected, or maintained pursuant to chapter
22 71.05 RCW are not admissible as evidence in any legal proceeding
23 outside that chapter without the written authorization of the person
24 who was the subject of the proceeding except as provided in RCW
25 70.02.260, in a subsequent criminal prosecution of a person committed
26 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
27 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
28 trial, in a civil commitment proceeding pursuant to chapter 71.09
29 RCW, or, in the case of a minor, a guardianship or dependency
30 proceeding. The records and files maintained in any court proceeding
31 pursuant to chapter 71.05 RCW must be confidential and available
32 subsequent to such proceedings only to the person who was the subject
33 of the proceeding or his or her attorney. In addition, the court may
34 order the subsequent release or use of such records or files only
35 upon good cause shown if the court finds that appropriate safeguards
36 for strict confidentiality are and will be maintained.

37 (6)(a) Except as provided in RCW 4.24.550, any person may bring
38 an action against an individual who has willfully released
39 confidential information or records concerning him or her in

1 violation of the provisions of this section, for the greater of the
2 following amounts:

3 (i) One thousand dollars; or

4 (ii) Three times the amount of actual damages sustained, if any.

5 (b) It is not a prerequisite to recovery under this subsection
6 that the plaintiff suffered or was threatened with special, as
7 contrasted with general, damages.

8 (c) Any person may bring an action to enjoin the release of
9 confidential information or records concerning him or her or his or
10 her ward, in violation of the provisions of this section, and may in
11 the same action seek damages as provided in this subsection.

12 (d) The court may award to the plaintiff, should he or she
13 prevail in any action authorized by this subsection, reasonable
14 attorney fees in addition to those otherwise provided by law.

15 (e) If an action is brought under this subsection, no action may
16 be brought under RCW 70.02.170.

17 **Sec. 812.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each
18 amended to read as follows:

19 (1)(a) For the protection of applicants and recipients, the
20 department, the authority, and the county offices and their
21 respective officers and employees are prohibited, except as
22 hereinafter provided, from disclosing the contents of any records,
23 files, papers and communications, except for purposes directly
24 connected with the administration of the programs of this title. In
25 any judicial proceeding, except such proceeding as is directly
26 concerned with the administration of these programs, such records,
27 files, papers and communications, and their contents, shall be deemed
28 privileged communications and except for the right of any individual
29 to inquire of the office whether a named individual is a recipient of
30 welfare assistance and such person shall be entitled to an
31 affirmative or negative answer.

32 (b) Unless prohibited by federal law, for the purpose of
33 investigating and preventing child abuse and neglect and providing
34 for the health care coordination and well-being of children in foster
35 care, the department and the authority shall disclose to the
36 department of children, youth, and families the following
37 information: Developmental disabilities administration client
38 records; home and community services client records; long-term care
39 facility or certified community residential supports records; health

1 care information; child support information; food assistance
2 information; and public assistance information. Disclosure under this
3 subsection (1)(b) is mandatory for the purposes of the federal health
4 insurance portability and accountability act.

5 (c) Upon written request of a parent who has been awarded
6 visitation rights in an action for divorce or separation or any
7 parent with legal custody of the child, the department shall disclose
8 to him or her the last known address and location of his or her
9 natural or adopted children. The secretary shall adopt rules which
10 establish procedures for disclosing the address of the children and
11 providing, when appropriate, for prior notice to the custodian of the
12 children. The notice shall state that a request for disclosure has
13 been received and will be complied with by the department unless the
14 department receives a copy of a court order which enjoins the
15 disclosure of the information or restricts or limits the requesting
16 party's right to contact or visit the other party or the child.
17 Information supplied to a parent by the department shall be used only
18 for purposes directly related to the enforcement of the visitation
19 and custody provisions of the court order of separation or decree of
20 divorce. No parent shall disclose such information to any other
21 person except for the purpose of enforcing visitation provisions of
22 the said order or decree.

23 ((+e+)) (d) The department shall review methods to improve the
24 protection and confidentiality of information for recipients of
25 welfare assistance who have disclosed to the department that they are
26 past or current victims of domestic violence or stalking.

27 (2) The county offices shall maintain monthly at their offices a
28 report showing the names and addresses of all recipients in the
29 county receiving public assistance under this title, together with
30 the amount paid to each during the preceding month.

31 (3) The provisions of this section shall not apply to duly
32 designated representatives of approved private welfare agencies,
33 public officials, members of legislative interim committees and
34 advisory committees when performing duties directly connected with
35 the administration of this title, such as regulation and
36 investigation directly connected therewith: PROVIDED, HOWEVER, That
37 any information so obtained by such persons or groups shall be
38 treated with such degree of confidentiality as is required by the
39 federal social security law.

1 (4) It shall be unlawful, except as provided in this section, for
2 any person, body, association, firm, corporation or other agency to
3 solicit, publish, disclose, receive, make use of, or to authorize,
4 knowingly permit, participate in or acquiesce in the use of any lists
5 or names for commercial or political purposes of any nature. The
6 violation of this section shall be a gross misdemeanor.

7 **Sec. 813.** RCW 74.34.063 and 2005 c 274 s 354 are each amended to
8 read as follows:

9 (1) The department shall initiate a response to a report, no
10 later than twenty-four hours after knowledge of the report, of
11 suspected abandonment, abuse, financial exploitation, neglect, or
12 self-neglect of a vulnerable adult.

13 (2) When the initial report or investigation by the department
14 indicates that the alleged abandonment, abuse, financial
15 exploitation, or neglect may be criminal, the department shall make
16 an immediate report to the appropriate law enforcement agency. The
17 department and law enforcement will coordinate in investigating
18 reports made under this chapter. The department may provide
19 protective services and other remedies as specified in this chapter.

20 (3) The law enforcement agency or the department shall report the
21 incident in writing to the proper county prosecutor or city attorney
22 for appropriate action whenever the investigation reveals that a
23 crime may have been committed.

24 (4) The department and law enforcement may share information
25 contained in reports and findings of abandonment, abuse, financial
26 exploitation, and neglect of vulnerable adults, consistent with RCW
27 74.04.060, chapter 42.56 RCW, and other applicable confidentiality
28 laws.

29 (5) Unless prohibited by federal law, the department of social
30 and health services may share with the department of children, youth,
31 and families information contained in reports and findings of
32 abandonment, abuse, financial exploitation, and neglect of vulnerable
33 adults.

34 (6) The department shall notify the proper licensing authority
35 concerning any report received under this chapter that alleges that a
36 person who is professionally licensed, certified, or registered under
37 Title 18 RCW has abandoned, abused, financially exploited, or
38 neglected a vulnerable adult.

1 NEW SECTION. **Sec. 814.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 43.20A.780 (Administration of family services and
4 programs) and 1992 c 198 s 9;

5 (2) RCW 43.20A.850 (Group homes—Availability of evaluations and
6 data) and 1994 sp.s. c 7 s 322; and

7 (3) RCW 43.215.040 (Director—Power and duties) and 2006 c 265 s
8 105.

9 NEW SECTION. **Sec. 815.** The following sections are decodified:

10 (1) RCW 13.40.800 (Juvenile offenses with firearms—Data—
11 Reports);

12 (2) RCW 43.215.005 (Finding—Purpose);

13 (3) RCW 43.215.125 (Washington head start program proposal—
14 Report);

15 (4) RCW 43.215.907 (Evaluation of department by joint legislative
16 audit and review committee);

17 (5) RCW 72.05.300 (Parental schools—Leases, purchases—Powers of
18 school district); and

19 (6) RCW 74.14B.900 (Captions).

20 NEW SECTION. **Sec. 816.** The following sections are recodified in
21 the new chapter created in section 817 of this act in the following
22 order with the following subchapter headings:

23 GENERAL PROVISIONS

24 RCW 43.215.010

25 RCW 43.215.020

26 RCW 43.215.030

27 RCW 43.215.050

28 RCW 43.215.060

29 RCW 43.215.065

30 RCW 43.215.070

31 RCW 43.215.080

32 RCW 43.215.090

33 RCW 43.215.099

34 RCW 43.215.100

35 RCW 43.215.1001

36 RCW 43.215.101

37 RCW 43.215.102

1 RCW 43.215.103
2 RCW 43.215.105
3 RCW 43.215.110
4 RCW 43.215.120
5 RCW 43.215.130
6 RCW 43.215.135
7 RCW 43.215.1351
8 RCW 43.215.1352
9 RCW 43.215.136
10 RCW 43.215.137
11 RCW 43.215.140
12 RCW 43.215.145
13 RCW 43.215.146
14 RCW 43.215.147
15 RCW 43.215.195
16 LICENSING
17 RCW 43.215.200
18 RCW 43.215.201
19 RCW 43.215.205
20 RCW 43.215.210
21 RCW 43.215.215
22 RCW 43.215.216
23 RCW 43.215.217
24 RCW 43.215.218
25 RCW 43.215.220
26 RCW 43.215.230
27 RCW 43.215.240
28 RCW 43.215.250
29 RCW 43.215.255
30 RCW 43.215.260
31 RCW 43.215.270
32 RCW 43.215.280
33 RCW 43.215.290
34 RCW 43.215.300
35 RCW 43.215.305
36 RCW 43.215.307
37 RCW 43.215.308
38 RCW 43.215.310
39 RCW 43.215.320
40 RCW 43.215.330

1 RCW 43.215.335
2 RCW 43.215.340
3 RCW 43.215.350
4 RCW 43.215.355
5 RCW 43.215.360
6 RCW 43.215.370
7 RCW 43.215.371
8 EARLY CHILDHOOD EDUCATION AND ASSISTANCE
9 RCW 43.215.400
10 RCW 43.215.405
11 RCW 43.215.410
12 RCW 43.215.415
13 RCW 43.215.420
14 RCW 43.215.425
15 RCW 43.215.430
16 RCW 43.215.435
17 RCW 43.215.440
18 RCW 43.215.445
19 RCW 43.215.450
20 RCW 43.215.455
21 RCW 43.215.456
22 RCW 43.215.457
23 RCW 43.215.460
24 RCW 43.215.470
25 RCW 43.215.472
26 RCW 43.215.474
27 RCW 43.215.476
28 CHILD CARE
29 RCW 43.215.490
30 RCW 43.215.492
31 RCW 43.215.495
32 RCW 43.215.500
33 RCW 43.215.502
34 RCW 43.215.505
35 RCW 43.215.510
36 RCW 43.215.520
37 RCW 43.215.525
38 RCW 43.215.530
39 RCW 43.215.532
40 RCW 43.215.535

1 RCW 43.215.540
2 RCW 43.215.545
3 RCW 43.215.550
4 RCW 43.215.555
5 RCW 43.215.560
6 RCW 43.215.562
7 RCW 43.215.564
8 TECHNICAL PROVISIONS
9 RCW 43.215.900
10 RCW 43.215.901
11 RCW 43.215.903
12 RCW 43.215.905
13 RCW 43.215.908
14 RCW 43.215.909

15 NEW SECTION. **Sec. 817.** Sections 101, 104, 106 through 108, and
16 801 through 803 of this act constitute a new chapter in Title 43 RCW.

17 NEW SECTION. **Sec. 818.** If any part of this act is found to be
18 in conflict with federal requirements that are a prescribed condition
19 to the allocation of federal funds to the state, the conflicting part
20 of this act is inoperative solely to the extent of the conflict and
21 with respect to the agencies directly affected, and this finding does
22 not affect the operation of the remainder of this act in its
23 application to the agencies concerned. Rules adopted under this act
24 must meet federal requirements that are a necessary condition to the
25 receipt of federal funds by the state.

26 NEW SECTION. **Sec. 819.** Section 103 of this act is necessary for
27 the immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect July 1, 2017.

30 NEW SECTION. **Sec. 820.** Sections 101, 102, 104 through 111, 201
31 through 227, 301 through 336, 401 through 434, 501 through 527, and
32 801 through 818 of this act take effect July 1, 2018.

1 NEW SECTION. **Sec. 821.** Sections 601 through 635 and 701 through
2 734 of this act take effect July 1, 2019.

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