

**E2SSB 5943** - H COMM AMD

By Committee on Early Learning & Children's Services

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION. **Sec. 1.** The legislature finds that extensive  
4 research conducted by the Washington state institute for public policy  
5 demonstrates the potential for appreciable savings in the state's child  
6 welfare budget by deploying a core set of evidence-based and promising  
7 programs designed to strengthen families and prevent children from  
8 entering the foster care system and reducing the length of stay for  
9 children who do enter the system. The legislature further finds that  
10 achieving improved outcomes for child safety and long-term family  
11 strength and well-being requires renewed thinking and a greater  
12 emphasis on expanding the capacity to deliver evidence-based and  
13 promising prevention and intervention services, earlier positive  
14 engagement with parents and children, more flexibility to focus on  
15 timely permanency outcomes, and more effective utilization of community  
16 resources and private partners. The legislature also finds that the  
17 goal of achieving lasting change in the state's child welfare system  
18 requires building and sustaining the serving capacity of prevention and  
19 early intervention programs through the reinvestment of savings from  
20 reduced foster care caseloads. The legislature further finds that  
21 implementation of these reforms should be approached through  
22 collaborative analysis and planning that includes the relevant state  
23 agencies, Indian tribes and recognized Indian organizations, community  
24 partners, and other stakeholders. The legislature intends to direct  
25 the development of a plan for the first phase of implementation to  
26 begin January 1, 2011.

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

29       (1) The children's administration within the department shall

1 implement two demonstration reform initiatives utilizing performance-  
2 based contracts for an array of evidence-based and promising prevention  
3 and intervention services for families who are at risk for an out-of-  
4 home placement or have a child in out-of-home care, and for children  
5 who are awaiting adoption. Two sites shall be selected, one for each  
6 of the following approaches to the implementation of performance-based  
7 contracting:

8 (a) Performance-based contracts shall govern the delivery of all  
9 child welfare services, including case management services; voluntary  
10 and in-home services; out-of-home care services; and permanency  
11 services relating to reunification, guardianship, adoption, and  
12 preparation for independent living; and

13 (b) Performance-based contracts shall govern the delivery of child  
14 welfare services to children and families, including voluntary and in-  
15 home services; out-of-home care services; and permanency services  
16 relating to reunification, guardianship, adoption, and preparation for  
17 independent living. Case management services shall continue to be the  
18 responsibility of child welfare caseworkers employed by the children's  
19 administration.

20 (2) The children's administration shall retain statewide  
21 responsibility for:

22 (a) Child protection functions and services, including intake and  
23 investigation of allegations of child abuse and neglect, emergency  
24 shelter care functions under RCW 13.34.050, and referrals to  
25 appropriate providers, services, or programs; and

26 (b) Licensing functions relating to child protection and child  
27 welfare services, including licensing of foster family homes, group  
28 homes, and other facilities serving children.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW  
30 to read as follows:

31 (1) The performance contracting oversight committee is established  
32 for the primary purpose of providing expertise, structure, guidance,  
33 and oversight for the implementation of sections 1 through 5 of this  
34 act. Membership of the committee shall include:

35 (a) Two representatives from private nonprofit agencies providing  
36 child welfare services to children and families referred by the

1 department, including one representative of licensed child placing  
2 agencies;

3 (b) The assistant secretary of the children's administration in the  
4 department, who shall serve as cochair of the committee;

5 (c) One regional administrator and one area administrator in the  
6 children's administration selected by the assistant secretary;

7 (d) The administrator for the division of licensed resources in the  
8 children's administration;

9 (e) Two nationally recognized experts in performance-based  
10 contracting;

11 (f) The attorney general or his or her designee;

12 (g) A representative of the collective bargaining unit that  
13 represents the largest number of employees in the children's  
14 administration;

15 (h) A representative from the office of the family and children's  
16 ombudsman;

17 (i) Two representatives from the Indian policy advisory committee  
18 convened by the department's office of Indian policy and support  
19 services;

20 (j) Two currently elected or former superior court judges with  
21 significant experience in dependency matters, selected by the superior  
22 court judges' association;

23 (k) One representative from partners for our children affiliated  
24 with the University of Washington school of social work, who shall  
25 serve as cochair of the committee;

26 (l) Two members of the legislature, one from each chamber, selected  
27 jointly by the speaker of the house of representatives and the  
28 president of the senate; and

29 (m) A representative of foster care providers.

30 (2) The cochairs of the committee shall convene the first meeting  
31 of the committee by June 15, 2009.

32 (3) The committee shall develop the criteria for the implementation  
33 of performance-based contracts at the demonstration sites in a manner  
34 to minimize any potential loss of federal funds. The criteria must be  
35 sufficient for the children's administration to develop requests for  
36 proposal and must describe:

37 (a) The services to be delivered under the contracts in order to

1 assure providers have the flexibility to provide adequate, appropriate,  
2 and relevant evidence-based and promising services to individual  
3 children and families;

4 (b) The outcome measures to be used to evaluate performance under  
5 the contracts and the tools to be utilized to collect and report data  
6 on performance;

7 (c) The procedure for referring families to contracted providers,  
8 including clear protocols for continued communication or coordination  
9 between contracted providers and the children's administration, and  
10 Indian tribes in order to assure child safety and well-being and to  
11 promote the family's engagement;

12 (d) The rate structures of the contracts, including incentives and  
13 reinvestments, if any, as well as how performance will be linked to  
14 opportunities to bid on future contracts;

15 (e) A plan for communicating with the multiple child-serving  
16 systems within the demonstration site regarding implementation of the  
17 contracts, including clear descriptions of new roles and functions of  
18 contracted case managers, where appropriate. The communication plan  
19 shall include a process for early and ongoing communications throughout  
20 the demonstration site, including a process for establishing and  
21 maintaining communication with Indian tribes and organizations within  
22 the demonstration site;

23 (f) Methods to be used for monitoring contract performance,  
24 assuring quality of services, and ensuring compliance with state and  
25 federal laws including, but not limited to, requirements tied to  
26 federal funding for foster care, and the Indian child welfare act as  
27 well as the related guidelines and protocols established between the  
28 state and tribes;

29 (g) Estimates of start-up costs, including a discussion of how  
30 those costs will be distributed under the contracts; and

31 (h) Recommendations for the distribution of legal and financial  
32 risk and liability between the state and contracted partners.

33 (4) The criteria developed for the demonstration site described in  
34 section 2(1)(b) of this act also shall include recommendations for the  
35 optimum balance of shared responsibility for delivering child  
36 protection services and child welfare services between the state and  
37 community-based providers, including a description of the core  
38 functions to be performed by each.

1 (5) The demonstration sites shall be selected by the committee and  
2 shall include consideration of:

3 (a) The infrastructure and capacity of the site for delivering an  
4 array of evidence-based and promising prevention and intervention  
5 services, paying particular attention to the research developed by the  
6 Washington state institute for public policy regarding preventing the  
7 need for and reducing the duration of foster care placements;

8 (b) The willingness and ability of the site's community providers,  
9 children's administration staff, and other stakeholders to effectively  
10 collaborate in the development and implementation of performance-based  
11 contracts for the delivery of child welfare services; and

12 (c) The existence of multidisciplinary or multisystem work on  
13 performance improvement or reform efforts within the site that may  
14 harmonize with or support the implementation of performance-based  
15 contracts.

16 (6) After the sites have been selected, the committee shall convene  
17 appropriate site transition teams to develop their respective  
18 transition plans to implement the contracts. Site teams shall include  
19 those persons identified by the assistant secretary and the executive  
20 director as being essential to developing a comprehensive transition  
21 plan.

22 (7) The committee shall select the demonstration sites and notify  
23 the governor and the legislature of the site selections, and by  
24 December 1, 2010, the committee shall brief the governor and the  
25 legislature on the phased implementation plans for each site. The  
26 phased implementation of contracts shall begin January 1, 2011.

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

29 (1) The assistant secretary of the children's administration and  
30 the director of partners for our children, or their designees, shall  
31 provide the governor, the appropriate committees of the legislature,  
32 and the performance contracting oversight committee with:

33 (a) Periodic updates on the development of the transition plans via  
34 electronically filed reports or in-person briefings, as convenient or  
35 practicable; and

36 (b) Quarterly updates via electronically filed reports beginning

1 March 31, 2011, of the transition progress and operations at the  
2 demonstration sites.

3 (2) Partners for our children shall evaluate the implementation and  
4 operation of the demonstration sites and shall provide annual reports  
5 to the performance contracting oversight committee, the legislature,  
6 and the governor beginning January 1, 2013. The evaluation shall  
7 analyze to what extent the reforms implemented in the demonstration  
8 sites have resulted in improved outcomes for children and families,  
9 increased efficiencies in the delivery of child welfare services, and  
10 enhanced partnerships with community partners and stakeholders.

11 (3) By December 31, 2013, the assistant secretary of the children's  
12 administration and the executive director of partners for our children  
13 shall provide the governor and the legislature with recommendations for  
14 expansion and continued operation of the demonstration sites, including  
15 recommendations for adjustments to operations based on experiences in  
16 the demonstration sites.

17 (4) Based on the recommendations, the governor may direct the  
18 children's administration to develop implementation plans and expand  
19 the use of performance-based contracts according to the same standards  
20 required for development of the demonstration sites as described in  
21 this section, or may direct the demonstration to terminate. Any  
22 expansion plans shall reflect the recommendations and lessons learned  
23 from the evaluation of the demonstration sites.

24 NEW SECTION. **Sec. 5.** The department of social and health  
25 services, the office of financial management, and the caseload forecast  
26 council shall develop a proposal for submission to the legislature and  
27 the governor for the reinvestment of savings in the demonstration sites  
28 into evidence-based prevention and intervention programs designed to  
29 prevent the need for or reduce the duration of foster care placements  
30 in the demonstration sites. The proposal shall be consistent with the  
31 proposed implementation plans developed under sections 2 and 3 of this  
32 act and must be submitted to the legislature and the governor by  
33 November 30, 2010, and shall include sufficient detail regarding  
34 accounting, budgeting, and allocation or other procedures for  
35 legislative consideration and approval.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 41.06 RCW  
2 to read as follows:

3        (1) The children's administration within the department of social  
4 and health services may purchase child welfare services, including  
5 services that have been customarily and historically provided by  
6 employees in the classified service under this chapter, by contracting  
7 with individuals, nonprofit organizations, businesses, employee  
8 business units, or other entities if the following criteria are met:

9        (a) The invitation for bid or request for proposal contains  
10 measurable standards for the performance of the contract;

11        (b) Employees in the classified service whose positions or work  
12 would be displaced by the contract are provided an opportunity to offer  
13 alternatives to purchasing services by contract and, if these  
14 alternatives are not accepted, compete for the contract under  
15 competitive contracting procedures in subsection (4) of this section;

16        (c) The contract with an entity other than an employee business  
17 unit includes a provision requiring the entity to consider employment  
18 of state employees who may be displaced by the contract; and

19        (d) The children's administration has established a contract  
20 monitoring process to measure contract performance, costs, service  
21 delivery quality, and other contract standards, and to cancel contracts  
22 that do not meet those standards.

23        (2) Any provision contrary to or in conflict with this section in  
24 any collective bargaining agreement in effect on the effective date of  
25 this section, is not effective beyond the expiration date of the  
26 agreement.

27        (3) Contracting for services that is expressly mandated by the  
28 legislature or was authorized by law prior to the effective date of  
29 this section, including contracts and agreements between public  
30 entities, shall not be subject to the processes set forth in  
31 subsections (1), (4), and (5) of this section.

32        (4) Competitive contracting shall be implemented as follows:

33        (a) At least ninety days prior to the date the children's  
34 administration requests bids from private entities for a contract for  
35 services provided by classified employees, the children's  
36 administration shall notify the classified employees whose positions or  
37 work would be displaced by the contract. The employees shall have

1 sixty days from the date of notification to offer alternatives to  
2 purchasing services by contract, and the children's administration  
3 shall consider the alternatives before requesting bids.

4 (b) If the employees decide to compete for the contract, they shall  
5 notify the children's administration of their decision. Employees must  
6 form one or more employee business units for the purpose of submitting  
7 a bid or bids to perform the services.

8 (c) The director of personnel, with the advice and assistance of  
9 the department of general administration, shall develop and make  
10 available to employee business units training in the bidding process  
11 and general bid preparation.

12 (d) The director of general administration, with the advice and  
13 assistance of the department of personnel, shall, by rule, establish  
14 procedures to ensure that bids are submitted and evaluated in a fair  
15 and objective manner and that there exists a competitive market for the  
16 service. Such rules shall include, but not be limited to: (i)  
17 Prohibitions against participation in the bid evaluation process by  
18 employees who prepared the business unit's bid or who perform any of  
19 the services to be contracted; (ii) provisions to ensure no bidder  
20 receives an advantage over other bidders and that bid requirements are  
21 applied equitably to all parties; and (iii) procedures that require the  
22 contracting agency to receive complaints regarding the bidding process  
23 and to consider them before awarding the contract. Appeal of an  
24 agency's actions under this subsection is an adjudicative proceeding  
25 and subject to the applicable provisions of chapter 34.05 RCW, the  
26 administrative procedure act, with the final decision to be rendered by  
27 an administrative law judge assigned under chapter 34.12 RCW.

28 (e) An employee business unit's bid must include the indirect  
29 overhead costs of the function, including the cost of the employees'  
30 salaries and benefits, rent, utilities, equipment, materials, and other  
31 costs necessary to perform the function and attributed directly to the  
32 function in question.

33 (f) The children's administration may contract with the department  
34 of general administration to conduct the bidding process.

35 (5) As used in this section:

36 (a) "Children's administration" means the children's administration  
37 within the department of social and health services.



1 (b) "Competitive contracting" means the process by which classified  
2 employees of a department, agency, or institution of higher education  
3 compete with businesses, individuals, nonprofit organizations, or other  
4 entities for contracts authorized by subsection (1) of this section.  
5 "Indirect overhead costs" means the pro rata share of existing agency  
6 administrative salaries and benefits, and rent, equipment costs,  
7 utilities, and materials associated with those administrative  
8 functions.

9 (c) "Employee business unit" means a group of employees who perform  
10 services to be contracted under this section and who submit a bid for  
11 the performance of those services under subsection (4) of this section.

12 (d) "Indirect overhead costs" means the pro rata share of existing  
13 agency administrative salaries and benefits, and rent, equipment costs,  
14 utilities, and materials associated with those administrative  
15 functions.

16 **Sec. 7.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read  
17 as follows:

18 (1) Any department, agency, or institution of higher education may  
19 purchase services, including services that have been customarily and  
20 historically provided by employees in the classified service under this  
21 chapter, by contracting with individuals, nonprofit organizations,  
22 businesses, employee business units, or other entities if the following  
23 criteria are met:

24 (a) The invitation for bid or request for proposal contains  
25 measurable standards for the performance of the contract;

26 (b) Employees in the classified service whose positions or work  
27 would be displaced by the contract are provided an opportunity to offer  
28 alternatives to purchasing services by contract and, if these  
29 alternatives are not accepted, compete for the contract under  
30 competitive contracting procedures in subsection (4) of this section;

31 (c) The contract with an entity other than an employee business  
32 unit includes a provision requiring the entity to consider employment  
33 of state employees who may be displaced by the contract;

34 (d) The department, agency, or institution of higher education has  
35 established a contract monitoring process to measure contract  
36 performance, costs, service delivery quality, and other contract

1 standards, and to cancel contracts that do not meet those standards;  
2 and

3 (e) The department, agency, or institution of higher education has  
4 determined that the contract results in savings or efficiency  
5 improvements. The contracting agency must consider the consequences  
6 and potential mitigation of improper or failed performance by the  
7 contractor.

8 (2) Any provision contrary to or in conflict with this section in  
9 any collective bargaining agreement in effect on July 1, 2005, is not  
10 effective beyond the expiration date of the agreement.

11 (3) Contracting for services that is expressly mandated by the  
12 legislature or was authorized by law prior to July 1, 2005, including  
13 contracts and agreements between public entities, shall not be subject  
14 to the processes set forth in subsections (1), (4), and (5) of this  
15 section.

16 (4) Competitive contracting shall be implemented as follows:

17 (a) At least ninety days prior to the date the contracting agency  
18 requests bids from private entities for a contract for services  
19 provided by classified employees, the contracting agency shall notify  
20 the classified employees whose positions or work would be displaced by  
21 the contract. The employees shall have sixty days from the date of  
22 notification to offer alternatives to purchasing services by contract,  
23 and the agency shall consider the alternatives before requesting bids.

24 (b) If the employees decide to compete for the contract, they shall  
25 notify the contracting agency of their decision. Employees must form  
26 one or more employee business units for the purpose of submitting a bid  
27 or bids to perform the services.

28 (c) The director of personnel, with the advice and assistance of  
29 the department of general administration, shall develop and make  
30 available to employee business units training in the bidding process  
31 and general bid preparation.

32 (d) The director of general administration, with the advice and  
33 assistance of the department of personnel, shall, by rule, establish  
34 procedures to ensure that bids are submitted and evaluated in a fair  
35 and objective manner and that there exists a competitive market for the  
36 service. Such rules shall include, but not be limited to: (i)  
37 Prohibitions against participation in the bid evaluation process by  
38 employees who prepared the business unit's bid or who perform any of

1 the services to be contracted; (ii) provisions to ensure no bidder  
2 receives an advantage over other bidders and that bid requirements are  
3 applied equitably to all parties; and (iii) procedures that require the  
4 contracting agency to receive complaints regarding the bidding process  
5 and to consider them before awarding the contract. Appeal of an  
6 agency's actions under this subsection is an adjudicative proceeding  
7 and subject to the applicable provisions of chapter 34.05 RCW, the  
8 administrative procedure act, with the final decision to be rendered by  
9 an administrative law judge assigned under chapter 34.12 RCW.

10 (e) An employee business unit's bid must include the fully  
11 allocated costs of the service, including the cost of the employees'  
12 salaries and benefits, space, equipment, materials, and other costs  
13 necessary to perform the function. An employee business unit's cost  
14 shall not include the state's indirect overhead costs unless those  
15 costs can be attributed directly to the function in question and would  
16 not exist if that function were not performed in state service.

17 (f) A department, agency, or institution of higher education may  
18 contract with the department of general administration to conduct the  
19 bidding process.

20 (5) As used in this section:

21 (a) "Employee business unit" means a group of employees who perform  
22 services to be contracted under this section and who submit a bid for  
23 the performance of those services under subsection (4) of this section.

24 (b) "Indirect overhead costs" means the pro rata share of existing  
25 agency administrative salaries and benefits, and rent, equipment costs,  
26 utilities, and materials associated with those administrative  
27 functions.

28 (c) "Competitive contracting" means the process by which classified  
29 employees of a department, agency, or institution of higher education  
30 compete with businesses, individuals, nonprofit organizations, or other  
31 entities for contracts authorized by subsection (1) of this section.

32 (6) The requirements of this section do not apply to RCW  
33 74.13.031(5) and sections 1 through 6 of this act.

34 **Sec. 8.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read  
35 as follows:

36 (1) As used in Title 74 RCW, child welfare services (~~shall be~~

1 ~~defined as public~~) "mean publicly provided or contracted social  
2 services including adoption services which strengthen, supplement, or  
3 substitute for, parental care and supervision for the purpose of:

4 ((+1)) (a) Preventing or remedying, or assisting in the solution  
5 of problems which may result in families in conflict, or the neglect,  
6 abuse, exploitation, or criminal behavior of children;

7 ((+2)) (b) Protecting and caring for dependent or neglected  
8 children;

9 ((+3)) (c) Assisting children who are in conflict with their  
10 parents, and assisting parents who are in conflict with their children  
11 with services designed to resolve such conflicts;

12 ((+4)) (d) Protecting and promoting the welfare of children,  
13 including the strengthening of their own homes where possible, or,  
14 where needed;

15 ((+5)) (e) Providing adequate care of children away from their  
16 homes in foster family homes or day care or other child care agencies  
17 or facilities.

18 ~~(As used in)~~ (2) For purposes of this chapter ~~((7))~~ and chapter  
19 74.15 RCW:

20 (a) "Child" means a person less than eighteen years of age;

21 (b) "Department" means the department of social and health services  
22 or a supervising agency with whom the department has contracted for the  
23 provision of child welfare services under sections 1 through 6 of this  
24 act.

25 (3) The department's duty to provide services to homeless families  
26 with children is set forth in RCW 43.20A.790 and in appropriations  
27 provided by the legislature for implementation of the plan.

28 **Sec. 9.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read  
29 as follows:

30 For the purpose of this chapter and RCW 74.13.031, and unless  
31 otherwise clearly indicated by the context thereof, the following terms  
32 shall mean:

33 (1) "Agency" means any person, firm, partnership, association,  
34 corporation, or facility which receives children, expectant mothers, or  
35 persons with developmental disabilities for control, care, or  
36 maintenance outside their own homes, or which places, arranges the  
37 placement of, or assists in the placement of children, expectant

1 mothers, or persons with developmental disabilities for foster care or  
2 placement of children for adoption, and shall include the following  
3 irrespective of whether there is compensation to the agency or to the  
4 children, expectant mothers or persons with developmental disabilities  
5 for services rendered:

6 (a) "Child-placing agency" means an agency which places a child or  
7 children for temporary care, continued care, or for adoption;

8 (b) "Community facility" means a group care facility operated for  
9 the care of juveniles committed to the department under RCW 13.40.185.  
10 A county detention facility that houses juveniles committed to the  
11 department under RCW 13.40.185 pursuant to a contract with the  
12 department is not a community facility;

13 (c) "Crisis residential center" means an agency which is a  
14 temporary protective residential facility operated to perform the  
15 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
16 74.13.032 through 74.13.036;

17 (d) "Emergency respite center" is an agency that may be commonly  
18 known as a crisis nursery, that provides emergency and crisis care for  
19 up to seventy-two hours to children who have been admitted by their  
20 parents or guardians to prevent abuse or neglect. Emergency respite  
21 centers may operate for up to twenty-four hours a day, and for up to  
22 seven days a week. Emergency respite centers may provide care for  
23 children ages birth through seventeen, and for persons eighteen through  
24 twenty with developmental disabilities who are admitted with a sibling  
25 or siblings through age seventeen. Emergency respite centers may not  
26 substitute for crisis residential centers or HOPE centers, or any other  
27 services defined under this section, and may not substitute for  
28 services which are required under chapter 13.32A or 13.34 RCW;

29 (e) "Foster-family home" means an agency which regularly provides  
30 care on a twenty-four hour basis to one or more children, expectant  
31 mothers, or persons with developmental disabilities in the family abode  
32 of the person or persons under whose direct care and supervision the  
33 child, expectant mother, or person with a developmental disability is  
34 placed;

35 (f) "Group-care facility" means an agency, other than a foster-  
36 family home, which is maintained and operated for the care of a group  
37 of children on a twenty-four hour basis;

1 (g) "HOPE center" means an agency licensed by the secretary to  
2 provide temporary residential placement and other services to street  
3 youth. A street youth may remain in a HOPE center for thirty days  
4 while services are arranged and permanent placement is coordinated. No  
5 street youth may stay longer than thirty days unless approved by the  
6 department and any additional days approved by the department must be  
7 based on the unavailability of a long-term placement option. A street  
8 youth whose parent wants him or her returned to home may remain in a  
9 HOPE center until his or her parent arranges return of the youth, not  
10 longer. All other street youth must have court approval under chapter  
11 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

12 (h) "Maternity service" means an agency which provides or arranges  
13 for care or services to expectant mothers, before or during  
14 confinement, or which provides care as needed to mothers and their  
15 infants after confinement;

16 (i) "Responsible living skills program" means an agency licensed by  
17 the secretary that provides residential and transitional living  
18 services to persons ages sixteen to eighteen who are dependent under  
19 chapter 13.34 RCW and who have been unable to live in his or her  
20 legally authorized residence and, as a result, the minor lived outdoors  
21 or in another unsafe location not intended for occupancy by the minor.  
22 Dependent minors ages fourteen and fifteen may be eligible if no other  
23 placement alternative is available and the department approves the  
24 placement;

25 (j) "Service provider" means the entity that operates a community  
26 facility.

27 (2) "Agency" shall not include the following:

28 (a) Persons related to the child, expectant mother, or person with  
29 developmental disability in the following ways:

30 (i) Any blood relative, including those of half-blood, and  
31 including first cousins, second cousins, nephews or nieces, and persons  
32 of preceding generations as denoted by prefixes of grand, great, or  
33 great-great;

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

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

1 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
2 subsection (2)(a), even after the marriage is terminated;

3 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this  
4 subsection (2)(a), of any half sibling of the child; or

5 (vi) Extended family members, as defined by the law or custom of  
6 the Indian child's tribe or, in the absence of such law or custom, a  
7 person who has reached the age of eighteen and who is the Indian  
8 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
9 or sister-in-law, niece or nephew, first or second cousin, or  
10 stepparent who provides care in the family abode on a twenty-four-hour  
11 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

12 (b) Persons who are legal guardians of the child, expectant mother,  
13 or persons with developmental disabilities;

14 (c) Persons who care for a neighbor's or friend's child or  
15 children, with or without compensation, where the parent and person  
16 providing care on a twenty-four-hour basis have agreed to the placement  
17 in writing and the state is not providing any payment for the care;

18 (d) A person, partnership, corporation, or other entity that  
19 provides placement or similar services to exchange students or  
20 international student exchange visitors or persons who have the care of  
21 an exchange student in their home;

22 (e) A person, partnership, corporation, or other entity that  
23 provides placement or similar services to international children who  
24 have entered the country by obtaining visas that meet the criteria for  
25 medical care as established by the United States immigration and  
26 naturalization service, or persons who have the care of such an  
27 international child in their home;

28 (f) Schools, including boarding schools, which are engaged  
29 primarily in education, operate on a definite school year schedule,  
30 follow a stated academic curriculum, accept only school-age children  
31 and do not accept custody of children;

32 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
33 performing functions defined in chapter 70.41 RCW, nursing homes  
34 licensed under chapter 18.51 RCW and boarding homes licensed under  
35 chapter 18.20 RCW;

36 (h) Licensed physicians or lawyers;

37 (i) Facilities approved and certified under chapter 71A.22 RCW;

1 (j) Any agency having been in operation in this state ten years  
2 prior to June 8, 1967, and not seeking or accepting moneys or  
3 assistance from any state or federal agency, and is supported in part  
4 by an endowment or trust fund;

5 (k) Persons who have a child in their home for purposes of  
6 adoption, if the child was placed in such home by a licensed child-  
7 placing agency, an authorized public or tribal agency or court or if a  
8 replacement report has been filed under chapter 26.33 RCW and the  
9 placement has been approved by the court;

10 (l) An agency operated by any unit of local, state, or federal  
11 government or an agency licensed by an Indian tribe pursuant to RCW  
12 74.15.190;

13 (m) A maximum or medium security program for juvenile offenders  
14 operated by or under contract with the department;

15 (n) An agency located on a federal military reservation, except  
16 where the military authorities request that such agency be subject to  
17 the licensing requirements of this chapter.

18 (3) "Department" means the state department of social and health  
19 services or a supervising agency with whom the department has  
20 contracted for the provision of child welfare services under sections  
21 1 through 6 of this act. For the purposes of child protective services  
22 and licensing, "department" means only the department of social and  
23 health services.

24 (4) "Family child care licensee" means a person who: (a) Provides  
25 regularly scheduled care for a child or children in the home of the  
26 provider for periods of less than twenty-four hours or, if necessary  
27 due to the nature of the parent's work, for periods equal to or greater  
28 than twenty-four hours; (b) does not receive child care subsidies; and  
29 (c) is licensed by the state under RCW 74.15.030.

30 (5) "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 (6) "Probationary license" means a license issued as a disciplinary  
34 measure to an agency that has previously been issued a full license but  
35 is out of compliance with licensing standards.

36 (7) "Requirement" means any rule, regulation, or standard of care  
37 to be maintained by an agency.

38 (8) "Secretary" means the secretary of social and health 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 occupancy  
3 by the minor and who is not residing with his or her parent or at his  
4 or her legally authorized residence.

5 (10) "Supervising agency" means a private nonprofit agency licensed  
6 by the state or an Indian tribe with whom the department has contracted  
7 under sections 1 through 6 of this act for the provision of child  
8 welfare services. In no case may a supervising agency be contracted to  
9 license persons or facilities under this title or to provide child  
10 protective services.

11 (11) "Transitional living services" means at a minimum, to the  
12 extent funds are available, the following:

13 (a) Educational services, including basic literacy and  
14 computational skills training, either in local alternative or public  
15 high schools or in a high school equivalency program that leads to  
16 obtaining a high school equivalency degree;

17 (b) Assistance and counseling related to obtaining vocational  
18 training or higher education, job readiness, job search assistance, and  
19 placement programs;

20 (c) Counseling and instruction in life skills such as money  
21 management, home management, consumer skills, parenting, health care,  
22 access to community resources, and transportation and housing options;

23 (d) Individual and group counseling; and

24 (e) Establishing networks with federal agencies and state and local  
25 organizations such as the United States department of labor, employment  
26 and training administration programs including the job training  
27 partnership act which administers private industry councils and the job  
28 corps; vocational rehabilitation; and volunteer programs.

29 NEW SECTION. Sec. 10. Section 3 of this act is necessary for the  
30 immediate preservation of the public peace, health, or safety, or  
31 support of the state government and its existing public institutions,  
32 and takes effect immediately."

33 Correct the title.

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