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HOUSE BILL 1393

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Beck, R. King, Bowman, H. Myers, Anderson, Riley, D. Sommers, Winsley, Wynne, Mitchell, Edmondson, Moyer, Miller, Brumsickle, May, R. Johnson, Cole, McLean and Scott.

Read first time January 28, 1991. Referred to Committee on Human Services.

1            AN ACT Relating to child abuse in preschools, nursery schools, and  
2 private kindergartens; amending RCW 74.13.031; adding a new section to  
3 chapter 26.44 RCW; and adding a new section to chapter 19.02 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 26.44 RCW  
6 to read as follows:

7            (1) The department or law enforcement agency that investigates an  
8 allegation of child abuse in a preschool, nursery school, or private  
9 kindergarten shall notify child protective services under the following  
10 specific conditions:

11            (a) If there is sufficient evidence to turn the case over to the  
12 prosecuting attorney;

13            (b) The school remains open with children still attending; and

14            (c) The accused staff member or members are still present with the  
15 children.

1 (2) Child protective services shall investigate the allegation of  
2 child abuse and make a determination pursuant to this chapter. If  
3 child protective services finds cause that would necessitate the  
4 closure of the school involved, a filing for a temporary restraining  
5 order shall be made within forty-eight hours. The temporary  
6 restraining order is to close the preschool, nursery school, or private  
7 kindergarten involved in the alleged child abuse until a hearing on the  
8 merits of the case.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.02 RCW  
10 to read as follows:

11 The director of licensing shall instruct the business licensing  
12 center to distribute, in writing a copy of RCW 43.43.830 through  
13 43.43.845 to all master business license applicants who will serve  
14 children under sixteen years of age, vulnerable adults, or the  
15 developmentally disabled.

16 **Sec. 3.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read  
17 as follows:

18 The department shall have the duty to provide child welfare  
19 services as defined in RCW 74.13.020, and shall:

20 (1) Develop, administer, supervise, and monitor a coordinated and  
21 comprehensive plan that establishes, aids, and strengthens services for  
22 the protection and care of homeless, runaway, dependent, or neglected  
23 children.

24 (2) Develop a recruiting plan for recruiting an adequate number of  
25 prospective adoptive and foster homes, both regular and specialized,  
26 i.e. homes for children of ethnic minority, including Indian homes for  
27 Indian children, sibling groups, handicapped and emotionally disturbed,  
28 and annually submit the plan for review to the house and senate

1 committees on social and health services. The plan shall include a  
2 section entitled "Foster Home Turn-Over, Causes and Recommendations."

3 (3) Investigate complaints of neglect, abuse, or abandonment of  
4 children, and on the basis of the findings of such investigation, offer  
5 child welfare services in relation to the problem to such parents,  
6 legal custodians, or persons serving in loco parentis including  
7 preschools, nursery schools, and private kindergartens, and/or bring  
8 the situation to the attention of an appropriate court, or another  
9 community agency: PROVIDED, That an investigation is not required of  
10 nonaccidental injuries which are clearly not the result of a lack of  
11 care or supervision by the child's parents, legal custodians, or  
12 persons serving in loco parentis. If the investigation reveals that a  
13 crime may have been committed, the department shall notify the  
14 appropriate law enforcement agency.

15 (4) Offer, on a voluntary basis, family reconciliation services to  
16 families who are in conflict.

17 (5) Monitor out-of-home placements, on a timely and routine basis,  
18 to assure the safety, well-being, and quality of care being provided is  
19 within the scope of the intent of the legislature as defined in RCW  
20 74.13.010 and 74.15.010, and annually submit a report delineating the  
21 results to the house and senate committees on social and health  
22 services.

23 (6) Have authority to accept custody of children from parents and  
24 to accept custody of children from juvenile courts, where authorized to  
25 do so under law, to provide child welfare services including placement  
26 for adoption, and to provide for the physical care of such children and  
27 make payment of maintenance costs if needed. Except where required by  
28 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency  
29 which receives children for adoption from the department shall

1 discriminate on the basis of race, creed, or color when considering  
2 applications in their placement for adoption.

3 (7) Have authority to provide temporary shelter to children who  
4 have run away from home and who are admitted to crisis residential  
5 centers.

6 (8) Have authority to purchase care for children; and shall follow  
7 in general the policy of using properly approved private agency  
8 services for the actual care and supervision of such children insofar  
9 as they are available, paying for care of such children as are accepted  
10 by the department as eligible for support at reasonable rates  
11 established by the department.

12 (9) Establish a children's services advisory committee which shall  
13 assist the secretary in the development of a partnership plan for  
14 utilizing resources of the public and private sectors, and advise on  
15 all matters pertaining to child welfare, day care, licensing of child  
16 care agencies, adoption, and services related thereto. At least  
17 one-third of the membership shall be composed of child care providers,  
18 and at least one member shall represent the adoption community.

19 (10) Have authority to provide continued foster care or group care  
20 for individuals from eighteen through twenty years of age to enable  
21 them to complete their high school or vocational school program.

22 (11) Have authority within funds appropriated for foster care  
23 services to purchase care for Indian children who are in the custody of  
24 a federally recognized Indian tribe or tribally licensed child-placing  
25 agency pursuant to parental consent, tribal court order, or state  
26 juvenile court order; and the purchase of such care shall be subject to  
27 the same eligibility standards and rates of support applicable to other  
28 children for whom the department purchases care.

29 Notwithstanding any other provision of RCW 13.32A.170 through  
30 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all

1 services to be provided by the department of social and health services  
2 under subsections (4), (6), and (7) of this section, subject to the  
3 limitations of these subsections, may be provided by any program  
4 offering such services funded pursuant to Titles II and III of the  
5 federal juvenile justice and delinquency prevention act of 1974.