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HOUSE BILL 1493

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood

Read first time 03/01/1999.

1 AN ACT Relating to homeless children and their families; amending  
2 RCW 43.63A.650, 74.13.020, and 74.13.031; adding new sections to  
3 chapter 43.63A RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that homelessness for  
6 children and their families is a significant problem in Washington.  
7 Planning for and serving the shelter and housing needs of the homeless  
8 children and their families has been and continues to be a  
9 responsibility of the department of community, trade, and economic  
10 development. The legislature further finds that the department of  
11 social and health services also plays an important role in addressing  
12 the service needs of homeless children and their families. In order to  
13 adequately and effectively address the complex issues confronting  
14 homeless children and their families, planning for, implementing, and  
15 evaluating such services must be a collaborative effort between the  
16 department of community, trade, and economic development and the  
17 department of social and health services, other local, state, and  
18 federal agencies, and community organizations. It is the intent of the  
19 legislature that children should not be placed or retained in the

1 foster care system if the provision of shelter or housing assistance or  
2 other services to address homelessness or the imminent risk of  
3 homelessness would prevent or shorten the need for their placement. It  
4 is the further intent of the legislature that services to homeless  
5 children and their families shall be provided within funds appropriated  
6 for that purpose by the legislature in the omnibus appropriations act.

7 **Sec. 2.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to  
8 read as follows:

9 (1) The department shall be the principal state department  
10 responsible for coordinating federal and state resources and activities  
11 in housing, except for programs administered by the Washington state  
12 housing finance commission under chapter 43.180 RCW, and for evaluating  
13 the operations and accomplishments of other state departments and  
14 agencies as they affect housing.

15 (2) The department shall work with local governments, tribal  
16 organizations, local housing authorities, nonprofit community or  
17 neighborhood-based organizations, and regional or state-wide nonprofit  
18 housing assistance organizations, for the purpose of coordinating  
19 federal and state resources with local resources for housing.

20 (3) The department shall be the principal state department  
21 responsible for providing shelter and housing services to homeless  
22 children and their families. The department shall develop, administer,  
23 supervise, and monitor a coordinated and comprehensive plan to serve  
24 homeless children and their families. The plan shall be developed  
25 collaboratively with the department of social and health services. The  
26 departments shall include community organizations involved in the  
27 delivery of services to homeless children and their families, and  
28 experts in the development and ongoing evaluation of the plan. The  
29 departments shall follow professionally recognized standards and  
30 procedures. The plan shall be implemented within amounts appropriated  
31 by the legislature for that specific purpose in the omnibus  
32 appropriations act. The department shall submit the plan to the  
33 appropriate committees of the senate and house of representatives no  
34 later than August 13, 1999, and shall update the plan every two years  
35 thereafter. The plan shall address at least the following: (a) The  
36 need for prevention assistance; (b) the need for emergency shelter; (c)  
37 the need for transitional assistance to aid families into permanent  
38 housing; (d) the need for linking services with shelter or housing; and

1 (e) the need for ongoing monitoring of the efficiency and effectiveness  
2 of the plan's design and implementation.

3 NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW  
4 to read as follows:

5 (1) In order to improve services for the homeless, the department,  
6 within amounts appropriated by the legislature for this specific  
7 purpose, shall implement a system for collecting and analyzing data  
8 about the extent and nature of homelessness in Washington state, giving  
9 emphasis to information about extent and nature of homelessness in  
10 Washington state children and their families. The system may be merged  
11 with other data gathering and reporting systems and shall:

12 (a) Protect the right of privacy of individuals;

13 (b) Provide for consultation and collaboration with state agencies  
14 including the department of social and health services, experts, and  
15 community organizations involved in the delivery of services to  
16 homeless persons; and

17 (c) Include related information held or gathered by other state  
18 agencies.

19 (2) Within amounts appropriated by the legislature, for this  
20 specific purpose, the department shall evaluate the information  
21 gathered and disseminate the analysis and the evaluation broadly, using  
22 appropriate computer networks as well as written reports.

23 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW  
24 to read as follows:

25 The department shall, by rule, establish program standards,  
26 eligibility standards, eligibility criteria, and administrative rules  
27 for emergency housing programs and specify other benefits that may  
28 arise in consultation with providers.

29 **Sec. 5.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read  
30 as follows:

31 As used in Title 74 RCW, child welfare services shall be defined as  
32 public social services including adoption services which strengthen,  
33 supplement, or substitute for, parental care and supervision for the  
34 purpose of:

1 (1) Preventing or remedying, or assisting in the solution of  
2 problems which may result in families in conflict, or the neglect,  
3 abuse, exploitation, or criminal behavior of children;

4 (2) Protecting and caring for homeless, dependent, or neglected  
5 children;

6 (3) Assisting children who are in conflict with their parents, and  
7 assisting parents who are in conflict with their children with services  
8 designed to resolve such conflicts;

9 (4) Protecting and promoting the welfare of children, including the  
10 strengthening of their own homes where possible, or, where needed;

11 (5) Providing adequate care of children away from their homes in  
12 foster family homes or day care or other child care agencies or  
13 facilities.

14 As used in this chapter, child means a person less than eighteen  
15 years of age.

16 The department's duty to provide services to homeless children and  
17 their families under Title 74 RCW is defined in the coordinated and  
18 comprehensive plan developed under RCW 43.63A.650 and in appropriations  
19 provided by the legislature for implementation of the plan.

20 **Sec. 6.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read  
21 as follows:

22 The department shall have the duty to provide child welfare  
23 services and shall:

24 (1) Develop, administer, supervise, and monitor a coordinated and  
25 comprehensive plan that establishes, aids, and strengthens services for  
26 the protection and care of homeless, runaway, dependent, or neglected  
27 children. The department's responsibility for a coordinated and  
28 comprehensive plan for homeless children and their families shall be  
29 provided in concert with the department of community, trade, and  
30 economic development under RCW 43.63A.650. The plan for homeless  
31 children and their families shall be implemented within amounts  
32 appropriated for that specific purpose by the legislature in the  
33 omnibus appropriations act.

34 (2) Within available resources, recruit an adequate number of  
35 prospective adoptive and foster homes, both regular and specialized,  
36 i.e. homes for children of ethnic minority, including Indian homes for  
37 Indian children, sibling groups, handicapped and emotionally disturbed,  
38 teens, pregnant and parenting teens, and annually report to the

1 governor and the legislature concerning the department's success in:  
2 (a) Meeting the need for adoptive and foster home placements; (b)  
3 reducing the foster parent turnover rate; (c) completing home studies  
4 for legally free children; and (d) implementing and operating the  
5 passport program required by RCW 74.13.285. The report shall include  
6 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

7 (3) Investigate complaints of any recent act or failure to act on  
8 the part of a parent or caretaker that results in death, serious  
9 physical or emotional harm, or sexual abuse or exploitation, or that  
10 presents an imminent risk of serious harm, and on the basis of the  
11 findings of such investigation, offer child welfare services in  
12 relation to the problem to such parents, legal custodians, or persons  
13 serving in loco parentis, and/or bring the situation to the attention  
14 of an appropriate court, or another community agency: PROVIDED, That  
15 an investigation is not required of nonaccidental injuries which are  
16 clearly not the result of a lack of care or supervision by the child's  
17 parents, legal custodians, or persons serving in loco parentis. If the  
18 investigation reveals that a crime against a child may have been  
19 committed, the department shall notify the appropriate law enforcement  
20 agency.

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

23 (5) Monitor out-of-home placements, on a timely and routine basis,  
24 to assure the safety, well-being, and quality of care being provided is  
25 within the scope of the intent of the legislature as defined in RCW  
26 74.13.010 and 74.15.010, and annually submit a report measuring the  
27 extent to which the department achieved the specified goals to the  
28 governor and the legislature.

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

1 (7) Have authority to provide temporary shelter to children who  
2 have run away from home and who are admitted to crisis residential  
3 centers.

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

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

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

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

26 Notwithstanding any other provision of RCW 13.32A.170 through  
27 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
28 services to be provided by the department of social and health services  
29 under subsections (4), (6), and (7) of this section, subject to the  
30 limitations of these subsections, may be provided by any program  
31 offering such services funded pursuant to Titles II and III of the  
32 federal juvenile justice and delinquency prevention act of 1974.

33 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of the  
35 state government and its existing public institutions, and takes effect  
36 immediately.

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