

---

HOUSE BILL 2559

---

State of Washington

55th Legislature

1998 Regular Session

By Representatives Delvin, Tokuda, Cooke, O'Brien and Mitchell; by request of Department of Social and Health Services

Read first time 01/15/98. Referred to Committee on Children & Family Services.

1 AN ACT Relating to care for children with developmental  
2 disabilities provided by the department of social and health services  
3 in the division of developmental disabilities; amending RCW 71A.10.020,  
4 71A.12.040, and 74.20A.030; adding a new section to chapter 71A.10 RCW;  
5 and creating a new section.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature that  
8 parents are responsible for the care and support of children with  
9 developmental disabilities. The legislature recognizes that, in some  
10 instances, intense support is required to care for a child with  
11 developmental disabilities, and the assistance of preventive home-based  
12 or out-of-home care might be needed. The legislature intends to  
13 consolidate all preventive home-based and out-of-home care provided to  
14 children with developmental disabilities, where those services are  
15 necessitated by issues dependent on the child's developmental  
16 disability and not on issues related to either or both abuse and  
17 neglect, and excluding those children whose permanency plan recommends  
18 adoption, through the department of social and health services in the  
19 division of developmental disabilities.

1 The legislature further intends that, through this transfer of  
2 administrative authority from the division of children and family  
3 services to the division of developmental disabilities within the  
4 department of social and health services, the currently authorized  
5 levels and types of services available to children with developmental  
6 disabilities and their families is unaffected.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.10 RCW  
8 to read as follows:

9 The department shall consolidate all services currently provided  
10 through children's administration, not related to either or both abuse  
11 and neglect, to children with developmental disabilities in the  
12 division of developmental disabilities. The department shall provide  
13 for an orderly transfer of staff, equipment, and related  
14 responsibilities from the division of children and family services to  
15 the division of developmental disabilities. The division of  
16 developmental disabilities shall assume responsibilities for children  
17 with developmental disabilities under this section no later than July  
18 1, 1998. Any disputes between the division of children and family  
19 services and the division of developmental disabilities regarding the  
20 transfer of responsibilities under this section shall be resolved by  
21 the secretary.

22 **Sec. 3.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to  
23 read as follows:

24 As used in this title, the following terms have the meanings  
25 indicated unless the context clearly requires otherwise.

26 (1) "Department" means the department of social and health  
27 services.

28 (2) "Developmental disability" means a disability attributable to  
29 mental retardation, cerebral palsy, epilepsy, autism, or another  
30 neurological or other condition of an individual found by the secretary  
31 to be closely related to mental retardation or to require treatment  
32 similar to that required for individuals with mental retardation, which  
33 disability originates before the individual attains age eighteen, which  
34 has continued or can be expected to continue indefinitely, and which  
35 constitutes a substantial handicap to the individual. By January 1,  
36 1989, the department shall promulgate rules which define neurological  
37 or other conditions in a way that is not limited to intelligence

1 quotient scores as the sole (~~determinate~~ {determinant}) determinant  
2 of these conditions, and notify the legislature of this action.

3 (3) "Eligible person" means a person who has been found by the  
4 secretary under RCW 71A.16.040 to be eligible for services.

5 (4) "Habilitative services" means those services provided by  
6 program personnel to assist persons in acquiring and maintaining life  
7 skills and to raise their levels of physical, mental, social, and  
8 vocational functioning. Habilitative services include education,  
9 training for employment, and therapy.

10 (5) "Legal representative" means a parent of a person who is under  
11 eighteen years of age, a person's legal guardian, a person's limited  
12 guardian when the subject matter is within the scope of the limited  
13 guardianship, a person's attorney at law, a person's attorney in fact,  
14 or any other person who is authorized by law to act for another person.

15 (6) "Notice" or "notification" of an action of the secretary means  
16 notice in compliance with RCW 71A.10.060.

17 (7) "Out-of-home care" means placement in a foster family home or  
18 group care facility licensed under chapter 74.15 RCW or placement in a  
19 home, other than that of the child's parent, guardian, or legal  
20 custodian, not required to be licensed under chapter 74.15 RCW.

21 (8) "Preventive services" means preservation services, as defined  
22 in chapter 74.14C RCW, and other reasonably available services capable  
23 of preventing the need for out-of-home placement while protecting the  
24 child.

25 (9) "Residential habilitation center" means a state-operated  
26 facility for persons with developmental disabilities governed by  
27 chapter 71A.20 RCW.

28 (~~(8)~~) (10) "Secretary" means the secretary of social and health  
29 services or the secretary's designee.

30 (~~(9)~~) (11) "Service" or "services" means services provided by  
31 state or local government to carry out this title.

32 **Sec. 4.** RCW 71A.12.040 and 1988 c 176 s 204 are each amended to  
33 read as follows:

34 Services that the secretary may provide or arrange with others to  
35 provide under this title include, but are not limited to:

- 36 (1) Architectural services;
- 37 (2) Case management services;
- 38 (3) Early childhood intervention;

- 1 (4) Employment services;
- 2 (5) Family counseling;
- 3 (6) Family support;
- 4 (7) Information and referral;
- 5 (8) Health services and equipment;
- 6 (9) Home-based preventive and out-of-home care for children;
- 7 (10) Legal services;
- 8 ~~((10))~~ (11) Residential services and support;
- 9 ~~((11))~~ (12) Respite care;
- 10 ~~((12))~~ (13) Therapy services and equipment;
- 11 ~~((13))~~ (14) Transportation services; and
- 12 ~~((14))~~ (15) Vocational services.

13 **Sec. 5.** RCW 74.20A.030 and 1997 c 58 s 934 are each amended to  
14 read as follows:

15 (1) The department shall be subrogated to the right of any  
16 dependent child or children or person having the care, custody, and  
17 control of said child or children, if public assistance money is paid  
18 to or for the benefit of the child under a state program funded under  
19 Title IV-A of the federal social security act as amended by the  
20 personal responsibility and work opportunity reconciliation act of  
21 1996, to prosecute or maintain any support action or execute any  
22 administrative remedy existing under the laws of the state of  
23 Washington to obtain reimbursement of moneys expended, based on the  
24 support obligation of the responsible parent established by a superior  
25 court order or RCW 74.20A.055. Distribution of any support moneys  
26 shall be made in accordance with RCW 26.23.035.

27 (2) The department may initiate, continue, maintain, or execute an  
28 action to establish, enforce, and collect a support obligation,  
29 including establishing paternity and performing related services, under  
30 this chapter and chapter 74.20 RCW, or through the attorney general or  
31 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,  
32 or 26.26 RCW or other appropriate statutes or the common law of this  
33 state, for so long as and under such conditions as the department may  
34 establish by regulation.

35 (3) Public assistance moneys shall be exempt from collection action  
36 under this chapter except as provided in RCW 74.20A.270.

37 ~~((4) No collection action shall be taken against parents of  
38 children eligible for admission to, or children who have been~~

1 discharged from a residential habilitation center as defined by RCW  
2 71A.10.020(7). For the period July 1, 1993, through June 30, 1995, a  
3 collection action may be taken against parents of children with  
4 developmental disabilities who are placed in community-based  
5 residential care. The amount of support the department may collect  
6 from the parents shall not exceed one half of the parents' support  
7 obligation accrued while the child was in community-based residential  
8 care. The child support obligation shall be calculated pursuant to  
9 chapter 26.19 RCW.) )

--- END ---