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ENGROSSED SUBSTITUTE SENATE BILL 5599

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State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Lias, C. Wilson, Dhingra, Lovelett, Nguyen, and Randall)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to supporting youth and young adults seeking  
2 protected health care services; amending RCW 13.32A.082 and  
3 74.15.020; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that unsheltered  
6 homelessness for youth poses a serious threat to their health and  
7 safety. The Trevor project has found that one in three transgender  
8 youth report attempting suicide. Homelessness amongst transgender  
9 youth can further endanger an already at-risk population. The  
10 legislature further finds that barriers to accessing shelter can  
11 place a chilling effect on exiting unsheltered homelessness and  
12 therefore create additional risk and dangers for youth. Youth seeking  
13 certain medical services are especially at risk and vulnerable.  
14 Therefore, the legislature intends to remove barriers to accessing  
15 temporary, licensed shelter accommodations for youth seeking certain  
16 protected health care services.

17 **Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read  
18 as follows:

19 (1)(a) Except as provided in (b) of this subsection, any person,  
20 unlicensed youth shelter, or runaway and homeless youth program that,

1 without legal authorization, provides shelter to a minor and that  
2 knows at the time of providing the shelter that the minor is away  
3 from a lawfully prescribed residence or home without parental  
4 permission, shall promptly report the location of the child to the  
5 parent, the law enforcement agency of the jurisdiction in which the  
6 person lives, or the department.

7 (b) (i) If a licensed overnight youth shelter, or another licensed  
8 organization with a stated mission to provide services to homeless or  
9 runaway youth and their families, shelters a child and knows at the  
10 time of providing the shelter that the child is away from a lawfully  
11 prescribed residence or home without parental permission, it must  
12 contact the youth's parent within seventy-two hours, but preferably  
13 within twenty-four hours, following the time that the youth is  
14 admitted to the shelter or other licensed organization's program. The  
15 notification must include the whereabouts of the youth, a description  
16 of the youth's physical and emotional condition, and the  
17 circumstances surrounding the youth's contact with the shelter or  
18 organization. If there are compelling reasons not to notify the  
19 parent, the shelter or organization must instead notify the  
20 department.

21 (ii) At least once every eight hours after learning that a youth  
22 receiving services or shelter under this section is away from home  
23 without permission, the shelter or organization staff must consult  
24 the information that the Washington state patrol makes publicly  
25 available under RCW 43.43.510(2). If the youth is publicly listed as  
26 missing, the shelter or organization must immediately notify the  
27 department of its contact with the youth listed as missing. The  
28 notification must include a description of the minor's physical and  
29 emotional condition and the circumstances surrounding the youth's  
30 contact with the shelter or organization.

31 (c) Reports required under this section may be made by telephone  
32 or any other reasonable means.

33 (2) Unless the context clearly requires otherwise, the  
34 definitions in this subsection apply throughout this section.

35 (a) "Shelter" means the person's home or any structure over which  
36 the person has any control.

37 (b) "Promptly report" means to report within eight hours after  
38 the person has knowledge that the minor is away from a lawfully  
39 prescribed residence or home without parental permission.

1 (c) "Compelling reasons" include, but are not limited to((7  
2 circumstances)):

3 (i) Circumstances that indicate that notifying the parent or  
4 legal guardian will subject the minor to abuse or neglect as defined  
5 in RCW 26.44.020; or

6 (ii) When a minor is seeking or receiving protected health care  
7 services.

8 (d) "Protected health care services" means gender affirming  
9 treatment as defined in RCW 74.09.675 and reproductive health care  
10 services as defined in RCW 74.09.875.

11 (3) When the department receives a report under subsection (1) of  
12 this section, it shall make a good faith attempt to notify the parent  
13 that a report has been received and offer services designed to  
14 resolve the conflict and accomplish a reunification of the family.

15 (4) Nothing in this section prohibits any person, unlicensed  
16 youth shelter, or runaway and homeless youth program from immediately  
17 reporting the identity and location of any minor who is away from a  
18 lawfully prescribed residence or home without parental permission  
19 more promptly than required under this section.

20 (5) Nothing in this section limits a person's duty to report  
21 child abuse or neglect as required by RCW 26.44.030 or removes the  
22 requirement that the law enforcement agency of the jurisdiction in  
23 which the person lives be notified.

24 **Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to  
25 read as follows:

26 The definitions in this section apply throughout this chapter and  
27 RCW 74.13.031 unless the context clearly requires otherwise.

28 (1) "Agency" means any person, firm, partnership, association,  
29 corporation, or facility which receives children, expectant mothers,  
30 or persons with developmental disabilities for control, care, or  
31 maintenance outside their own homes, or which places, arranges the  
32 placement of, or assists in the placement of children, expectant  
33 mothers, or persons with developmental disabilities for foster care  
34 or placement of children for adoption, and shall include the  
35 following irrespective of whether there is compensation to the agency  
36 or to the children, expectant mothers, or persons with developmental  
37 disabilities for services rendered:

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

1 (b) "Community facility" means a group care facility operated for  
2 the care of juveniles committed to the department under RCW  
3 13.40.185. A county detention facility that houses juveniles  
4 committed to the department under RCW 13.40.185 pursuant to a  
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a  
7 temporary protective residential facility operated to perform the  
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
9 43.185C.295 through 43.185C.310;

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

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

29 (f) "Group-care facility" means an agency, other than a foster  
30 family home, which is maintained and operated for the care of a group  
31 of children on a twenty-four hour basis. "Group care facility"  
32 includes but is not limited to:

33 (i) Qualified residential treatment programs as defined in RCW  
34 13.34.030;

35 (ii) Facilities specializing in providing prenatal, postpartum,  
36 or parenting supports for youth; and

37 (iii) Facilities providing high quality residential care and  
38 supportive services to children who are, or who are at risk of  
39 becoming, victims of sex trafficking;

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.  
5 No street youth may stay longer than thirty days unless approved by  
6 the department and any additional days approved by the department  
7 must be based on the unavailability of a long-term placement option.  
8 A street youth whose parent wants him or her returned to home may  
9 remain in a HOPE center until his or her parent arranges return of  
10 the youth, not longer. All other street youth must have court  
11 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
12 up to thirty days;

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

17 (i) "Resource and assessment center" means an agency that  
18 provides short-term emergency and crisis care for a period up to  
19 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
20 children who have been removed from their parent's or guardian's care  
21 by child protective services or law enforcement;

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

31 (k) "Service provider" means the entity that operates a community  
32 facility.

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

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

36 (i) Any blood relative, including those of half-blood, and  
37 including first cousins, second cousins, nephews or nieces, and  
38 persons of preceding generations as denoted by prefixes of grand,  
39 great, or great-great;

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

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

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

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

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

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

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

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

27 (e) A person, partnership, corporation, or other entity that  
28 provides placement or similar services to international children who  
29 have entered the country by obtaining visas that meet the criteria  
30 for medical care as established by the United States citizenship and  
31 immigration services, or persons who have the care of such an  
32 international child in their home;

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

37 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
38 performing functions defined in chapter 70.41 RCW, nursing homes  
39 licensed under chapter 18.51 RCW and assisted living facilities  
40 licensed under chapter 18.20 RCW;

1 (h) Licensed physicians or lawyers;

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

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

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

12 (l) An agency operated by any unit of local, state, or federal  
13 government or an agency licensed by an Indian tribe pursuant to RCW  
14 74.15.190;

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

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

20 (o)(i) A host home program, and host home, operated by a tax  
21 exempt organization for youth not in the care of or receiving  
22 services from the department, if that program: (A) Recruits and  
23 screens potential homes in the program, including performing  
24 background checks on individuals over the age of eighteen residing in  
25 the home through the Washington state patrol or equivalent law  
26 enforcement agency and performing physical inspections of the home;  
27 (B) screens and provides case management services to youth in the  
28 program; (C) obtains a notarized permission slip or limited power of  
29 attorney from the parent or legal guardian of the youth authorizing  
30 the youth to participate in the program and the authorization is  
31 updated every six months when a youth remains in a host home longer  
32 than six months, unless there is a compelling reason to not contact  
33 the parent or guardian; (D) obtains insurance for the program through  
34 an insurance provider authorized under Title 48 RCW; (E) provides  
35 mandatory reporter and confidentiality training; and (F) registers  
36 with the secretary of state under RCW 74.15.315.

37 (ii) For purposes of this section, ((a—"host")) the following  
38 definitions apply:

1       (A) "Host home" (~~(is)~~) means a private home that volunteers to  
2 host youth in need of temporary placement that is associated with a  
3 host home program.

4       (~~(iii) For purposes of this section, a "host~~) (B) "Host home  
5 program" is a program that provides support to individual host homes  
6 and meets the requirements of (o)(i) of this subsection.

7       (~~(iv)~~) (C) "Compelling reason" means the youth is in the host  
8 home or seeking placement in a host home while seeking or receiving  
9 protected health care services.

10       (D) "Protected health care services" means gender affirming  
11 treatment as defined in RCW 74.09.675 and reproductive health care  
12 services as defined in RCW 74.09.875.

13       (iii) Any host home program that receives local, state, or  
14 government funding shall report the following information to the  
15 office of homeless youth prevention and protection programs annually  
16 by December 1st of each year: The number of children the program  
17 served, why the child was placed with a host home, and where the  
18 child went after leaving the host home, including but not limited to  
19 returning to the parents, running away, reaching the age of majority,  
20 or becoming a dependent of the state;

21       (p) Receiving centers as defined in RCW 7.68.380.

22       (3) "Department" means the department of children, youth, and  
23 families.

24       (4) "Juvenile" means a person under the age of twenty-one who has  
25 been sentenced to a term of confinement under the supervision of the  
26 department under RCW 13.40.185.

27       (5) "Performance-based contracts" or "contracting" means the  
28 structuring of all aspects of the procurement of services around the  
29 purpose of the work to be performed and the desired results with the  
30 contract requirements set forth in clear, specific, and objective  
31 terms with measurable outcomes. Contracts may also include provisions  
32 that link the performance of the contractor to the level and timing  
33 of the reimbursement.

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

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

39       (8) "Secretary" means the secretary of the department.

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

7 (a) Educational services, including basic literacy and  
8 computational skills training, either in local alternative or public  
9 high schools or in a high school equivalency program that leads to  
10 obtaining a high school equivalency degree;

11 (b) Assistance and counseling related to obtaining vocational  
12 training or higher education, job readiness, job search assistance,  
13 and placement programs;

14 (c) Counseling and instruction in life skills such as money  
15 management, home management, consumer skills, parenting, health care,  
16 access to community resources, and transportation and housing  
17 options;

18 (d) Individual and group counseling; and

19 (e) Establishing networks with federal agencies and state and  
20 local organizations such as the United States department of labor,  
21 employment and training administration programs including the  
22 workforce innovation and opportunity act which administers private  
23 industry councils and the job corps; vocational rehabilitation; and  
24 volunteer programs.

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