
SENATE BILL 5710

State of Washington

55th Legislature

1997 Regular Session

By Senators Hargrove, Long, Franklin, Stevens, Prentice, Zarelli and Schow

Read first time 02/10/97. Referred to Committee on Human Services & Corrections.

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

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

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

13 In addition to the exemptions set forth in RCW 41.06.070, the
14 provisions of this chapter shall not apply in the department of social
15 and health services to the secretary; the secretary's executive
16 assistant, if any; not to exceed six assistant secretaries, thirteen
17 division directors, six regional directors; one confidential secretary
18 for each of the above-named officers; not to exceed six bureau chiefs;
19 all social worker V positions; and all superintendents of institutions

1 of which the average daily population equals or exceeds one hundred
2 residents: PROVIDED, That each such confidential secretary must meet
3 the minimum qualifications for the class of secretary II as determined
4 by the Washington personnel resources board.

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

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

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

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

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

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

34 The secretary shall establish the most cost-effective and efficient
35 administrative structure for use of the social worker V positions,
36 consistent with the requirements of this section. The social worker V

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

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

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.20A RCW
20 to read as follows:

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

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.20A RCW
25 to read as follows:

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

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

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

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

4 For purposes of this chapter:

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

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

12 (~~(2)~~) (3) "Current placement episode" means the period of time
13 that begins with the most recent date that the child was removed from
14 the home of the parent, guardian, or legal custodian for purposes of
15 placement in out-of-home care and continues until the child returns
16 home, an adoption decree or guardianship order is entered, or the
17 dependency is dismissed, whichever occurs soonest. If the most recent
18 date of removal occurred prior to the filing of a dependency petition
19 under this chapter or after filing but prior to entry of a disposition
20 order, such time periods shall be included when calculating the length
21 of a child's current placement episode.

22 (~~(3)~~) (4) "Department" means the department of social and health
23 services.

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

28 (~~(4)~~) (6) "Dependent child" means any child:

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

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

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

7 (d) Who has a developmental disability, as defined in RCW
8 71A.10.020 and whose parent, guardian, or legal custodian together with
9 the department determines that services appropriate to the child's
10 needs can not be provided in the home. However, (a), (b), and (c) of
11 this subsection may still be applied if other reasons for removal of
12 the child from the home exist.

13 (~~(5)~~) (7) "Guardian" means the person or agency that: (a) Has
14 been appointed as the guardian of a child in a legal proceeding other
15 than a proceeding under this chapter; and (b) has the legal right to
16 custody of the child pursuant to such appointment. The term "guardian"
17 shall not include a "dependency guardian" appointed pursuant to a
18 proceeding under this chapter.

19 (~~(6)~~) (8) "Guardian ad litem" means a person, appointed by the
20 court to represent the best interest of a child in a proceeding under
21 this chapter, or in any matter which may be consolidated with a
22 proceeding under this chapter. A "court-appointed special advocate"
23 appointed by the court to be the guardian ad litem for the child, or to
24 perform substantially the same duties and functions as a guardian ad
25 litem, shall be deemed to be guardian ad litem for all purposes and
26 uses of this chapter.

27 (~~(7)~~) (9) "Guardian ad litem program" means a court-authorized
28 volunteer program, which is or may be established by the superior court
29 of the county in which such proceeding is filed, to manage all aspects
30 of volunteer guardian ad litem representation for children alleged or
31 found to be dependent. Such management shall include but is not
32 limited to: Recruitment, screening, training, supervision, assignment,
33 and discharge of volunteers.

34 (~~(8)~~) (10) "Out-of-home care" means placement in a foster family
35 home or group care facility licensed pursuant to chapter 74.15 RCW or
36 placement in a home, other than that of the child's parent, guardian,
37 or legal custodian, not required to be licensed pursuant to chapter
38 74.15 RCW.

1 (~~(9)~~) (11) "Preventive services" means preservation services, as
2 defined in chapter 74.14C RCW, and other reasonably available services
3 capable of preventing the need for out-of-home placement while
4 protecting the child.

5 **Sec. 9.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and
6 1995 c 53 s 1 are each reenacted and amended to read as follows:

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

13 (1) The court shall order one of the following dispositions of the
14 case:

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

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

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

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

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

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

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

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

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

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

35 (c) Conviction of the parent of one of the following assault
36 crimes, when the child is the victim: Assault in the first or second
37 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
38 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

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

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

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

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

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

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

37 (i) The agency plan shall specify what services the parents will be
38 offered in order to enable them to resume custody, what requirements

1 the parents must meet in order to resume custody, and a time limit for
2 each service plan and parental requirement.

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

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

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

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

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

1 limited to, court orders regarding parent-child contacts and any other
2 conditions imposed by the court. Noncompliance with the case plan or
3 court order shall be grounds for removal of the child from the
4 relative's home, subject to review by the court.

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

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

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

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

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

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

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

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

36 (vi) Whether the parents have visited the child and any reasons why
37 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. The systems
14 shall be in at least two locations in each of the department's
15 administrative regions.

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 responsibility for any child who is or has been found to be
15 dependent under RCW 13.34.130 and who meets the criteria set forth in
16 RCW 13.34.030(6)(d) shall be within the department's division of
17 developmental disabilities, as soon as is practical following the
18 determination of dependency. The secretary of the department shall
19 determine the appropriate administrative entity within the department
20 to proceed with the petition required under this chapter. All funds
21 associated with the provision of services for children who are
22 transferred under this section shall be transferred to the division,
23 but no investigative or casework personnel shall be transferred.

24 **Sec. 12.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read
25 as follows:

26 (1) For purposes of this chapter:

27 (a) "Juvenile justice or care agency" means any of the following:
28 Police, diversion units, court, prosecuting attorney, defense attorney,
29 detention center, attorney general, the legislative children's
30 oversight committee, the office of family and children's ombudsman, the
31 department of social and health services and its contracting agencies,
32 schools; and, in addition, persons or public or private agencies having
33 children committed to their custody;

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

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

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

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

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

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

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

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

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

26 (5) Any person who has reasonable cause to believe information
27 concerning that person is included in the records of a juvenile justice
28 or care agency and who has been denied access to those records by the
29 agency may make a motion to the court for an order authorizing that
30 person to inspect the juvenile justice or care agency record concerning
31 that person. The court shall grant the motion to examine records
32 unless it finds that in the interests of justice or in the best
33 interests of the juvenile the records or parts of them should remain
34 confidential.

35 (6) A juvenile, or his or her parents, or any person who has
36 reasonable cause to believe information concerning that person is
37 included in the records of a juvenile justice or care agency may make
38 a motion to the court challenging the accuracy of any information
39 concerning the moving party in the record or challenging the continued

1 possession of the record by the agency. If the court grants the
2 motion, it shall order the record or information to be corrected or
3 destroyed.

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

8 (8) The court may permit inspection of records by, or release of
9 information to, any clinic, hospital, or agency which has the subject
10 person under care or treatment. The court may also permit inspection
11 by or release to individuals or agencies, including juvenile justice
12 advisory committees of county law and justice councils, engaged in
13 legitimate research for educational, scientific, or public purposes.
14 The court may also permit inspection of, or release of information
15 from, records which have been sealed pursuant to RCW 13.50.050(11).
16 The court shall release to the sentencing guidelines commission records
17 needed for its research and data-gathering functions under RCW
18 9.94A.040 and other statutes. Access to records or information for
19 research purposes shall be permitted only if the anonymity of all
20 persons mentioned in the records or information will be preserved.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and parents
24 will remain confidential.

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

30 (10) Requirements in this chapter relating to the court's authority
31 to compel disclosure shall not apply to the legislative children's
32 oversight committee or the office of the family and children's
33 ombudsman.

34 **Sec. 13.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to
35 read as follows:

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

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

1 (3) Records retained or produced by any juvenile justice or care
2 agency may be released to other participants in the juvenile justice or
3 care system only when an investigation or case involving the juvenile
4 in question is being pursued by the other participant or when that
5 other participant is assigned the responsibility of supervising the
6 juvenile. Records covered under this section and maintained by the
7 juvenile courts which relate to the official actions of the agency may
8 be entered in the state-wide juvenile court information system.

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

13 (a) If it is determined by the agency that release of this
14 information is likely to cause severe psychological or physical harm to
15 the juvenile or his or her parents the agency may withhold the
16 information subject to other order of the court: PROVIDED, That if the
17 court determines that limited release of the information is
18 appropriate, the court may specify terms and conditions for the release
19 of the information; or

20 (b) If the information or record has been obtained by a juvenile
21 justice or care agency in connection with the provision of counseling,
22 psychological, psychiatric, or medical services to the juvenile, when
23 the services have been sought voluntarily by the juvenile, and the
24 juvenile has a legal right to receive those services without the
25 consent of any person or agency, then the information or record may not
26 be disclosed to the juvenile's parents without the informed consent of
27 the juvenile unless otherwise authorized by law; or

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

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

37 (6) The person making a motion under subsection (5) of this section
38 shall give reasonable notice of the motion to all parties to the

1 original action and to any agency whose records will be affected by the
2 motion.

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

13 **Sec. 14.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to
14 read as follows:

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

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

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

23 (4) A person reporting alleged injury, abuse, or neglect to an
24 adult dependent person shall not suffer negative consequences if the
25 person reporting believes in good faith that the adult dependent person
26 has been found legally incompetent or disabled.

27 **Sec. 15.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to
28 read as follows:

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

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

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

35 (3) "Practitioner of the healing arts" or "practitioner" means a
36 person licensed by this state to practice podiatric medicine and
37 surgery, optometry, chiropractic, nursing, dentistry, osteopathic

1 medicine and surgery, or medicine and surgery or to provide other
2 health services. The term "practitioner" shall include a duly
3 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
4 person who is being furnished Christian Science treatment by a duly
5 accredited Christian Science practitioner shall not be considered, for
6 that reason alone, a neglected person for the purposes of this chapter.

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

9 (5) "Department" means the state department of social and health
10 services.

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

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

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

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

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

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

35 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
36 exploitation, negligent treatment, or maltreatment of a child, adult
37 dependent, or developmentally disabled person by any person under
38 circumstances which indicate that the child's or adult's health,
39 welfare, and safety is harmed, excluding conduct permitted under RCW

1 9A.16.100. An abused child is a child who has been subjected to child
2 abuse or neglect as defined herein.

3 (13) "Child protective services section" shall mean the child
4 protective services section of the department.

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

8 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
9 encouraging a child to engage in prostitution by any person; or (b)
10 allowing, permitting, encouraging, or engaging in the obscene or
11 pornographic photographing, filming, or depicting of a child by any
12 person.

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

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

19 (18) "Child protective services" means those services provided by
20 the department designed to protect children from child abuse and
21 neglect and safeguard the general welfare of such children and shall
22 include investigations of child abuse and neglect reports, including
23 reports regarding child care centers and family child care homes, and
24 the development, management, and provision of or referral to services
25 to ameliorate conditions which endanger the welfare of children, the
26 coordination of necessary programs and services relevant to the
27 prevention, intervention, and treatment of child abuse and neglect, and
28 services to children to ensure that each child has a permanent home.
29 In determining whether protective services should be provided, the
30 department shall not decline to provide such services solely because of
31 the child's unwillingness or developmental inability to describe the
32 nature and severity of the abuse or neglect.

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

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

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

3 (1)(a) When any practitioner, county coroner or medical examiner,
4 law enforcement officer, professional school personnel, registered or
5 licensed nurse, social service counselor, psychologist, pharmacist,
6 licensed or certified child care providers or their employees, employee
7 of the department, (~~(or)~~) juvenile probation officer, or state family
8 and children's ombudsman or any volunteer in the ombudsman's office has
9 reasonable cause to believe that a child or adult dependent or
10 developmentally disabled person, has suffered abuse or neglect, he or
11 she shall report such incident, or cause a report to be made, to the
12 proper law enforcement agency or to the department as provided in RCW
13 26.44.040.

14 (b) The reporting requirement shall also apply to department of
15 corrections personnel who, in the course of their employment, observe
16 offenders or the children with whom the offenders are in contact. If,
17 as a result of observations or information received in the course of
18 his or her employment, any department of corrections personnel has
19 reasonable cause to believe that a child or adult dependent or
20 developmentally disabled person has suffered abuse or neglect, he or
21 she shall report the incident, or cause a report to be made, to the
22 proper law enforcement agency or to the department as provided in RCW
23 26.44.040.

24 (c) The reporting requirement shall also apply to any adult who has
25 reasonable cause to believe that a child or adult dependent or
26 developmentally disabled person, who resides with them, has suffered
27 severe abuse, and is able or capable of making a report. For the
28 purposes of this subsection, "severe abuse" means any of the following:
29 Any single act of abuse that causes physical trauma of sufficient
30 severity that, if left untreated, could cause death; any single act of
31 sexual abuse that causes significant bleeding, deep bruising, or
32 significant external or internal swelling; or more than one act of
33 physical abuse, each of which causes bleeding, deep bruising,
34 significant external or internal swelling, bone fracture, or
35 unconsciousness.

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

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

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

13 (4) The department, upon receiving a report of an incident of
14 alleged abuse or neglect pursuant to this chapter, involving a child or
15 adult dependent or developmentally disabled person who has died or has
16 had physical injury or injuries inflicted upon him or her other than by
17 accidental means or who has been subjected to alleged sexual abuse,
18 shall report such incident to the proper law enforcement agency. In
19 emergency cases, where the child, adult dependent, or developmentally
20 disabled person's welfare is endangered, the department shall notify
21 the proper law enforcement agency within twenty-four hours after a
22 report is received by the department. In all other cases, the
23 department shall notify the law enforcement agency within seventy-two
24 hours after a report is received by the department. If the department
25 makes an oral report, a written report shall also be made to the proper
26 law enforcement agency within five days thereafter.

27 (5) Any law enforcement agency receiving a report of an incident of
28 alleged abuse or neglect pursuant to this chapter, involving a child or
29 adult dependent or developmentally disabled person who has died or has
30 had physical injury or injuries inflicted upon him or her other than by
31 accidental means, or who has been subjected to alleged sexual abuse,
32 shall report such incident in writing as provided in RCW 26.44.040 to
33 the proper county prosecutor or city attorney for appropriate action
34 whenever the law enforcement agency's investigation reveals that a
35 crime may have been committed. The law enforcement agency shall also
36 notify the department of all reports received and the law enforcement
37 agency's disposition of them. In emergency cases, where the child,
38 adult dependent, or developmentally disabled person's welfare is
39 endangered, the law enforcement agency shall notify the department

1 within twenty-four hours. In all other cases, the law enforcement
2 agency shall notify the department within seventy-two hours after a
3 report is received by the law enforcement agency.

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

9 (7) The department may conduct ongoing case planning and
10 consultation with those persons or agencies required to report under
11 this section, with consultants designated by the department, and with
12 designated representatives of Washington Indian tribes if the client
13 information exchanged is pertinent to cases currently receiving child
14 protective services or department case services for the developmentally
15 disabled. Upon request, the department shall conduct such planning and
16 consultation with those persons required to report under this section
17 if the department determines it is in the best interests of the child
18 or developmentally disabled person. Information considered privileged
19 by statute and not directly related to reports required by this section
20 shall not be divulged without a valid written waiver of the privilege.

21 (8) Any case referred to the department by a physician licensed
22 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
23 opinion that child abuse, neglect, or sexual assault has occurred and
24 that the child's safety will be seriously endangered if returned home,
25 the department shall file a dependency petition unless a second
26 licensed physician of the parents' choice believes that such expert
27 medical opinion is incorrect. If the parents fail to designate a
28 second physician, the department may make the selection. If a
29 physician finds that a child has suffered abuse or neglect but that
30 such abuse or neglect does not constitute imminent danger to the
31 child's health or safety, and the department agrees with the
32 physician's assessment, the child may be left in the parents' home
33 while the department proceeds with reasonable efforts to remedy
34 parenting deficiencies.

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

1 (10) Upon receiving reports of alleged abuse or neglect, the
2 department or law enforcement agency may interview children. The
3 interviews may be conducted on school premises, at day-care facilities,
4 at the child's home, or at other suitable locations outside of the
5 presence of parents. Parental notification of the interview shall
6 occur at the earliest possible point in the investigation that will not
7 jeopardize the safety or protection of the child or the course of the
8 investigation. Prior to commencing the interview the department or law
9 enforcement agency shall determine whether the child wishes a third
10 party to be present for the interview and, if so, shall make reasonable
11 efforts to accommodate the child's wishes. Unless the child objects,
12 the department or law enforcement agency shall make reasonable efforts
13 to include a third party in any interview so long as the presence of
14 the third party will not jeopardize the course of the investigation.

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

19 (12) The department shall maintain investigation records and
20 conduct timely and periodic reviews of all cases constituting abuse and
21 neglect. The department shall maintain a log of screened-out
22 nonabusive cases.

23 (13) The department shall use a risk assessment process when
24 investigating alleged child abuse and neglect referrals. The
25 department shall present the risk factors at all hearings in which the
26 placement of a dependent child is an issue. The department shall,
27 within funds appropriated for this purpose, offer enhanced community-
28 based services to persons who are determined not to require further
29 state intervention.

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

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

36 (15) The department shall make reasonable efforts to learn the
37 name, address, and telephone number of each person making a report of
38 abuse or neglect under this section. The department shall provide
39 assurances of appropriate confidentiality of the identification of

1 persons reporting under this section. If the department is unable to
2 learn the information required under this subsection, the department
3 shall only investigate cases in which: (a) The department believes
4 there is a serious threat of substantial harm to the child; (b) the
5 report indicates conduct involving a criminal offense that has, or is
6 about to occur, in which the child is the victim; or (c) the department
7 has substantiated a report of abuse or neglect with regard to a member
8 of the household within three years of receipt of the referral.

9 **Sec. 17.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read
10 as follows:

11 If the department or a law enforcement agency responds to a
12 complaint of alleged child abuse or neglect and discovers that another
13 agency has also responded to the complaint, the agency shall notify the
14 other agency of their presence, and the agencies shall coordinate the
15 investigation and keep each other apprised of progress.

16 The department, each law enforcement agency, each county
17 prosecuting attorney, each city attorney, and each court shall make as
18 soon as practicable a written record and shall maintain records of all
19 incidents of suspected child abuse reported to that person or agency.
20 Records kept under this section shall be identifiable by means of an
21 agency code for child abuse.

22 **Sec. 18.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to
23 read as follows:

24 An immediate oral report shall be made by telephone or otherwise to
25 the proper law enforcement agency or the department of social and
26 health services and, upon request, shall be followed by a report in
27 writing. Such reports shall contain the following information, if
28 known:

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

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

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

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

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

1 (6) Any evidence of previous injuries, including their nature and
2 extent; and

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

7 **Sec. 19.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to
8 read as follows:

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

15 (2) At any time prior to or during a hearing in such a case, the
16 court may, on its own motion, or the motion of the guardian ad litem,
17 or other parties, order the examination by a physician, psychologist,
18 or psychiatrist, of any parent or child or other person having custody
19 of the child at the time of the alleged child abuse or neglect, if the
20 court finds such an examination is necessary to the proper
21 determination of the case. The hearing may be continued pending the
22 completion of such examination. The physician, psychologist, or
23 psychiatrist conducting such an examination may be required to testify
24 concerning the results of such examination and may be asked to give his
25 or her opinion as to whether the protection of the child requires that
26 he or she not be returned to the custody of his or her parents or other
27 persons having custody of him or her at the time of the alleged child
28 abuse or neglect. Persons so testifying shall be subject to cross-
29 examination as are other witnesses. No information given at any such
30 examination of the parent or any other person having custody of the
31 child may be used against such person in any subsequent criminal
32 proceedings against such person or custodian concerning the alleged
33 abuse or neglect of the child.

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

1 **Sec. 20.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read
2 as follows:

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

9 (b) A person convicted of a violation of subsection (4) of this
10 section shall not be immune from liability under (a) of this
11 subsection.

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

16 (3) Conduct conforming with the reporting requirements of this
17 chapter shall not be deemed a violation of the confidential
18 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and
19 18.83.110. Nothing in this chapter shall be construed as to supersede
20 or abridge remedies provided in chapter 4.92 RCW.

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

24 **Sec. 21.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to
25 read as follows:

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

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

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

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

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

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

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

1 (g) Any evidence of previous injuries, including their nature and
2 extent; and

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

6 (2) Each law enforcement agency receiving such a report shall, in
7 addition to taking the action required by RCW 70.124.050, immediately
8 relay the report to the department and to other law enforcement
9 agencies, as appropriate. For any report it receives, the department
10 shall likewise take the required action and in addition relay the
11 report to the appropriate law enforcement agency or agencies. The
12 appropriate law enforcement agency or agencies shall receive immediate
13 notification when the department, upon receipt of such report, has
14 reasonable cause to believe that a criminal act has been committed.

15 **Sec. 22.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to
16 read as follows:

17 (1) The facility must inform the resident both orally and in
18 writing in a language that the resident understands of his or her
19 rights and all rules and regulations governing resident conduct and
20 responsibilities during the stay in the facility. The notification
21 must be made prior to or upon admission. Receipt of the information
22 must be acknowledged in writing.

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

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

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

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

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

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

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

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

9 (5) Notification of changes.

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

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

16 (ii) A significant change in the resident's physical, mental, or
17 psychosocial status (i.e., a deterioration in health, mental, or
18 psychosocial status in either life-threatening conditions or clinical
19 complications).

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

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

24 (ii) A decision to transfer or discharge the resident from the
25 facility.

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

29 **Sec. 23.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read
30 as follows:

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

33 (1) Develop, administer, supervise, and monitor a coordinated and
34 comprehensive plan that establishes, aids, and strengthens services for
35 the protection and care of homeless, runaway, dependent, or neglected
36 children.

37 (2) Develop a recruiting plan for recruiting an adequate number of
38 prospective adoptive and foster homes, both regular and specialized,

1 i.e. homes for children of ethnic minority, including Indian homes for
2 Indian children, sibling groups, handicapped and emotionally disturbed,
3 and annually submit the plan for review to the house and senate
4 committees on social and health services. The plan shall include a
5 section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

34 (7) Have authority to provide temporary shelter to children who
35 have run away from home and who are admitted to crisis residential
36 centers.

37 (8) Have authority to purchase care for children; and shall follow
38 in general the policy of using properly approved private agency
39 services for the actual care and supervision of such children insofar

1 as they are available, paying for care of such children as are accepted
2 by the department as eligible for support at reasonable rates
3 established by the department.

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

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

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

20 Notwithstanding any other provision of RCW 13.32A.170 through
21 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
22 services to be provided by the department of social and health services
23 under subsections (4), (6), and (7) of this section, subject to the
24 limitations of these subsections, may be provided by any program
25 offering such services funded pursuant to Titles II and III of the
26 federal juvenile justice and delinquency prevention act of 1974.

27 **Sec. 24.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read
28 as follows:

29 The secretary shall have the power and it shall be the secretary's
30 duty:

31 (1) In consultation with the children's services advisory
32 committee, and with the advice and assistance of persons representative
33 of the various type agencies to be licensed, to designate categories of
34 facilities for which separate or different requirements shall be
35 developed as may be appropriate whether because of variations in the
36 ages, sex and other characteristics of persons served, variations in
37 the purposes and services offered or size or structure of the agencies

1 to be licensed hereunder, or because of any other factor relevant
2 thereto;

3 (2) In consultation with the children's services advisory
4 committee, and with the advice and assistance of persons representative
5 of the various type agencies to be licensed, to adopt and publish
6 minimum requirements for licensing applicable to each of the various
7 categories of agencies to be licensed.

8 The minimum requirements shall be limited to:

9 (a) The size and suitability of a facility and the plan of
10 operation for carrying out the purpose for which an applicant seeks a
11 license;

12 (b) The character, suitability and competence of an agency and
13 other persons associated with an agency directly responsible for the
14 care and treatment of children, expectant mothers or developmentally
15 disabled persons. In consultation with law enforcement personnel, the
16 secretary shall investigate the conviction record or pending charges
17 and dependency record information under chapter 43.43 RCW of each
18 agency and its staff seeking licensure or relicensure. In order to
19 determine the suitability of applicants for an agency license,
20 licensees, their employees, and other persons who have unsupervised
21 access to children in care, and who have not resided in the state of
22 Washington during the three-year period before being authorized to care
23 for children shall be fingerprinted. The fingerprints shall be
24 forwarded to the Washington state patrol and federal bureau of
25 investigation for a criminal history records check. The fingerprint
26 criminal history records checks will be at the expense of the licensee
27 except that in the case of a foster family home, if this expense would
28 work a hardship on the licensee, the department shall pay the expense.
29 The licensee may not pass this cost on to the employee or prospective
30 employee, unless the employee is determined to be unsuitable due to his
31 or her criminal history record. The secretary shall use the
32 information solely for the purpose of determining eligibility for a
33 license and for determining the character, suitability, and competence
34 of those persons or agencies, excluding parents, not required to be
35 licensed who are authorized to care for children, expectant mothers,
36 and developmentally disabled persons. Criminal justice agencies shall
37 provide the secretary such information as they may have and that the
38 secretary may require for such purpose;

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

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

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

9 (f) The financial ability of an agency to comply with minimum
10 requirements established pursuant to chapter 74.15 RCW and RCW
11 74.13.031; and

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

14 (3) To investigate any person, including relatives by blood or
15 marriage except for parents, for character, suitability, and competence
16 in the care and treatment of children, expectant mothers, and
17 developmentally disabled persons prior to authorizing that person to
18 care for children, expectant mothers, and developmentally disabled
19 persons. However, if a child is placed with a relative under RCW
20 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
21 and competent to provide care and treatment the criminal history
22 background check required by this section need not be completed before
23 placement, but shall be completed as soon as possible after placement;

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

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

33 (6) To prescribe the procedures and the form and contents of
34 reports necessary for the administration of chapter 74.15 RCW and RCW
35 74.13.031 and to require regular reports from each licensee;

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

1 (8) To review requirements adopted hereunder at least every two
2 years and to adopt appropriate changes after consultation with the
3 child care coordinating committee and other affected groups for child
4 day-care requirements and with the children's services advisory
5 committee for requirements for other agencies; and

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

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

11 (1) A person participating in good faith in making a report under
12 this chapter or testifying about ((the)) alleged abuse, neglect,
13 abandonment, or exploitation of a vulnerable adult in a judicial
14 proceeding under this chapter is immune from liability resulting from
15 the report or testimony. The making of permissive reports as allowed
16 in RCW 74.34.030 does not create any duty to report and no civil
17 liability shall attach for any failure to make a permissive report
18 under RCW 74.34.030.

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

23 **Sec. 26.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each
24 amended to read as follows:

25 In responding to reports of alleged abuse, exploitation, neglect,
26 or abandonment under this chapter, the department shall provide
27 information to the frail elder or vulnerable adult on protective
28 services available to the person and inform the person of the right to
29 refuse such services. The department shall develop cooperative
30 agreements with community-based agencies servicing the abused elderly
31 and vulnerable adults. The agreements shall cover such subjects as the
32 appropriate roles and responsibilities of the department and community-
33 based agencies in identifying and responding to reports of alleged
34 abuse, the provision of case-management services, standardized data
35 collection procedures, and related coordination activities.

1 NEW SECTION. **Sec. 27.** RCW 43.06A.040 and 1996 c 131 s 5 are each
2 repealed.

3 NEW SECTION. **Sec. 28.** Sections 8 through 25 of this act apply
4 only to incidents occurring on or after January 1, 1998.

5 NEW SECTION. **Sec. 29.** Sections 8 through 25 of this act take
6 effect January 1, 1998.

7 NEW SECTION. **Sec. 30.** (1) The sum of one hundred thousand
8 dollars, or as much thereof as may be necessary, is appropriated for
9 the fiscal year ending June 30, 1998, from the general fund to the
10 Washington institute for public policy for the purposes of this act.

11 (2) The sum of one hundred thousand dollars, or as much thereof as
12 may be necessary, is appropriated for the fiscal year ending June 30,
13 1999, from the general fund to the Washington institute for public
14 policy for the purposes of this act.

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