
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2557.1/99

ATTY/TYPIST: KB:rmh

BRIEF TITLE:

2 **E2SSB 5557** - H COMM AMD

3 By Committee on Children & Family Services

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** This act may be referred to as the homeless
8 youth prevention, protection, and education act, or the HOPE act.
9 Every day many youth in this state seek shelter out on the street. A
10 nurturing nuclear family does not exist for them, and state-sponsored
11 alternatives such as foster homes do not meet the demand and isolate
12 youth, who feel like outsiders in families not their own. The
13 legislature recognizes the need to develop placement alternatives for
14 dependent youth ages sixteen to eighteen, who are living on the street.
15 The HOPE act is an effort to engage youth and provide them access to
16 services through development of life skills in a setting that supports
17 them. Nothing in this act shall constitute an entitlement.

18 **Sec. 2.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read
19 as follows:

20 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
21 otherwise clearly indicated by the context thereof, the following terms
22 shall mean:

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

33 (a) "Child day-care center" means an agency which regularly
34 provides care for a group of children for periods of less than twenty-
35 four hours;

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

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

8 (d) "Crisis residential center" means an agency which is a
9 temporary protective residential facility operated to perform the
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW
11 74.13.032 through 74.13.036;

12 (e) "Family day-care provider" means a child day-care provider who
13 regularly provides child day care for not more than twelve children in
14 the provider's home in the family living quarters;

15 (f) "Foster-family home" means an agency which regularly provides
16 care on a twenty-four hour basis to one or more children, expectant
17 mothers, or persons with developmental disabilities in the family abode
18 of the person or persons under whose direct care and supervision the
19 child, expectant mother, or person with a developmental disability is
20 placed;

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

24 (h) "HOPE center" means an agency licensed by the secretary to
25 provide temporary residential placement and other services to street
26 youth. A street youth may remain in a HOPE center for thirty days
27 while services are arranged and permanent placement is coordinated. No
28 street youth may stay longer than thirty days unless approved by the
29 department and any additional days approved by the department must be
30 based on the unavailability of a long-term placement option. A street
31 youth whose parent wants him or her returned to home may remain in a
32 HOPE center until his or her parent arranges return of the youth, not
33 longer. All other street youth must have court approval under chapter
34 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

35 (i) "Maternity service" means an agency which provides or arranges
36 for care or services to expectant mothers, before or during
37 confinement, or which provides care as needed to mothers and their
38 infants after confinement;

1 (~~(i)~~) (j) "Service provider" means the entity that operates a
2 community facility.

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

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

6 (i) Any blood relative, including those of half-blood, and
7 including first cousins, nephews or nieces, and persons of preceding
8 generations as denoted by prefixes of grand, great, or great-great;

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

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

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

16 (v) Extended family members, as defined by the law or custom of the
17 Indian child's tribe or, in the absence of such law or custom, a person
18 who has reached the age of eighteen and who is the Indian child's
19 grandparent, aunt or uncle, brother or sister, brother-in-law or
20 sister-in-law, niece or nephew, first or second cousin, or stepparent
21 who provides care in the family abode on a twenty-four-hour basis to an
22 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

25 (c) Persons who care for a neighbor's or friend's child or
26 children, with or without compensation, where: (i) The person
27 providing care for periods of less than twenty-four hours does not
28 conduct such activity on an ongoing, regularly scheduled basis for the
29 purpose of engaging in business, which includes, but is not limited to,
30 advertising such care; or (ii) the parent and person providing care on
31 a twenty-four-hour basis have agreed to the placement in writing and
32 the state is not providing any payment for the care;

33 (d) Parents on a mutually cooperative basis exchange care of one
34 another's children;

35 (e) A person, partnership, corporation, or other entity that
36 provides placement or similar services to exchange students or
37 international student exchange visitors or persons who have the care of
38 an exchange student in their home;

1 (f) Nursery schools or kindergartens which are engaged primarily in
2 educational work with preschool children and in which no child is
3 enrolled on a regular basis for more than four hours per day;

4 (g) Schools, including boarding schools, which are engaged
5 primarily in education, operate on a definite school year schedule,
6 follow a stated academic curriculum, accept only school-age children
7 and do not accept custody of children;

8 (h) Seasonal camps of three months' or less duration engaged
9 primarily in recreational or educational activities;

10 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
11 performing functions defined in chapter 70.41 RCW, nursing homes
12 licensed under chapter 18.51 RCW and boarding homes licensed under
13 chapter 18.20 RCW;

14 (j) Licensed physicians or lawyers;

15 (k) Facilities providing care to children for periods of less than
16 twenty-four hours whose parents remain on the premises to participate
17 in activities other than employment;

18 (l) Facilities approved and certified under chapter 71A.22 RCW;

19 (m) Any agency having been in operation in this state ten years
20 prior to June 8, 1967, and not seeking or accepting moneys or
21 assistance from any state or federal agency, and is supported in part
22 by an endowment or trust fund;

23 (n) Persons who have a child in their home for purposes of
24 adoption, if the child was placed in such home by a licensed child-
25 placing agency, an authorized public or tribal agency or court or if a
26 replacement report has been filed under chapter 26.33 RCW and the
27 placement has been approved by the court;

28 (o) An agency operated by any unit of local, state, or federal
29 government or an agency, located within the boundaries of a federally
30 recognized Indian reservation, licensed by the Indian tribe;

31 (p) An agency located on a federal military reservation, except
32 where the military authorities request that such agency be subject to
33 the licensing requirements of this chapter.

34 (3) "Department" means the state department of social and health
35 services.

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

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

4 (6) "Requirement" means any rule, regulation, or standard of care
5 to be maintained by an agency.

6 (7) "Secretary" means the secretary of social and health services.

7 (8) "Street youth" means a person under the age of eighteen who
8 lives outdoors or in another unsafe location not intended for occupancy
9 by the minor and who is not residing with his or her parent or at his
10 or her legally authorized residence.

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

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

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

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

23 (d) Individual and group counseling;

24 (e) Recognizing and facilitating long-term relationships with
25 significant adults; and

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

31 Transitional living services shall be tailored to meet the needs of
32 the individual youth. If a youth demonstrates a consistent
33 unwillingness to participate in the acquisition of transitional living
34 skills and services, a reassessment shall be done of the youth's
35 appropriateness for the program.

36 NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW
37 to read as follows:

1 The secretary shall establish HOPE centers that provide no more
2 than seventy-five beds across the state and may establish HOPE centers
3 by contract, within funds appropriated by the legislature specifically
4 for this purpose. HOPE centers shall be operated in a manner to
5 reasonably assure that street youth placed there will not run away.
6 Street youth may leave a HOPE center during the course of the day to
7 attend school or other necessary appointments, but the street youth
8 must be accompanied by an administrator or an administrator's designee.
9 The street youth must provide the administration with specific
10 information regarding his or her destination and expected time of
11 return to the HOPE center. Any street youth who runs away from a HOPE
12 center shall not be readmitted unless specifically authorized by the
13 street youth's placement and liaison specialist, and the placement and
14 liaison specialist shall document with specific factual findings an
15 appropriate basis for readmitting any street youth to a HOPE center.
16 HOPE centers are required to have the following:

17 (1) A license issued by the secretary;

18 (2) A professional with a master's degree in counseling, social
19 work, or related field and at least one year of experience working with
20 street youth or a bachelor of arts degree in social work or a related
21 field and five years of experience working with street youth. This
22 professional staff person may be contractual or a part-time employee,
23 but must be available to work with street youth in a HOPE center at a
24 ratio of one to every fifteen youth staying in a HOPE center. This
25 professional shall be known as a placement and liaison specialist.
26 Preference shall be given to those professionals cross-credentialed in
27 mental health and chemical dependency. The placement and liaison
28 specialist shall:

29 (a) Conduct an assessment of the street youth that includes a
30 determination of the street youth's legal status regarding residential
31 placement;

32 (b) Facilitate the street youth's return to his or her legally
33 authorized residence at the earliest possible date or initiate
34 processes to arrange legally authorized appropriate placement. Any
35 street youth who may meet the definition of dependent child under RCW
36 13.34.030 must be referred to the department. The department shall
37 determine whether a dependency petition should be filed under chapter
38 13.34 RCW. A shelter care hearing must be held within seventy-two
39 hours to authorize out-of-home placement for any youth the department

1 determines is appropriate for out-of-home placement under chapter 13.34
2 RCW. All of the provisions of chapter 13.32A RCW must be followed for
3 children in need of services or at-risk youth;

4 (c) Interface with other relevant resources and system
5 representatives to secure long-term residential placement and other
6 needed services for the street youth;

7 (d) Be assigned immediately to each youth and meet with the youth
8 within eight hours of the youth receiving HOPE center services;

9 (e) Develop a therapeutic relationship with the youth that enables
10 the specialist to help the street youth navigate the social service and
11 child welfare systems;

12 (f) Facilitate a physical examination of any street youth who has
13 not seen a physician within one year prior to residence at a HOPE
14 center and facilitate evaluation by a county-designated mental health
15 professional, a chemical dependency specialist, or both if appropriate;
16 and

17 (g) Arrange an educational assessment to measure the street youth's
18 competency level in reading, writing, and basic mathematics, and that
19 will measure learning disabilities or special needs;

20 (3) Staff trained in development needs of street youth as
21 determined by the secretary, including an administrator who is a
22 professional with a master's degree in counseling, social work, or a
23 related field and at least one year of experience working with street
24 youth, or a bachelor of arts degree in social work or a related field
25 and five years of experience working with street youth, who must work
26 with the placement and liaison specialist to provide appropriate
27 services on site;

28 (4) A data collection system that measures outcomes for the
29 population served, and enables research and evaluation that can be used
30 for future program development and service delivery. Data collection
31 systems must have confidentiality rules and protocols developed by the
32 secretary;

33 (5) Notification requirements that meet the notification
34 requirements of chapter 13.32A RCW. The youth's arrival date and time
35 must be logged at intake by HOPE center staff. The staff must
36 immediately notify law enforcement and dependency caseworkers if a
37 street youth runs away from a HOPE center. A child may be transferred
38 to a secure facility as defined in RCW 13.32A.030 whenever the staff
39 reasonably believes that a street youth is likely to leave the HOPE

1 center and not return after full consideration of the factors set forth
2 in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary
3 placement in the HOPE center must be authorized by the court or the
4 secretary if the youth is a dependent of the state under chapter 13.34
5 RCW or the department is responsible for the youth under chapter 13.32A
6 RCW, or by the youth's parent or legal custodian, until such time as
7 the parent can retrieve the youth who is returning to home;

8 (6) HOPE centers must identify to the department any street youth
9 it serves who is not returning promptly to home. The department then
10 must contact the missing children's clearinghouse identified in chapter
11 13.60 RCW and either report the youth's location or report that the
12 youth is the subject of a dependency action and the parent should
13 receive notice from the department; and

14 (7) Services that provide counseling and education to the street
15 youth.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW
17 to read as follows:

18 The secretary is authorized to license HOPE centers that meet
19 statutory and rule requirements created by the secretary. The
20 secretary is authorized to develop rules necessary to carry out the
21 provisions of this act. The secretary may rely upon existing licensing
22 provisions in development of licensing requirements for HOPE centers,
23 as are appropriate to carry out the intent of this act. HOPE centers
24 shall be required to adhere to departmental regulations prohibiting the
25 use of alcohol, tobacco, controlled substances, violence, and sexual
26 activity between residents.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.60 RCW
28 to read as follows:

29 The department of social and health services shall develop a
30 procedure for reporting missing children information to the missing
31 children clearinghouse on children who are receiving departmental
32 services in each of its administrative regions. The purpose of this
33 procedure is to link parents to missing children. When the department
34 has obtained information that a minor child has been located at a
35 facility funded by the department, the department shall notify the
36 clearinghouse and the child's legal custodian, advising the custodian
37 of the child's whereabouts or that the child is subject to a dependency

1 action. The department shall inform the clearinghouse when
2 reunification occurs.

3 NEW SECTION. **Sec. 6.** The Washington institute for public policy
4 shall review the effectiveness of the procedures established in section
5 5 of this act. The study shall include: (1) The number of legal
6 custodians who utilize the clearinghouse; (2) the number of children
7 who are located after the department's procedures are operational; (3)
8 the impediments to effective utilization of the procedures and what
9 steps may be taken to reduce or eliminate the impediments; (4) the
10 methods of public education regarding the availability of the program
11 and how to increase public awareness of the program.

12 The review shall be submitted to the legislature and the governor
13 not later than December 1, 2001.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
15 to read as follows:

16 The department shall provide technical assistance in preparation of
17 grant proposals for HOPE centers to nonprofit organizations unfamiliar
18 with and inexperienced in submission of requests for proposals to the
19 department.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.15 RCW
21 to read as follows:

22 The department shall consider prioritizing, on an ongoing basis,
23 the awarding of contracts for HOPE centers to providers who have not
24 traditionally been awarded contracts with the department.

25 NEW SECTION. **Sec. 9.** The department of social and health services
26 shall seek any necessary federal waivers for federal funding of the
27 programs created under this act. The department shall pursue federal
28 funding sources for the programs created under this act, and report to
29 the legislature any statutory barriers to federal funding.

30 NEW SECTION. **Sec. 10.** The Washington state institute for public
31 policy shall review the effectiveness of the HOPE centers. The study
32 shall include the characteristics of the youth being served, the
33 services offered to participating youth, the success of permanent
34 placement of youth, the number of youth participating in each program,

1 educational achievement of participants, employment history of
2 participants, the outcomes for youth who have progressed through the
3 programs, and other measures that the institute deems helpful in
4 determining the measurable outcomes of this act.

5 The review shall be submitted to the legislature and the governor
6 not later than December 1, 2001.

7 NEW SECTION. **Sec. 11.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 12.** Within funds specifically appropriated by
12 the legislature, HOPE center beds referenced in section 3 of this act
13 shall be phased in at the rate of twenty-five percent each year
14 beginning January 1, 2000, until the maximum is attained.

15 NEW SECTION. **Sec. 13.** Section 3 of this act takes effect January
16 1, 2000.

17 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 1999, in the omnibus appropriations act, this act
20 is null and void."

21 Correct the title.

EFFECT: Removes responsible living skills programs. Removes
reference to the Homeless lawsuit. Removes the B&O and Utility tax
credit. Removes the aggravating circumstances enhancement. Provides
a null & void clause.

--- END ---