
SECOND SUBSTITUTE SENATE BILL 5710

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Stevens, Prentice, Zarelli and Schow)

Read first time 03/10/97.

1 AN ACT Relating to reform of social and health services; amending
2 RCW 41.06.076, 13.34.030, 13.34.130, 13.50.010, 13.50.100, 26.44.015,
3 26.44.020, 26.44.030, 26.44.035, 26.44.040, 26.44.053, 26.44.060,
4 70.124.040, 70.129.030, 74.13.031, 74.15.030, 74.34.050, 74.34.070,
5 13.34.090, 13.34.120, 43.43.700, 43.20A.050, 41.64.100, and 26.44.020;
6 reenacting and amending RCW 13.34.130, 13.34.180, and 43.43.840; adding
7 a new section to chapter 41.06 RCW; adding new sections to chapter
8 43.20A RCW; adding new sections to chapter 13.34 RCW; adding a new
9 section to chapter 26.44 RCW; creating new sections; repealing RCW
10 43.06A.040 and 70.190.040; providing an effective date; and providing
11 expiration dates.

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

13 **Sec. 1.** RCW 41.06.076 and 1993 c 281 s 22 are each amended to read
14 as follows:

15 In addition to the exemptions set forth in RCW 41.06.070, the
16 provisions of this chapter shall not apply in the department of social
17 and health services to the secretary; the secretary's executive
18 assistant, if any; not to exceed six assistant secretaries, thirteen
19 division directors, six regional directors; one confidential secretary

1 for each of the above-named officers; not to exceed six bureau chiefs;
2 all social worker V positions; and all superintendents of institutions
3 of which the average daily population equals or exceeds one hundred
4 residents: PROVIDED, That each such confidential secretary must meet
5 the minimum qualifications for the class of secretary II as determined
6 by the Washington personnel resources board.

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

9 The salary and fringe benefits of all social worker V positions
10 created under RCW 41.06.076 shall be determined by the Washington
11 personnel resources board. In establishing the salary and fringe
12 benefits the board shall consider: (1) The consequences of extended
13 travel and out of home living; (2) the importance to the department of
14 caseload reduction and increased efficiencies; (3) the requirements of
15 and qualifications involved in caseworker training; (4) the complexity
16 of the work requirements; and (5) the desirability of avoiding employee
17 turnover in these positions.

18 The salary and fringe benefits shall exceed that of the highest
19 position in the social worker classification on the effective date of
20 this section.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW
22 to read as follows:

23 There is created in the department the classification of social
24 worker V. Employees who are appointed to fill the position shall have:
25 (1) An employment history that demonstrates significant and successful
26 experience in the efficient investigation and resolution of high-risk
27 or complex cases involving child abuse and neglect, including child sex
28 abuse cases; (2) advanced education and training; (3) supervisory
29 experience; (4) a demonstrated commitment to professional improvement
30 and advancement; and (5) capacity to successfully provide support and
31 mentoring to coworkers. Social worker V positions shall not be
32 included in the Washington management service. This classification
33 shall not have more than thirty-six positions.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
35 to read as follows:

1 The secretary shall establish the most cost-effective and efficient
2 administrative structure for use of the social worker V positions,
3 consistent with the requirements of this section. The social worker V
4 employees shall be assigned by the secretary to regions where the
5 average child protective services' caseloads exceed the state-wide
6 average, with consideration also given to the number of high-risk or
7 complex cases in a region, for the purpose of assisting in the
8 reduction of the caseload, training and mentoring other caseworkers,
9 and providing hands-on training and assistance in high-risk, complex,
10 or large cases. The social worker V employees shall be assigned high-
11 risk and complex cases consistent with their qualifications and the
12 goal of caseload reduction. They shall carry no more than one-third
13 the average number of cases for social workers in the region to which
14 they are assigned.

15 The social worker V employees shall be assigned to region as a task
16 force consisting of no less than ten employees. The assignment shall
17 be time-limited and in no event shall exceed two years in duration in
18 any one region. Upon completion of the work in the region the task
19 force members shall continue to remain in contact with the coworkers
20 from the previous assignment for a period of twelve months to perform
21 additional follow-up and mentoring.

22 NEW SECTION. Sec. 5. A new section is added to chapter 43.20A RCW
23 to read as follows:

24 The secretary shall develop a plan for implementation for the
25 social worker V employees. The implementation plan shall be submitted
26 to the governor and the legislature by December 1, 1997.

27 NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW
28 to read as follows:

29 The Washington state institute for public policy shall conduct or
30 contract for monitoring and tracking of sections 2 through 5 of this
31 act to determine whether these efforts result in a measurable reduction
32 in caseloads, increased capacities and efficiencies of caseworkers, and
33 improved resolution of cases. The institute shall report its findings
34 to the governor and legislature by December 1, 2004. If the institute
35 contracts for the study required under this section, it shall consult
36 with the appropriate committees of the legislature to assure the
37 request for proposals adequately reflects the legislative intent.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.20A RCW
2 to read as follows:

3 Sections 2 through 6 of this act expire June 30, 2005.

4 **Sec. 8.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read
5 as follows:

6 For purposes of this chapter:

7 (1) "Alternative response system" means voluntary family-centered
8 services that are: (a) Provided by an entity with which the department
9 contracts; and (b) intended to increase the strengths and cohesiveness
10 of families that the department determines present a low risk of child
11 abuse or neglect.

12 (2) "Child" and "juvenile" means any individual under the age of
13 eighteen years.

14 (~~((+2))~~) (3) "Current placement episode" means the period of time
15 that begins with the most recent date that the child was removed from
16 the home of the parent, guardian, or legal custodian for purposes of
17 placement in out-of-home care and continues until the child returns
18 home, an adoption decree or guardianship order is entered, or the
19 dependency is dismissed, whichever occurs soonest. If the most recent
20 date of removal occurred prior to the filing of a dependency petition
21 under this chapter or after filing but prior to entry of a disposition
22 order, such time periods shall be included when calculating the length
23 of a child's current placement episode.

24 (~~((+3))~~) (4) "Department" means the department of social and health
25 services.

26 (5) "Dependency guardian" means the person, nonprofit corporation,
27 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
28 the limited purpose of assisting the court in the supervision of the
29 dependency.

30 (~~((+4))~~) (6) "Dependent child" means any child:

31 (a) Who has been abandoned; that is, where the child's parent,
32 guardian, or other custodian has expressed either by statement or
33 conduct, an intent to forego, for an extended period, parental rights
34 or parental responsibilities despite an ability to do so. If the court
35 finds that the petitioner has exercised due diligence in attempting to
36 locate the parent, no contact between the child and the child's parent,
37 guardian, or other custodian for a period of three months creates a

1 rebuttable presumption of abandonment, even if there is no expressed
2 intent to abandon;

3 (b) Who is abused or neglected as defined in chapter 26.44 RCW by
4 a person legally responsible for the care of the child;

5 (c) Who has no parent, guardian, or custodian capable of adequately
6 caring for the child, such that the child is in circumstances which
7 constitute a danger of substantial damage to the child's psychological
8 or physical development; or

9 (d) Who has a developmental disability, as defined in RCW
10 71A.10.020 and whose parent, guardian, or legal custodian together with
11 the department determines that services appropriate to the child's
12 needs can not be provided in the home. However, (a), (b), and (c) of
13 this subsection may still be applied if other reasons for removal of
14 the child from the home exist.

15 (~~(+5)~~) (7) "Guardian" means the person or agency that: (a) Has
16 been appointed as the guardian of a child in a legal proceeding other
17 than a proceeding under this chapter; and (b) has the legal right to
18 custody of the child pursuant to such appointment. The term "guardian"
19 shall not include a "dependency guardian" appointed pursuant to a
20 proceeding under this chapter.

21 (~~(+6)~~) (8) "Guardian ad litem" means a person, appointed by the
22 court to represent the best interest of a child in a proceeding under
23 this chapter, or in any matter which may be consolidated with a
24 proceeding under this chapter. A "court-appointed special advocate"
25 appointed by the court to be the guardian ad litem for the child, or to
26 perform substantially the same duties and functions as a guardian ad
27 litem, shall be deemed to be guardian ad litem for all purposes and
28 uses of this chapter.

29 (~~(+7)~~) (9) "Guardian ad litem program" means a court-authorized
30 volunteer program, which is or may be established by the superior court
31 of the county in which such proceeding is filed, to manage all aspects
32 of volunteer guardian ad litem representation for children alleged or
33 found to be dependent. Such management shall include but is not
34 limited to: Recruitment, screening, training, supervision, assignment,
35 and discharge of volunteers.

36 (~~(+8)~~) (10) "Out-of-home care" means placement in a foster family
37 home or group care facility licensed pursuant to chapter 74.15 RCW or
38 placement in a home, other than that of the child's parent, guardian,

1 or legal custodian, not required to be licensed pursuant to chapter
2 74.15 RCW.

3 ((+9)) (11) "Preventive services" means preservation services, as
4 defined in chapter 74.14C RCW, and other reasonably available services
5 capable of preventing the need for out-of-home placement while
6 protecting the child.

7 **Sec. 9.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and
8 1995 c 53 s 1 are each reenacted and amended to read as follows:

9 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
10 been proven by a preponderance of the evidence that the child is
11 dependent within the meaning of RCW 13.34.030; after consideration of
12 the predisposition report prepared pursuant to RCW 13.34.110 and after
13 a disposition hearing has been held pursuant to RCW 13.34.110, the
14 court shall enter an order of disposition pursuant to this section.

15 (1) The court shall order one of the following dispositions of the
16 case:

17 (a) Order a disposition other than removal of the child from his or
18 her home, which shall provide a program designed to alleviate the
19 immediate danger to the child, to mitigate or cure any damage the child
20 has already suffered, and to aid the parents so that the child will not
21 be endangered in the future. In selecting a program, the court should
22 choose those services that least interfere with family autonomy,
23 provided that the services are adequate to protect the child.

24 (b) Order that the child be removed from his or her home and
25 ordered into the custody, control, and care of a relative or the
26 department of social and health services or a licensed child placing
27 agency for placement in a foster family home or group care facility
28 licensed pursuant to chapter 74.15 RCW or in a home not required to be
29 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
30 cause to believe that the safety or welfare of the child would be
31 jeopardized or that efforts to reunite the parent and child will be
32 hindered, such child shall be placed with a person who is related to
33 the child as defined in RCW 74.15.020(4)(a) and with whom the child has
34 a relationship and is comfortable, and who is willing and available to
35 care for the child. Placement of the child with a relative under this
36 subsection shall be given preference by the court. An order for out-
37 of-home placement may be made only if the court finds that reasonable
38 efforts have been made to prevent or eliminate the need for removal of

1 the child from the child's home and to make it possible for the child
2 to return home, specifying the services that have been provided to the
3 child and the child's parent, guardian, or legal custodian, and that
4 preventive services have been offered or provided and have failed to
5 prevent the need for out-of-home placement, unless the health, safety,
6 and welfare of the child cannot be protected adequately in the home,
7 and that:

8 (i) There is no parent or guardian available to care for such
9 child;

10 (ii) The parent, guardian, or legal custodian is not willing to
11 take custody of the child;

12 (iii) The court finds, by clear and convincing evidence, a manifest
13 danger exists that the child will suffer serious abuse or neglect if
14 the child is not removed from the home and an order under RCW 26.44.063
15 would not protect the child from danger; or

16 (iv) The extent of the child's disability is such that the parent,
17 guardian, or legal custodian is unable to provide the necessary care
18 for the child and the parent, guardian, or legal custodian has
19 determined that the child would benefit from placement outside of the
20 home.

21 (2) If the court has ordered a child removed from his or her home
22 pursuant to subsection (1)(b) of this section, the court may order that
23 a petition seeking termination of the parent and child relationship be
24 filed if the court finds it is recommended by the supervising agency,
25 that it is in the best interests of the child and that it is not
26 reasonable to provide further services to reunify the family because
27 the existence of aggravated circumstances make it unlikely that
28 services will effectuate the return of the child to the child's parents
29 in the near future. In determining whether aggravated circumstances
30 exist, the court shall consider one or more of the following:

31 (a) Conviction of the parent of rape of the child in the first,
32 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
33 9A.44.079;

34 (b) Conviction of the parent of criminal mistreatment of the child
35 in the first or second degree as defined in RCW 9A.42.020 and
36 9A.42.030;

37 (c) Conviction of the parent of one of the following assault
38 crimes, when the child is the victim: Assault in the first or second

1 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
2 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

3 (d) Conviction of the parent of murder, manslaughter, or homicide
4 by abuse of the child's other parent, sibling, or another child;

5 (e) A finding by a court that a parent is a sexually violent
6 predator as defined in RCW 71.09.020;

7 (f) Failure of the parent to complete available treatment ordered
8 under this chapter or the equivalent laws of another state, where such
9 failure has resulted in a prior termination of parental rights to
10 another child and the parent has failed to effect significant change in
11 the interim.

12 (3) Whenever a child is ordered removed from the child's home, the
13 agency charged with his or her care shall provide the court with:

14 (a) A permanency plan of care that shall identify one of the
15 following outcomes as a primary goal and may identify additional
16 outcomes as alternative goals: Return of the child to the home of the
17 child's parent, guardian, or legal custodian; adoption; guardianship;
18 or long-term relative or foster care, until the child is age eighteen,
19 with a written agreement between the parties and the care provider; and
20 independent living, if appropriate and if the child is age sixteen or
21 older. Whenever a permanency plan identifies independent living as a
22 goal, the plan shall also specifically identify the services that will
23 be provided to assist the child to make a successful transition from
24 foster care to independent living. Before the court approves
25 independent living as a permanency plan of care, the court shall make
26 a finding that the provision of services to assist the child in making
27 a transition from foster care to independent living will allow the
28 child to manage his or her financial affairs and to manage his or her
29 personal, social, educational, and nonfinancial affairs. The
30 department shall not discharge a child to an independent living
31 situation before the child is eighteen years of age unless the child
32 becomes emancipated pursuant to chapter 13.64 RCW.

33 (b) Unless the court has ordered, pursuant to subsection (2) of
34 this section, that a termination petition be filed, a specific plan as
35 to where the child will be placed, what steps will be taken to return
36 the child home, and what actions the agency will take to maintain
37 parent-child ties. All aspects of the plan shall include the goal of
38 achieving permanence for the child.

1 (i) The agency plan shall specify what services the parents will be
2 offered in order to enable them to resume custody, what requirements
3 the parents must meet in order to resume custody, and a time limit for
4 each service plan and parental requirement.

5 (ii) The agency shall be required to encourage the maximum parent-
6 child contact possible, including regular visitation and participation
7 by the parents in the care of the child while the child is in
8 placement. Visitation may be limited or denied only if the court
9 determines that such limitation or denial is necessary to protect the
10 child's health, safety, or welfare.

11 (iii) A child shall be placed as close to the child's home as
12 possible, preferably in the child's own neighborhood, unless the court
13 finds that placement at a greater distance is necessary to promote the
14 child's or parents' well-being.

15 (iv) The agency charged with supervising a child in placement shall
16 provide all reasonable services that are available within the agency,
17 or within the community, or those services which the department of
18 social and health services has existing contracts to purchase. It
19 shall report to the court if it is unable to provide such services.

20 (c) If the court has ordered, pursuant to subsection (2) of this
21 section, that a termination petition be filed, a specific plan as to
22 where the child will be placed, what steps will be taken to achieve
23 permanency for the child, services to be offered or provided to the
24 child, and, if visitation would be in the best interests of the child,
25 a recommendation to the court regarding visitation between parent and
26 child pending a fact-finding hearing on the termination petition. The
27 agency shall not be required to develop a plan of services for the
28 parents or provide services to the parents.

29 (4) If there is insufficient information at the time of the
30 disposition hearing upon which to base a determination regarding the
31 suitability of a proposed placement with a relative, the child shall
32 remain in foster care and the court shall direct the supervising agency
33 to conduct necessary background investigations as provided in chapter
34 74.15 RCW and report the results of such investigation to the court
35 within thirty days. However, if such relative appears otherwise
36 suitable and competent to provide care and treatment, the criminal
37 history background check need not be completed before placement, but as
38 soon as possible after placement. Any placements with relatives,
39 pursuant to this section, shall be contingent upon cooperation by the

1 relative with the agency case plan and compliance with court orders
2 related to the care and supervision of the child including, but not
3 limited to, court orders regarding parent-child contacts and any other
4 conditions imposed by the court. Noncompliance with the case plan or
5 court order shall be grounds for removal of the child from the
6 relative's home, subject to review by the court.

7 (5) Except for children whose cases are reviewed by a citizen
8 review board under chapter 13.70 RCW, the status of all children found
9 to be dependent shall be reviewed by the court at least every six
10 months from the beginning date of the placement episode or the date
11 dependency is established, whichever is first, at a hearing in which it
12 shall be determined whether court supervision should continue. The
13 review shall include findings regarding the agency and parental
14 completion of disposition plan requirements, and if necessary, revised
15 permanency time limits.

16 (a) A child shall not be returned home at the review hearing unless
17 the court finds that a reason for removal as set forth in this section
18 no longer exists. The parents, guardian, or legal custodian shall
19 report to the court the efforts they have made to correct the
20 conditions which led to removal. If a child is returned, casework
21 supervision shall continue for a period of six months, at which time
22 there shall be a hearing on the need for continued intervention.

23 (b) If the child is not returned home, the court shall establish in
24 writing:

25 (i) Whether reasonable services have been provided to or offered to
26 the parties to facilitate reunion, specifying the services provided or
27 offered;

28 (ii) Whether the child has been placed in the least-restrictive
29 setting appropriate to the child's needs, including whether
30 consideration and preference has been given to placement with the
31 child's relatives;

32 (iii) Whether there is a continuing need for placement and whether
33 the placement is appropriate;

34 (iv) Whether there has been compliance with the case plan by the
35 child, the child's parents, and the agency supervising the placement;

36 (v) Whether progress has been made toward correcting the problems
37 that necessitated the child's placement in out-of-home care;

38 (vi) Whether the parents have visited the child and any reasons why
39 visitation has not occurred or has been infrequent;

1 (vii) Whether additional services are needed to facilitate the
2 return of the child to the child's parents; if so, the court shall
3 order that reasonable services be offered specifying such services; and

4 (viii) The projected date by which the child will be returned home
5 or other permanent plan of care will be implemented.

6 (c) The court at the review hearing may order that a petition
7 seeking termination of the parent and child relationship be filed.

8 NEW SECTION. Sec. 10. A new section is added to chapter 13.34 RCW
9 to read as follows:

10 (1) The department shall contract for delivery of services for at
11 least two but not more than three models of alternative response
12 systems. The services shall be reasonably available throughout the
13 state but need not be sited in every county in the state. Subject to
14 such conditions and limitations as may be specified in the biennial
15 appropriations act, there shall be a minimum of nine sites state-wide.

16 (2) The systems shall provide delivery of services in the least
17 intrusive manner reasonably likely to achieve improved family
18 cohesiveness, prevention of rereferrals of the family for alleged abuse
19 or neglect, and improvement in the health and safety of children.

20 (3) The department shall identify and prioritize risk and
21 protective factors associated with the type of abuse or neglect
22 referrals that are appropriate for services delivered by alternative
23 response systems. Contractors who provide services through an
24 alternative response system shall use the factors in determining which
25 services to deliver, consistent with the provisions of subsection (2)
26 of this section.

27 (4) The department shall identify appropriate data to determine and
28 evaluate outcomes of the services delivered by the alternative response
29 systems. All contracts for delivery of alternative response system
30 services shall include provisions and funding for data collection.

31 (5) The Washington institute for public policy shall prepare and
32 conduct an evaluation of the services under contracts executed under
33 this section. The evaluation, which shall include the factors
34 identified in subsection (2) of this section, must include an analysis
35 of the cost-effectiveness of the services, the rate of rereferrals of
36 families who initially receive the services to the department for
37 alleged abuse or neglect, and the rate of rereferrals of families
38 compared to similarly situated families who do not receive services

1 with those receiving services under the contracts. The analysis of the
2 rereferrals shall review substantiation rates, comparative levels of
3 risk at the time of initial service delivery and conclusion of service,
4 and rereferral, if any. The institute for public policy shall do a
5 comparative analysis of the effectiveness of the models used. The
6 evaluation shall be completed not later than September 1, 2004.

7 (6) The department shall have in place, not later than July 1,
8 2001, contracts creating sufficient capacity to provide alternative
9 response system services to at least sixty percent of the families who
10 meet the criteria for such services.

11 (7) This section expires July 1, 2005.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.34 RCW
13 to read as follows:

14 The court may order a parent or family to participate in the
15 services offered by an alternative response system only when the
16 department recommends such disposition and the services are readily
17 available.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.34 RCW
19 to read as follows:

20 The responsibility for any child who is or has been found to be
21 dependent under RCW 13.34.130 and who meets the criteria set forth in
22 RCW 13.34.030(6)(d) shall be within the department's division of
23 developmental disabilities, as soon as is practical following the
24 determination of dependency. The secretary of the department shall
25 determine the appropriate administrative entity within the department
26 to proceed with the petition required under this chapter. All funds
27 and personnel associated with the provision of services for children
28 who are transferred under this section shall be transferred to the
29 division.

30 The secretary may exercise discretion to permit a limited number of
31 children under this section to remain within the children's
32 administration of the department if: (1) The transfer would cause
33 undue hardship for the parents or relatives as a result of logistical
34 changes; or (2) the number of cases being transferred would not achieve
35 administrative efficiencies for offices located in rural areas.

1 **Sec. 13.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read
2 as follows:

3 (1) For purposes of this chapter:

4 (a) "Juvenile justice or care agency" means any of the following:
5 Police, diversion units, court, prosecuting attorney, defense attorney,
6 detention center, attorney general, the legislative children's
7 oversight committee, the office of family and children's ombudsman, the
8 department of social and health services and its contracting agencies,
9 schools; and, in addition, persons or public or private agencies having
10 children committed to their custody;

11 (b) "Official juvenile court file" means the legal file of the
12 juvenile court containing the petition or information, motions,
13 memorandums, briefs, findings of the court, and court orders;

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

16 (d) "Records" means the official juvenile court file, the social
17 file, and records of any other juvenile justice or care agency in the
18 case.

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

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

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

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

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

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

1 (5) Any person who has reasonable cause to believe information
2 concerning that person is included in the records of a juvenile justice
3 or care agency and who has been denied access to those records by the
4 agency may make a motion to the court for an order authorizing that
5 person to inspect the juvenile justice or care agency record concerning
6 that person. The court shall grant the motion to examine records
7 unless it finds that in the interests of justice or in the best
8 interests of the juvenile the records or parts of them should remain
9 confidential.

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

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

22 (8) The court may permit inspection of records by, or release of
23 information to, any clinic, hospital, or agency which has the subject
24 person under care or treatment. The court may also permit inspection
25 by or release to individuals or agencies, including juvenile justice
26 advisory committees of county law and justice councils, engaged in
27 legitimate research for educational, scientific, or public purposes.
28 The court may also permit inspection of, or release of information
29 from, records which have been sealed pursuant to RCW 13.50.050(11).
30 The court shall release to the sentencing guidelines commission records
31 needed for its research and data-gathering functions under RCW
32 9.94A.040 and other statutes. Access to records or information for
33 research purposes shall be permitted only if the anonymity of all
34 persons mentioned in the records or information will be preserved.
35 Each person granted permission to inspect juvenile justice or care
36 agency records for research purposes shall present a notarized
37 statement to the court stating that the names of juveniles and parents
38 will remain confidential.

1 (9) Juvenile detention facilities shall release records to the
2 sentencing guidelines commission under RCW 13.40.025 and 9.94A.040 upon
3 request. The commission shall not disclose the names of any juveniles
4 or parents mentioned in the records without the named individual's
5 written permission.

6 (10) Requirements in this chapter relating to the court's authority
7 to compel disclosure shall not apply to the legislative children's
8 oversight committee or the office of the family and children's
9 ombudsman.

10 **Sec. 14.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to
11 read as follows:

12 (1) This section governs records not covered by RCW 13.50.050.

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

15 (3) Records retained or produced by any juvenile justice or care
16 agency may be released to other participants in the juvenile justice or
17 care system only when an investigation or case involving the juvenile
18 in question is being pursued by the other participant or when that
19 other participant is assigned the responsibility of supervising the
20 juvenile. Records covered under this section and maintained by the
21 juvenile courts which relate to the official actions of the agency may
22 be entered in the state-wide juvenile court information system.

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

27 (a) If it is determined by the agency that release of this
28 information is likely to cause severe psychological or physical harm to
29 the juvenile or his or her parents the agency may withhold the
30 information subject to other order of the court: PROVIDED, That if the
31 court determines that limited release of the information is
32 appropriate, the court may specify terms and conditions for the release
33 of the information; or

34 (b) If the information or record has been obtained by a juvenile
35 justice or care agency in connection with the provision of counseling,
36 psychological, psychiatric, or medical services to the juvenile, when
37 the services have been sought voluntarily by the juvenile, and the
38 juvenile has a legal right to receive those services without the

1 consent of any person or agency, then the information or record may not
2 be disclosed to the juvenile's parents without the informed consent of
3 the juvenile unless otherwise authorized by law; or

4 (c) That the department of social and health services may delete
5 the name and identifying information regarding persons or organizations
6 who have reported (~~suspected~~) alleged child abuse or neglect.

7 (5) A juvenile or his or her parent denied access to any records
8 following an agency determination under subsection (4) of this section
9 may file a motion in juvenile court requesting access to the records.
10 The court shall grant the motion unless it finds access may not be
11 permitted according to the standards found in subsections (4) (a) and
12 (b) of this section.

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

17 (7) Subject to the rules of discovery in civil cases, any party to
18 a proceeding seeking a declaration of dependency or a termination of
19 the parent-child relationship and any party's counsel and the guardian
20 ad litem of any party, shall have access to the records of any natural
21 or adoptive child of the parent, subject to the limitations in
22 subsection (4) of this section. A party denied access to records may
23 request judicial review of the denial. If the party prevails, he or
24 she shall be awarded attorneys' fees, costs, and an amount not less
25 than five dollars and not more than one hundred dollars for each day
26 the records were wrongfully denied.

27 **Sec. 15.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to
28 read as follows:

29 (1) This chapter shall not be construed to authorize interference
30 with child-raising practices, including reasonable parental discipline,
31 which are not injurious to the child's health, welfare, and safety.

32 (2) Nothing in this chapter may be used to prohibit the reasonable
33 use of corporal punishment as a means of discipline.

34 (3) No parent or guardian may be deemed abusive or neglectful
35 solely by reason of the parent's or child's blindness, deafness,
36 developmental disability, or other handicap.

37 (4) A person reporting alleged injury, abuse, or neglect to an
38 adult dependent person shall not suffer negative consequences if the

1 person reporting believes in good faith that the adult dependent person
2 has been found legally incompetent or disabled.

3 **Sec. 16.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to
4 read as follows:

5 For the purpose of and as used in this chapter:

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

8 (2) "Law enforcement agency" means the police department, the
9 prosecuting attorney, the state patrol, the director of public safety,
10 or the office of the sheriff.

11 (3) "Practitioner of the healing arts" or "practitioner" means a
12 person licensed by this state to practice podiatric medicine and
13 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
14 medicine and surgery, or medicine and surgery or to provide other
15 health services. The term "practitioner" shall include a duly
16 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
17 person who is being furnished Christian Science treatment by a duly
18 accredited Christian Science practitioner shall not be considered, for
19 that reason alone, a neglected person for the purposes of this chapter.

20 (4) "Institution" means a private or public hospital or any other
21 facility providing medical diagnosis, treatment or care.

22 (5) "Department" means the state department of social and health
23 services.

24 (6) "Child" or "children" means any person under the age of
25 eighteen years of age.

26 (7) "Professional school personnel" shall include, but not be
27 limited to, teachers, counselors, administrators, child care facility
28 personnel, and school nurses.

29 (8) "Social service counselor" shall mean anyone engaged in a
30 professional capacity during the regular course of employment in
31 encouraging or promoting the health, welfare, support or education of
32 children, or providing social services to adults or families, including
33 mental health, drug and alcohol treatment, and domestic violence
34 programs, whether in an individual capacity, or as an employee or agent
35 of any public or private organization or institution.

36 (9) "Psychologist" shall mean any person licensed to practice
37 psychology under chapter 18.83 RCW, whether acting in an individual

1 capacity or as an employee or agent of any public or private
2 organization or institution.

3 (10) "Pharmacist" shall mean any registered pharmacist under the
4 provisions of chapter 18.64 RCW, whether acting in an individual
5 capacity or as an employee or agent of any public or private
6 organization or institution.

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

11 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
12 exploitation, negligent treatment, or maltreatment of a child, adult
13 dependent, or developmentally disabled person by any person under
14 circumstances which indicate that the child's or adult's health,
15 welfare, and safety is harmed, excluding conduct permitted under RCW
16 9A.16.100. An abused child is a child who has been subjected to child
17 abuse or neglect as defined herein.

18 (13) "Child protective services section" shall mean the child
19 protective services section of the department.

20 (14) "Adult dependent persons" shall be defined as those persons
21 over the age of eighteen years who have been found to be legally
22 incompetent or disabled pursuant to chapter 11.88 RCW.

23 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
24 encouraging a child to engage in prostitution by any person; or (b)
25 allowing, permitting, encouraging, or engaging in the obscene or
26 pornographic photographing, filming, or depicting of a child by any
27 person.

28 (16) "Negligent treatment or maltreatment" means an act or omission
29 which evidences a serious disregard of consequences of such magnitude
30 as to constitute a clear and present danger to the child's health,
31 welfare, and safety.

32 (17) "Developmentally disabled person" means a person who has a
33 disability defined in RCW 71A.10.020.

34 (18) "Child protective services" means those services provided by
35 the department designed to protect children from child abuse and
36 neglect and safeguard the general welfare of such children and shall
37 include investigations of child abuse and neglect reports, including
38 reports regarding child care centers and family child care homes, and
39 the development, management, and provision of or referral to services

1 to ameliorate conditions which endanger the welfare of children, the
2 coordination of necessary programs and services relevant to the
3 prevention, intervention, and treatment of child abuse and neglect, and
4 services to children to ensure that each child has a permanent home.
5 In determining whether protective services should be provided, the
6 department shall not decline to provide such services solely because of
7 the child's unwillingness or developmental inability to describe the
8 nature and severity of the abuse or neglect.

9 (19) "Malice" or "maliciously" means an evil intent, wish, or
10 design to vex, annoy, or injure another person. Such malice may be
11 inferred from an act done in wilful disregard of the rights of another,
12 or an act wrongfully done without just cause or excuse, or an act or
13 omission of duty betraying a wilful disregard of social duty.

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

16 **Sec. 17.** RCW 26.44.030 and 1996 c 278 s 2 are each amended to read
17 as follows:

18 (1)(a) When any practitioner, county coroner or medical examiner,
19 law enforcement officer, professional school personnel, registered or
20 licensed nurse, social service counselor, psychologist, pharmacist,
21 licensed or certified child care providers or their employees, employee
22 of the department, ~~((or))~~ juvenile probation officer, or state family
23 and children's ombudsman or any volunteer in the ombudsman's office has
24 reasonable cause to believe that a child or adult dependent or
25 developmentally disabled person, has suffered abuse or neglect, he or
26 she shall report such incident, or cause a report to be made, to the
27 proper law enforcement agency or to the department as provided in RCW
28 26.44.040.

29 (b) The reporting requirement shall also apply to department of
30 corrections personnel who, in the course of their employment, observe
31 offenders or the children with whom the offenders are in contact. If,
32 as a result of observations or information received in the course of
33 his or her employment, any department of corrections personnel has
34 reasonable cause to believe that a child or adult dependent or
35 developmentally disabled person has suffered abuse or neglect, he or
36 she shall report the incident, or cause a report to be made, to the
37 proper law enforcement agency or to the department as provided in RCW
38 26.44.040.

1 (c) The reporting requirement shall also apply to any adult who has
2 reasonable cause to believe that a child or adult dependent or
3 developmentally disabled person, who resides with them, has suffered
4 severe abuse, and is able or capable of making a report. For the
5 purposes of this subsection, "severe abuse" means any of the following:
6 Any single act of abuse that causes physical trauma of sufficient
7 severity that, if left untreated, could cause death; any single act of
8 sexual abuse that causes significant bleeding, deep bruising, or
9 significant external or internal swelling; or more than one act of
10 physical abuse, each of which causes bleeding, deep bruising,
11 significant external or internal swelling, bone fracture, or
12 unconsciousness.

13 (d) The report shall be made at the first opportunity, but in no
14 case longer than forty-eight hours after there is reasonable cause to
15 believe that the child or adult has suffered abuse or neglect. The
16 report shall include the identity of the accused if known.

17 (2) The reporting requirement of subsection (1) of this section
18 does not apply to the discovery of abuse or neglect that occurred
19 during childhood if it is discovered after the child has become an
20 adult. However, if there is reasonable cause to believe other
21 children, dependent adults, or developmentally disabled persons are or
22 may be at risk of abuse or neglect by the accused, the reporting
23 requirement of subsection (1) of this section shall apply.

24 (3) Any other person who has reasonable cause to believe that a
25 child or adult dependent or developmentally disabled person has
26 suffered abuse or neglect may report such incident to the proper law
27 enforcement agency or to the department of social and health services
28 as provided in RCW 26.44.040.

29 (4) The department, upon receiving a report of an incident of
30 alleged abuse or neglect pursuant to this chapter, involving a child or
31 adult dependent or developmentally disabled person who has died or has
32 had physical injury or injuries inflicted upon him or her other than by
33 accidental means or who has been subjected to alleged sexual abuse,
34 shall report such incident to the proper law enforcement agency. In
35 emergency cases, where the child, adult dependent, or developmentally
36 disabled person's welfare is endangered, the department shall notify
37 the proper law enforcement agency within twenty-four hours after a
38 report is received by the department. In all other cases, the
39 department shall notify the law enforcement agency within seventy-two

1 hours after a report is received by the department. If the department
2 makes an oral report, a written report shall also be made to the proper
3 law enforcement agency within five days thereafter.

4 (5) Any law enforcement agency receiving a report of an incident of
5 alleged abuse or neglect pursuant to this chapter, involving a child or
6 adult dependent or developmentally disabled person who has died or has
7 had physical injury or injuries inflicted upon him or her other than by
8 accidental means, or who has been subjected to alleged sexual abuse,
9 shall report such incident in writing as provided in RCW 26.44.040 to
10 the proper county prosecutor or city attorney for appropriate action
11 whenever the law enforcement agency's investigation reveals that a
12 crime may have been committed. The law enforcement agency shall also
13 notify the department of all reports received and the law enforcement
14 agency's disposition of them. In emergency cases, where the child,
15 adult dependent, or developmentally disabled person's welfare is
16 endangered, the law enforcement agency shall notify the department
17 within twenty-four hours. In all other cases, the law enforcement
18 agency shall notify the department within seventy-two hours after a
19 report is received by the law enforcement agency.

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

25 (7) The department may conduct ongoing case planning and
26 consultation with those persons or agencies required to report under
27 this section, with consultants designated by the department, and with
28 designated representatives of Washington Indian tribes if the client
29 information exchanged is pertinent to cases currently receiving child
30 protective services or department case services for the developmentally
31 disabled. Upon request, the department shall conduct such planning and
32 consultation with those persons required to report under this section
33 if the department determines it is in the best interests of the child
34 or developmentally disabled person. Information considered privileged
35 by statute and not directly related to reports required by this section
36 shall not be divulged without a valid written waiver of the privilege.

37 (8) Any case referred to the department by a physician licensed
38 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
39 opinion that child abuse, neglect, or sexual assault has occurred and

1 that the child's safety will be seriously endangered if returned home,
2 the department shall file a dependency petition unless a second
3 licensed physician of the parents' choice believes that such expert
4 medical opinion is incorrect. If the parents fail to designate a
5 second physician, the department may make the selection. If a
6 physician finds that a child has suffered abuse or neglect but that
7 such abuse or neglect does not constitute imminent danger to the
8 child's health or safety, and the department agrees with the
9 physician's assessment, the child may be left in the parents' home
10 while the department proceeds with reasonable efforts to remedy
11 parenting deficiencies.

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

16 (10) Upon receiving reports of alleged abuse or neglect, the
17 department or law enforcement agency may interview children. The
18 interviews may be conducted on school premises, at day-care facilities,
19 at the child's home, or at other suitable locations outside of the
20 presence of parents. Parental notification of the interview shall
21 occur at the earliest possible point in the investigation that will not
22 jeopardize the safety or protection of the child or the course of the
23 investigation. Prior to commencing the interview the department or law
24 enforcement agency shall determine whether the child wishes a third
25 party to be present for the interview and, if so, shall make reasonable
26 efforts to accommodate the child's wishes. Unless the child objects,
27 the department or law enforcement agency shall make reasonable efforts
28 to include a third party in any interview so long as the presence of
29 the third party will not jeopardize the course of the investigation.

30 (11) Upon receiving a report of alleged child abuse and neglect,
31 the department or investigating law enforcement agency shall have
32 access to all relevant records of the child in the possession of
33 mandated reporters and their employees.

34 (12) The department shall maintain investigation records and
35 conduct timely and periodic reviews of all cases constituting abuse and
36 neglect. The department shall maintain a log of screened-out
37 nonabusive cases.

38 (13) The department shall use a risk assessment process when
39 investigating alleged child abuse and neglect referrals. The

1 department shall present the risk factors at all hearings in which the
2 placement of a dependent child is an issue. The department shall,
3 within funds appropriated for this purpose, offer enhanced community-
4 based services to persons who are determined not to require further
5 state intervention.

6 The department shall provide annual reports to the legislature on
7 the effectiveness of the risk assessment process.

8 (14) Upon receipt of a report of alleged abuse or neglect the law
9 enforcement agency may arrange to interview the person making the
10 report and any collateral sources to determine if any malice is
11 involved in the reporting.

12 (15) The department shall make reasonable efforts to learn the
13 name, address, and telephone number of each person making a report of
14 abuse or neglect under this section. The department shall provide
15 assurances of appropriate confidentiality of the identification of
16 persons reporting under this section. If the department is unable to
17 learn the information required under this subsection, the department
18 shall only investigate cases in which: (a) The department believes
19 there is a serious threat of substantial harm to the child; (b) the
20 report indicates conduct involving a criminal offense that has, or is
21 about to occur, in which the child is the victim; or (c) the department
22 has substantiated a report of abuse or neglect with regard to a member
23 of the household within three years of receipt of the referral.

24 **Sec. 18.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read
25 as follows:

26 If the department or a law enforcement agency responds to a
27 complaint of alleged child abuse or neglect and discovers that another
28 agency has also responded to the complaint, the agency shall notify the
29 other agency of their presence, and the agencies shall coordinate the
30 investigation and keep each other apprised of progress.

31 The department, each law enforcement agency, each county
32 prosecuting attorney, each city attorney, and each court shall make as
33 soon as practicable a written record and shall maintain records of all
34 incidents of suspected child abuse reported to that person or agency.
35 Records kept under this section shall be identifiable by means of an
36 agency code for child abuse.

1 **Sec. 19.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to
2 read as follows:

3 An immediate oral report shall be made by telephone or otherwise to
4 the proper law enforcement agency or the department of social and
5 health services and, upon request, shall be followed by a report in
6 writing. Such reports shall contain the following information, if
7 known:

8 (1) The name, address, and age of the child or adult dependent or
9 developmentally disabled person;

10 (2) The name and address of the child's parents, stepparents,
11 guardians, or other persons having custody of the child or the
12 residence of the adult dependent or developmentally disabled person;

13 (3) The nature and extent of the alleged injury or injuries;

14 (4) The nature and extent of the alleged neglect;

15 (5) The nature and extent of the alleged sexual abuse;

16 (6) Any evidence of previous injuries, including their nature and
17 extent; and

18 (7) Any other information which may be helpful in establishing the
19 cause of the child's or adult dependent or developmentally disabled
20 person's death, injury, or injuries and the identity of the alleged
21 perpetrator or perpetrators.

22 **Sec. 20.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to
23 read as follows:

24 (1) In any judicial proceeding under this chapter or chapter 13.34
25 RCW in which it is alleged that a child has been subjected to child
26 abuse or neglect, the court shall appoint a guardian ad litem for the
27 child as provided in chapter 13.34 RCW. The requirement of a guardian
28 ad litem may be deemed satisfied if the child is represented by counsel
29 in the proceedings.

30 (2) At any time prior to or during a hearing in such a case, the
31 court may, on its own motion, or the motion of the guardian ad litem,
32 or other parties, order the examination by a physician, psychologist,
33 or psychiatrist, of any parent or child or other person having custody
34 of the child at the time of the alleged child abuse or neglect, if the
35 court finds such an examination is necessary to the proper
36 determination of the case. The hearing may be continued pending the
37 completion of such examination. The physician, psychologist, or
38 psychiatrist conducting such an examination may be required to testify

1 concerning the results of such examination and may be asked to give his
2 or her opinion as to whether the protection of the child requires that
3 he or she not be returned to the custody of his or her parents or other
4 persons having custody of him or her at the time of the alleged child
5 abuse or neglect. Persons so testifying shall be subject to cross-
6 examination as are other witnesses. No information given at any such
7 examination of the parent or any other person having custody of the
8 child may be used against such person in any subsequent criminal
9 proceedings against such person or custodian concerning the alleged
10 abuse or neglect of the child.

11 (3) A parent or other person having legal custody of a child
12 alleged to be abused or neglected shall be a party to any proceeding
13 that may impair or impede such person's interest in and custody or
14 control of the child.

15 **Sec. 21.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read
16 as follows:

17 (1)(a) Except as provided in (b) of this subsection, any person
18 participating in good faith in the making of a report pursuant to this
19 chapter or testifying as to alleged child abuse or neglect in a
20 judicial proceeding shall in so doing be immune from any liability
21 arising out of such reporting or testifying under any law of this state
22 or its political subdivisions.

23 (b) A person convicted of a violation of subsection (4) of this
24 section shall not be immune from liability under (a) of this
25 subsection.

26 (2) An administrator of a hospital or similar institution or any
27 physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a
28 child into custody pursuant to RCW 26.44.056 shall not be subject to
29 criminal or civil liability for such taking into custody.

30 (3) Conduct conforming with the reporting requirements of this
31 chapter shall not be deemed a violation of the confidential
32 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and
33 18.83.110. Nothing in this chapter shall be construed as to supersede
34 or abridge remedies provided in chapter 4.92 RCW.

35 (4) A person who, intentionally and in bad faith or maliciously,
36 knowingly makes a false report of alleged abuse or neglect shall be
37 guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

1 **Sec. 22.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to
2 read as follows:

3 (1) Where a report is deemed warranted under RCW 70.124.030, an
4 immediate oral report shall be made by telephone or otherwise to either
5 a law enforcement agency or to the department and, upon request, shall
6 be followed by a report in writing. The reports shall contain the
7 following information, if known:

8 (a) The name and address of the person making the report;

9 (b) The name and address of the nursing home or state hospital
10 patient;

11 (c) The name and address of the patient's relatives having
12 responsibility for the patient;

13 (d) The nature and extent of the alleged injury or injuries;

14 (e) The nature and extent of the alleged neglect;

15 (f) The nature and extent of the alleged sexual abuse;

16 (g) Any evidence of previous injuries, including their nature and
17 extent; and

18 (h) Any other information which may be helpful in establishing the
19 cause of the patient's death, injury, or injuries, and the identity of
20 the perpetrator or perpetrators.

21 (2) Each law enforcement agency receiving such a report shall, in
22 addition to taking the action required by RCW 70.124.050, immediately
23 relay the report to the department and to other law enforcement
24 agencies, as appropriate. For any report it receives, the department
25 shall likewise take the required action and in addition relay the
26 report to the appropriate law enforcement agency or agencies. The
27 appropriate law enforcement agency or agencies shall receive immediate
28 notification when the department, upon receipt of such report, has
29 reasonable cause to believe that a criminal act has been committed.

30 **Sec. 23.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to
31 read as follows:

32 (1) The facility must inform the resident both orally and in
33 writing in a language that the resident understands of his or her
34 rights and all rules and regulations governing resident conduct and
35 responsibilities during the stay in the facility. The notification
36 must be made prior to or upon admission. Receipt of the information
37 must be acknowledged in writing.

38 (2) The resident or his or her legal representative has the right:

1 (a) Upon an oral or written request, to access all records
2 pertaining to himself or herself including clinical records within
3 twenty-four hours; and

4 (b) After receipt of his or her records for inspection, to purchase
5 at a cost not to exceed the community standard photocopies of the
6 records or portions of them upon request and two working days' advance
7 notice to the facility.

8 (3) The facility must inform each resident in writing before, or at
9 the time of admission, and at least once every twenty-four months
10 thereafter of: (a) Services available in the facility; (b) charges for
11 those services including charges for services not covered by the
12 facility's per diem rate or applicable public benefit programs; and (c)
13 the rules of operations required under RCW 70.129.140(2).

14 (4) The facility must furnish a written description of residents
15 rights that includes:

16 (a) A description of the manner of protecting personal funds, under
17 RCW 70.129.040;

18 (b) A posting of names, addresses, and telephone numbers of the
19 state survey and certification agency, the state licensure office, the
20 state ombudsmen program, and the protection and advocacy systems; and

21 (c) A statement that the resident may file a complaint with the
22 appropriate state licensing agency concerning alleged resident abuse,
23 neglect, and misappropriation of resident property in the facility.

24 (5) Notification of changes.

25 (a) A facility must immediately consult with the resident's
26 physician, and if known, make reasonable efforts to notify the
27 resident's legal representative or an interested family member when
28 there is:

29 (i) An accident involving the resident which requires or has the
30 potential for requiring physician intervention;

31 (ii) A significant change in the resident's physical, mental, or
32 psychosocial status (i.e., a deterioration in health, mental, or
33 psychosocial status in either life-threatening conditions or clinical
34 complications).

35 (b) The facility must promptly notify the resident or the
36 resident's representative shall make reasonable efforts to notify an
37 interested family member, if known, when there is:

38 (i) A change in room or roommate assignment; or

1 (ii) A decision to transfer or discharge the resident from the
2 facility.

3 (c) The facility must record and update the address and phone
4 number of the resident's representative or interested family member,
5 upon receipt of notice from them.

6 **Sec. 24.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read
7 as follows:

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

10 (1) Develop, administer, supervise, and monitor a coordinated and
11 comprehensive plan that establishes, aids, and strengthens services for
12 the protection and care of homeless, runaway, dependent, or neglected
13 children.

14 (2) Develop a recruiting plan for recruiting an adequate number of
15 prospective adoptive and foster homes, both regular and specialized,
16 i.e. homes for children of ethnic minority, including Indian homes for
17 Indian children, sibling groups, handicapped and emotionally disturbed,
18 and annually submit the plan for review to the house and senate
19 committees on social and health services. The plan shall include a
20 section entitled "Foster Home Turn-Over, Causes and Recommendations."

21 (3) Investigate complaints of alleged neglect, abuse, or
22 abandonment of children, and on the basis of the findings of such
23 investigation, offer child welfare services in relation to the problem
24 to such parents, legal custodians, or persons serving in loco parentis,
25 and/or bring the situation to the attention of an appropriate court, or
26 another community agency: PROVIDED, That an investigation is not
27 required of nonaccidental injuries which are clearly not the result of
28 a lack of care or supervision by the child's parents, legal custodians,
29 or persons serving in loco parentis. If the investigation reveals that
30 a crime may have been committed, the department shall notify the
31 appropriate law enforcement agency.

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

34 (5) Monitor out-of-home placements, on a timely and routine basis,
35 to assure the safety, well-being, and quality of care being provided is
36 within the scope of the intent of the legislature as defined in RCW
37 74.13.010 and 74.15.010, and annually submit a report delineating the

1 results to the house and senate committees on social and health
2 services.

3 (6) Have authority to accept custody of children from parents and
4 to accept custody of children from juvenile courts, where authorized to
5 do so under law, to provide child welfare services including placement
6 for adoption, and to provide for the physical care of such children and
7 make payment of maintenance costs if needed. Except where required by
8 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
9 which receives children for adoption from the department shall
10 discriminate on the basis of race, creed, or color when considering
11 applications in their placement for adoption.

12 (7) Have authority to provide temporary shelter to children who
13 have run away from home and who are admitted to crisis residential
14 centers.

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

21 (9) Establish a children's services advisory committee which shall
22 assist the secretary in the development of a partnership plan for
23 utilizing resources of the public and private sectors, and advise on
24 all matters pertaining to child welfare, licensing of child care
25 agencies, adoption, and services related thereto. At least one member
26 shall represent the adoption community.

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

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

37 Notwithstanding any other provision of RCW 13.32A.170 through
38 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
39 services to be provided by the department of social and health services

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

5 **Sec. 25.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read
6 as follows:

7 The secretary shall have the power and it shall be the secretary's
8 duty:

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

18 (2) In consultation with the children's services advisory
19 committee, and with the advice and assistance of persons representative
20 of the various type agencies to be licensed, to adopt and publish
21 minimum requirements for licensing applicable to each of the various
22 categories of agencies to be licensed.

23 The minimum requirements shall be limited to:

24 (a) The size and suitability of a facility and the plan of
25 operation for carrying out the purpose for which an applicant seeks a
26 license;

27 (b) The character, suitability and competence of an agency and
28 other persons associated with an agency directly responsible for the
29 care and treatment of children, expectant mothers or developmentally
30 disabled persons. In consultation with law enforcement personnel, the
31 secretary shall investigate the conviction record or pending charges
32 and dependency record information under chapter 43.43 RCW of each
33 agency and its staff seeking licensure or relicensure. In order to
34 determine the suitability of applicants for an agency license,
35 licensees, their employees, and other persons who have unsupervised
36 access to children in care, and who have not resided in the state of
37 Washington during the three-year period before being authorized to care
38 for children shall be fingerprinted. The fingerprints shall be

1 forwarded to the Washington state patrol and federal bureau of
2 investigation for a criminal history records check. The fingerprint
3 criminal history records checks will be at the expense of the licensee
4 except that in the case of a foster family home, if this expense would
5 work a hardship on the licensee, the department shall pay the expense.
6 The licensee may not pass this cost on to the employee or prospective
7 employee, unless the employee is determined to be unsuitable due to his
8 or her criminal history record. The secretary shall use the
9 information solely for the purpose of determining eligibility for a
10 license and for determining the character, suitability, and competence
11 of those persons or agencies, excluding parents, not required to be
12 licensed who are authorized to care for children, expectant mothers,
13 and developmentally disabled persons. Criminal justice agencies shall
14 provide the secretary such information as they may have and that the
15 secretary may require for such purpose;

16 (c) The number of qualified persons required to render the type of
17 care and treatment for which an agency seeks a license;

18 (d) The safety, cleanliness, and general adequacy of the premises
19 to provide for the comfort, care and well-being of children, expectant
20 mothers or developmentally disabled persons;

21 (e) The provision of necessary care, including food, clothing,
22 supervision and discipline; physical, mental and social well-being; and
23 educational, recreational and spiritual opportunities for those served;

24 (f) The financial ability of an agency to comply with minimum
25 requirements established pursuant to chapter 74.15 RCW and RCW
26 74.13.031; and

27 (g) The maintenance of records pertaining to the admission,
28 progress, health and discharge of persons served;

29 (3) To investigate any person, including relatives by blood or
30 marriage except for parents, for character, suitability, and competence
31 in the care and treatment of children, expectant mothers, and
32 developmentally disabled persons prior to authorizing that person to
33 care for children, expectant mothers, and developmentally disabled
34 persons. However, if a child is placed with a relative under RCW
35 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
36 and competent to provide care and treatment the criminal history
37 background check required by this section need not be completed before
38 placement, but shall be completed as soon as possible after placement;

1 (4) On reports of alleged child abuse and neglect, to investigate
2 agencies in accordance with chapter 26.44 RCW, including child day-care
3 centers and family day-care homes, to determine whether the alleged
4 abuse or neglect has occurred, and whether child protective services or
5 referral to a law enforcement agency is appropriate;

6 (5) To issue, revoke, or deny licenses to agencies pursuant to
7 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
8 category of care which an agency is authorized to render and the ages,
9 sex and number of persons to be served;

10 (6) To prescribe the procedures and the form and contents of
11 reports necessary for the administration of chapter 74.15 RCW and RCW
12 74.13.031 and to require regular reports from each licensee;

13 (7) To inspect agencies periodically to determine whether or not
14 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
15 requirements adopted hereunder;

16 (8) To review requirements adopted hereunder at least every two
17 years and to adopt appropriate changes after consultation with the
18 child care coordinating committee and other affected groups for child
19 day-care requirements and with the children's services advisory
20 committee for requirements for other agencies; and

21 (9) To consult with public and private agencies in order to help
22 them improve their methods and facilities for the care of children,
23 expectant mothers and developmentally disabled persons.

24 **Sec. 26.** RCW 74.34.050 and 1986 c 187 s 3 are each amended to read
25 as follows:

26 (1) A person participating in good faith in making a report under
27 this chapter or testifying about ((the)) alleged abuse, neglect,
28 abandonment, or exploitation of a vulnerable adult in a judicial
29 proceeding under this chapter is immune from liability resulting from
30 the report or testimony. The making of permissive reports as allowed
31 in RCW 74.34.030 does not create any duty to report and no civil
32 liability shall attach for any failure to make a permissive report
33 under RCW 74.34.030.

34 (2) Conduct conforming with the reporting and testifying provisions
35 of this chapter shall not be deemed a violation of any confidential
36 communication privilege. Nothing in this chapter shall be construed as
37 superseding or abridging remedies provided in chapter 4.92 RCW.

1 **Sec. 27.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each
2 amended to read as follows:

3 In responding to reports of alleged abuse, exploitation, neglect,
4 or abandonment under this chapter, the department shall provide
5 information to the frail elder or vulnerable adult on protective
6 services available to the person and inform the person of the right to
7 refuse such services. The department shall develop cooperative
8 agreements with community-based agencies servicing the abused elderly
9 and vulnerable adults. The agreements shall cover such subjects as the
10 appropriate roles and responsibilities of the department and community-
11 based agencies in identifying and responding to reports of alleged
12 abuse, the provision of case-management services, standardized data
13 collection procedures, and related coordination activities.

14 **Sec. 28.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read
15 as follows:

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

21 (2) At all stages of a proceeding in which a child is alleged to be
22 dependent pursuant to RCW 13.34.030(~~(+2)~~) (6), the child's parent,
23 guardian, or legal custodian has the right to be represented by
24 counsel, and if indigent, to have counsel appointed for him or her by
25 the court. Unless waived in court, counsel shall be provided to the
26 child's parent, guardian, or legal custodian, if such person (a) has
27 appeared in the proceeding or requested the court to appoint counsel
28 and (b) is financially unable to obtain counsel because of indigency as
29 defined in chapter 10.101 RCW.

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

33 (4) Copies of department of social and health services or
34 supervising agency records to which parents have legal access pursuant
35 to chapter 13.50 RCW shall be given to the child's parent, guardian,
36 legal custodian, or his or her legal counsel, within twenty days after
37 the department or supervising agency receives a written request for
38 such records from the parent, guardian, legal custodian, or his or her

1 legal counsel. These records shall be provided to the child's parents,
2 guardian, legal custodian, or legal counsel prior to the shelter care
3 hearing in order to allow an opportunity to review the records prior to
4 the hearing. These records shall be legible and shall be provided at
5 no expense to the parents, guardian, legal custodian, or his or her
6 counsel.

7 **Sec. 29.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to
8 read as follows:

9 (1) To aid the court in its decision on disposition, a social
10 study, consisting of a written evaluation of matters relevant to the
11 disposition of the case, shall be made by the person or agency filing
12 the petition. The study shall include all social records and may also
13 include facts relating to the child's cultural heritage, and shall be
14 made available to the court. The court shall consider the social file,
15 social study, guardian ad litem report, the court-appointed special
16 advocate's report, if any, and any reports filed by a party at the
17 disposition hearing in addition to evidence produced at the fact-
18 finding hearing. At least ten working days before the disposition
19 hearing, the department shall mail to the parent and his or her
20 attorney a copy of the agency's social study and proposed service plan,
21 which shall be in writing or in a form understandable to the parents or
22 custodians. In addition, the department shall provide an opportunity
23 for parents to review and comment on the plan at the community service
24 office. If the parents disagree with the agency's plan or any part
25 thereof, the parents shall submit to the court at least twenty-four
26 hours before the hearing, in writing, or signed oral statement, an
27 alternative plan to correct the problems which led to the finding of
28 dependency. This section shall not interfere with the right of the
29 parents or custodians to submit oral arguments regarding the
30 disposition plan at the hearing.

31 (2) In addition to the requirements set forth in subsection (1) of
32 this section, a predisposition study to the court in cases of
33 dependency alleged pursuant to RCW 13.34.030(~~(+4)~~) (6) (b) or (c)
34 shall contain the following information:

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

37 (b) A description of the specific programs, for both the parents
38 and child, that are needed in order to prevent serious harm to the

1 child; the reasons why such programs are likely to be useful; the
2 availability of any proposed services; and the agency's overall plan
3 for ensuring that the services will be delivered;

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

13 (d) A statement of the likely harms the child will suffer as a
14 result of removal. This section should include an exploration of the
15 nature of the parent-child attachment and the meaning of separation and
16 loss to both the parents and the child;

17 (e) A description of the steps that will be taken to minimize harm
18 to the child that may result if separation occurs; and

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

21 **Sec. 30.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are
22 each reenacted and amended to read as follows:

23 A petition seeking termination of a parent and child relationship
24 may be filed in juvenile court by any party to the dependency
25 proceedings concerning that child. Such petition shall conform to the
26 requirements of RCW 13.34.040, shall be served upon the parties as
27 provided in RCW 13.34.070(8), and shall allege:

28 (1) That the child has been found to be a dependent child under RCW
29 13.34.030(~~((+2))~~) (6); and

30 (2) That the court has entered a dispositional order pursuant to
31 RCW 13.34.130; and

32 (3) That the child has been removed or will, at the time of the
33 hearing, have been removed from the custody of the parent for a period
34 of at least six months pursuant to a finding of dependency under RCW
35 13.34.030(~~((+2))~~) (6); and

36 (4) That the services ordered under RCW 13.34.130 have been offered
37 or provided and all necessary services, reasonably available, capable

1 of correcting the parental deficiencies within the foreseeable future
2 have been offered or provided; and

3 (5) That there is little likelihood that conditions will be
4 remedied so that the child can be returned to the parent in the near
5 future. In determining whether the conditions will be remedied the
6 court may consider, but is not limited to, the following factors:

7 (a) Use of intoxicating or controlled substances so as to render
8 the parent incapable of providing proper care for the child for
9 extended periods of time and documented unwillingness of the parent to
10 receive and complete treatment or documented multiple failed treatment
11 attempts; or

12 (b) Psychological incapacity or mental deficiency of the parent
13 that is so severe and chronic as to render the parent incapable of
14 providing proper care for the child for extended periods of time, and
15 documented unwillingness of the parent to receive and complete
16 treatment or documentation that there is no treatment that can render
17 the parent capable of providing proper care for the child in the near
18 future; and

19 (6) That continuation of the parent and child relationship clearly
20 diminishes the child's prospects for early integration into a stable
21 and permanent home; or

22 (7) In lieu of the allegations in subsections (1) through (6) of
23 this section, the petition may allege that the child was found under
24 such circumstances that the whereabouts of the child's parent are
25 unknown and no person has acknowledged paternity or maternity and
26 requested custody of the child within two months after the child was
27 found.

28 A parent's failure to substantially improve parental deficiencies
29 within twelve months following entry of the dispositional order shall
30 give rise to a rebuttable presumption that there is little likelihood
31 that conditions will be remedied so that the child can be returned to
32 the parent in the near future. The presumption shall not arise unless
33 the petitioner makes a showing that all necessary services reasonably
34 capable of correcting the parental deficiencies within the foreseeable
35 future have been offered or provided.

36 Notice of rights shall be served upon the parent, guardian, or
37 legal custodian with the petition and shall be in substantially the
38 following form:

"NOTICE

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

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

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

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

Sec. 31. RCW 43.43.700 and 1989 c 334 s 6 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification, child abuse, vulnerable adult abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information

1 concerning persons arrested for or convicted of crimes under the laws
2 of another state or government.

3 The section shall also contain like information concerning persons,
4 over the age of eighteen years, who have been found, pursuant to a
5 dependency proceeding under RCW 13.34.030(~~(+2)~~) (6)(b) to have
6 physically abused or sexually abused or exploited a child or, pursuant
7 to a protection proceeding under chapter 74.34 RCW, to have abused or
8 financially exploited a vulnerable adult.

9 **Sec. 32.** RCW 43.43.840 and 1989 c 334 s 5 and 1989 c 90 s 5 are
10 each reenacted and amended to read as follows:

11 (1) The supreme court shall by rule require the courts of the state
12 to notify the state patrol of any dependency action under RCW
13 (~~(13.34.030(2)(b))~~) 13.34.040, domestic relations action under Title 26
14 RCW, or protection action under chapter 74.34 RCW, in which the court
15 makes specific findings of physical abuse or sexual abuse or
16 exploitation of a child or abuse or financial exploitation of a
17 vulnerable adult.

18 (2) The department of licensing shall notify the state patrol of
19 any disciplinary board final decision that includes specific findings
20 of physical abuse or sexual abuse or exploitation of a child or abuse
21 or financial exploitation of a vulnerable adult.

22 (3) When a business or an organization terminates, fires,
23 dismisses, fails to renew the contract, or permits the resignation of
24 an employee because of crimes against children or other persons or
25 because of crimes relating to the financial exploitation of a
26 vulnerable adult, and if that employee is employed in a position
27 requiring a certificate or license issued by a licensing agency such as
28 the state board of education, the business or organization shall notify
29 the licensing agency of such termination of employment.

30 **Sec. 33.** RCW 43.20A.050 and 1979 c 141 s 63 are each amended to
31 read as follows:

32 It is the intent of the legislature wherever possible to place the
33 internal affairs of the department under the control of the secretary
34 (~~(in order that he may)~~) to institute (~~(therein)~~) the flexible, alert
35 and intelligent management of its business that changing contemporary
36 circumstances require. Therefore, whenever (~~(his)~~) the secretary's
37 authority is not specifically limited by law, he or she shall have

1 complete charge and supervisory powers over the department. ((He)) The
2 secretary is authorized to create such administrative structures as
3 ((he may deem)) deemed appropriate, except as otherwise specified by
4 law. The secretary shall have the power to employ such assistants and
5 personnel as may be necessary for the general administration of the
6 department(~~(: PROVIDED, That,)~~). Except as elsewhere specified, such
7 employment ((is)) shall be in accordance with the rules of the state
8 civil service law, chapter 41.06 RCW.

9 NEW SECTION. Sec. 34. It is the intent of the legislature, in
10 enacting the chapter . . . , Laws of 1997 changes to RCW 41.64.100
11 (section 35 of this act), to provide a prompt and efficient method of
12 expediting employee appeals regarding alleged misconduct that may have
13 placed children at serious risk of harm. The legislature recognizes
14 that children are at risk of harm in cases of abuse or neglect and
15 intends to provide a method of reducing such risk as well as mitigating
16 the potential liability to the state associated with employee
17 misconduct involving children. The legislature does not intend to
18 impair any existing rights of appeals held by employees, nor does it
19 intend to restrict consideration of any appropriate evidence or facts
20 by the personnel appeals board.

21 Sec. 35. RCW 41.64.100 and 1981 c 311 s 11 are each amended to
22 read as follows:

23 (1) In all appeals over which the board has jurisdiction involving
24 reduction, dismissal, suspension, or demotion, the board shall set the
25 case for hearing, and the final decision, including an appeal to the
26 board from the hearing examiner, if any, shall be rendered within
27 ninety days from the date the appeal was first received(~~(: PROVIDED,~~
28 ~~That)~~). An extension may be permitted if agreed to by the employee and
29 the employing agency. The board shall furnish the agency with a copy
30 of the appeal in advance of the hearing.

31 (2) Notwithstanding subsection (1) of this section, in a case
32 involving misconduct that has placed a child at serious risk of harm as
33 a result of actions taken or not taken under chapter 13.32A, 13.34,
34 13.40, 26.44, 74.13, 74.14A, 74.14B, 74.14C, or 74.15 RCW, the board
35 shall hear the case before all other unresolved or unscheduled cases.
36 The board shall issue its order within forty-five days of hearing the

1 case unless there are extraordinary circumstances, in which case, an
2 additional thirty days may elapse until the case is decided.

3 (3) In all appeals made pursuant to RCW 41.06.170(~~(+3)~~) (4), as
4 now or hereafter amended, the decision of the board is final and not
5 appealable to court.

6 NEW SECTION. **Sec. 36.** Section 35 of this act shall not be
7 construed to alter an existing collective bargaining unit or the
8 provisions of any existing bargaining agreement in place on the
9 effective date of this section before the expiration of such agreement.

10 **Sec. 37.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to
11 read as follows:

12 For the purpose of and as used in this chapter:

13 (1) "Court" means the superior court of the state of Washington,
14 juvenile department.

15 (2) "Law enforcement agency" means the police department, the
16 prosecuting attorney, the state patrol, the director of public safety,
17 or the office of the sheriff.

18 (3) "Practitioner of the healing arts" or "practitioner" means a
19 person licensed by this state to practice podiatric medicine and
20 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
21 medicine and surgery, or medicine and surgery or to provide other
22 health services. The term "practitioner" shall include a duly
23 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
24 person who is being furnished Christian Science treatment by a duly
25 accredited Christian Science practitioner shall not be considered, for
26 that reason alone, a neglected person for the purposes of this chapter.

27 (4) "Institution" means a private or public hospital or any other
28 facility providing medical diagnosis, treatment or care.

29 (5) "Department" means the state department of social and health
30 services.

31 (6) "Child" or "children" means any person under the age of
32 eighteen years of age.

33 (7) "Professional school personnel" shall include, but not be
34 limited to, teachers, counselors, administrators, child care facility
35 personnel, and school nurses.

36 (8) "Social service counselor" shall mean anyone engaged in a
37 professional capacity during the regular course of employment in

1 encouraging or promoting the health, welfare, support or education of
2 children, or providing social services to adults or families, including
3 mental health, drug and alcohol treatment, and domestic violence
4 programs, whether in an individual capacity, or as an employee or agent
5 of any public or private organization or institution.

6 (9) "Psychologist" shall mean any person licensed to practice
7 psychology under chapter 18.83 RCW, whether acting in an individual
8 capacity or as an employee or agent of any public or private
9 organization or institution.

10 (10) "Pharmacist" shall mean any registered pharmacist under the
11 provisions of chapter 18.64 RCW, whether acting in an individual
12 capacity or as an employee or agent of any public or private
13 organization or institution.

14 (11) "Clergy" shall mean any regularly licensed or ordained
15 minister, priest or rabbi of any church or religious denomination,
16 whether acting in an individual capacity or as an employee or agent of
17 any public or private organization or institution.

18 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
19 exploitation, negligent treatment, or maltreatment of a child, adult
20 dependent, or developmentally disabled person by any person under
21 circumstances which indicate that the child's or adult's health,
22 welfare, and safety is harmed. An abused child is a child who has been
23 subjected to child abuse or neglect as defined herein.

24 (13) "Child protective services section" shall mean the child
25 protective services section of the department.

26 (14) "Adult dependent persons" shall be defined as those persons
27 over the age of eighteen years who have been found to be legally
28 incompetent or disabled pursuant to chapter 11.88 RCW.

29 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
30 encouraging a child to engage in prostitution by any person; or (b)
31 allowing, permitting, encouraging, or engaging in the obscene or
32 pornographic photographing, filming, or depicting of a child by any
33 person.

34 (16) "Negligent treatment or maltreatment" means an act or omission
35 which evidences a serious disregard of consequences of such magnitude
36 as to constitute a clear and present danger to the child's health,
37 welfare, and safety.

38 (17) "Developmentally disabled person" means a person who has a
39 disability defined in RCW 71A.10.020.

1 (18) "Child protective services" means those services provided by
2 the department designed to protect children from child abuse and
3 neglect and safeguard ((~~the general welfare of~~)) such children ((~~and~~
4 ~~shall include~~)) from future abuse and neglect, and conduct
5 investigations of child abuse and neglect reports((~~, including reports~~
6 regarding child care centers and family child care homes, and the
7 development, management, and provision of or)). Investigations may be
8 conducted regardless of the location of the alleged abuse or neglect.
9 Child protective services includes referral to services to ameliorate
10 conditions which endanger the welfare of children, the coordination of
11 necessary programs and services relevant to the prevention,
12 intervention, and treatment of child abuse and neglect, and services to
13 children to ensure that each child has a permanent home. In
14 determining whether protective services should be provided, the
15 department shall not decline to provide such services solely because of
16 the child's unwillingness or developmental inability to describe the
17 nature and severity of the abuse or neglect.

18 (19) "Malice" or "maliciously" means an evil intent, wish, or
19 design to vex, annoy, or injure another person. Such malice may be
20 inferred from an act done in wilful disregard of the rights of another,
21 or an act wrongfully done without just cause or excuse, or an act or
22 omission of duty betraying a wilful disregard of social duty.

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

25 NEW SECTION. Sec. 38. A new section is added to chapter 43.20A
26 RCW to read as follows:

27 (1) Notwithstanding the provisions of RCW 26.44.020 and chapter
28 74.13 RCW, the secretary may exercise his or her discretion to permit
29 employees of the department to provide child protective services and
30 child welfare services under the following circumstances:

31 (a) The number of employees in an office or the location of an
32 office makes it administratively impractical to require a strict
33 segregation between the delivery of both types of services; or

34 (b) There are exceptional circumstances, including such things as
35 a disproportionately large number of vacant positions in an office; or

36 (2) The changes required to implement RCW 26.44.020 and this
37 section shall not be made until the expiration of any collective
38 bargaining agreement in effect on the effective date of this section,

1 unless the parties to the agreement determine such changes can be made
2 before that time.

3 NEW SECTION. **Sec. 39.** The Washington institute for public policy
4 shall review the department's programs and policies for the development
5 of permanency plans to determine which programs and policies are the
6 most successful in developing plans for children fourteen years of age
7 or older. The institute shall provide a report, including
8 recommendations, to the governor and legislature by June 1, 1998.

9 NEW SECTION. **Sec. 40.** The Washington institute for public policy
10 shall review the criteria and policies of the department relating to
11 establishment of guardianships for children involved with permanency
12 planning. The review shall include an examination of whether: (1)
13 There are methods of improving the department's role in the lives of
14 children for whom a guardianship has been established, without
15 impairing the duties of a guardian and the guardian's ability to
16 provide the services for which he or she is responsible; (2) criteria
17 for establishing, reviewing, and terminating a guardianship accurately
18 reflects the needs of children of all ages; (3) existing laws and
19 policies facilitate or impair the movement of children from
20 guardianship status to permanent placement; and (4) existing data
21 collection is accurate and adequate.

22 NEW SECTION. **Sec. 41.** A new section is added to chapter 43.20A
23 RCW to read as follows:

24 The department shall prepare an annual quality assurance report
25 that shall include but is not limited to: (1) Performance outcomes
26 regarding health and safety of children in the children's services
27 system; (2) children's length of stay in out-of-home placement from
28 each date of referral; (3) adherence to permanency planning timelines;
29 and (4) the response time on child protective services investigations
30 differentiated by risk level determined at intake. The report shall be
31 provided to the governor and legislature not later than July 1.

32 NEW SECTION. **Sec. 42.** A new section is added to chapter 26.44 RCW
33 to read as follows:

34 (1) When, as a result of a report of alleged child abuse or
35 neglect, an investigation is made that includes an in-person contact

1 with the person who is alleged to have committed the abuse or neglect,
2 there shall be a determination of whether it is probable that the use
3 of alcohol or controlled substances is a contributing factor to the
4 alleged abuse or neglect.

5 (2) The department shall provide appropriate training for persons
6 who conduct the investigations under subsection (1) of this section.
7 The training shall include methods of identifying indicators of abuse
8 of alcohol or controlled substances.

9 (3) If a determination is made under subsection (1) of this section
10 that there is probable cause to believe abuse of alcohol or controlled
11 substances has contributed to the child abuse or neglect, the
12 department shall, within available funds, cause a comprehensive
13 chemical dependency evaluation to be made of the person or persons so
14 identified. The evaluation shall be conducted by a physician or
15 persons certified under rules adopted by the department to make such
16 evaluation.

17 NEW SECTION. **Sec. 43.** The department shall perform the duties
18 assigned under section 42 and sections 1 through 5 of this act within
19 existing personnel resources.

20 NEW SECTION. **Sec. 44.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 43.06A.040 and 1996 c 131 s 5; and

23 (2) RCW 70.190.040 and 1993 c 336 s 901.

24 NEW SECTION. **Sec. 45.** Sections 8 through 26 of this act apply
25 only to incidents occurring on or after January 1, 1998.

26 NEW SECTION. **Sec. 46.** Sections 8 through 26 of this act take
27 effect January 1, 1998.

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