

2 **HB 1898** - S AMD 367

3 By Senators Hargrove and Long

4 ADOPTED 04/19/01

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

7 **"Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to
8 read as follows:

9 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
10 otherwise clearly indicated by the context thereof, the following terms
11 shall mean:

12 (1) "Agency" means any person, firm, partnership, association,
13 corporation, or facility which receives children, expectant mothers, or
14 persons with developmental disabilities for control, care, or
15 maintenance outside their own homes, or which places, arranges the
16 placement of, or assists in the placement of children, expectant
17 mothers, or persons with developmental disabilities for foster care or
18 placement of children for adoption, and shall include the following
19 irrespective of whether there is compensation to the agency or to the
20 children, expectant mothers or persons with developmental disabilities
21 for services rendered:

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

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

27 (c) "Community facility" means a group care facility operated for
28 the care of juveniles committed to the department under RCW 13.40.185.
29 A county detention facility that houses juveniles committed to the
30 department under RCW 13.40.185 pursuant to a contract with the
31 department is not a community facility;

32 (d) "Crisis residential center" means an agency which is a
33 temporary protective residential facility operated to perform the
34 duties specified in chapter 13.32A RCW, in the manner provided in RCW
35 74.13.032 through 74.13.036;

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

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

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

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

25 (~~(h)~~) (i) "HOPE center" means an agency licensed by the secretary
26 to provide temporary residential placement and other services to street
27 youth. A street youth may remain in a HOPE center for thirty days
28 while services are arranged and permanent placement is coordinated. No
29 street youth may stay longer than thirty days unless approved by the
30 department and any additional days approved by the department must be
31 based on the unavailability of a long-term placement option. A street
32 youth whose parent wants him or her returned to home may remain in a
33 HOPE center until his or her parent arranges return of the youth, not
34 longer. All other street youth must have court approval under chapter
35 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

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

1 (~~(j)~~) (k) "Responsible living skills program" means an agency
2 licensed by the secretary that provides residential and transitional
3 living services to persons ages sixteen to eighteen who are dependent
4 under chapter 13.34 RCW and who have been unable to live in his or her
5 legally authorized residence and, as a result, the minor lived outdoors
6 or in another unsafe location not intended for occupancy by the minor.
7 Dependent minors ages fourteen and fifteen may be eligible if no other
8 placement alternative is available and the department approves the
9 placement;

10 (~~(k)~~) (l) "Service provider" means the entity that operates a
11 community facility.

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

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

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

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

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

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

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

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

34 (c) Persons who care for a neighbor's or friend's child or
35 children, with or without compensation, where: (i) The person
36 providing care for periods of less than twenty-four hours does not
37 conduct such activity on an ongoing, regularly scheduled basis for the
38 purpose of engaging in business, which includes, but is not limited to,
39 advertising such care; or (ii) the parent and person providing care on

1 a twenty-four-hour basis have agreed to the placement in writing and
2 the state is not providing any payment for the care;

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

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

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

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

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

18 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
19 performing functions defined in chapter 70.41 RCW, nursing homes
20 licensed under chapter 18.51 RCW and boarding homes licensed under
21 chapter 18.20 RCW;

22 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

4 (3) "Department" means the state department of social and health
5 services.

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

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

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

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

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

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

21 (a) Educational services, including basic literacy and
22 computational skills training, either in local alternative or public
23 high schools or in a high school equivalency program that leads to
24 obtaining a high school equivalency degree;

25 (b) Assistance and counseling related to obtaining vocational
26 training or higher education, job readiness, job search assistance, and
27 placement programs;

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

31 (d) Individual and group counseling; and

32 (e) Establishing networks with federal agencies and state and local
33 organizations such as the United States department of labor, employment
34 and training administration programs including the job training
35 partnership act which administers private industry councils and the job
36 corps; vocational rehabilitation; and volunteer programs.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW
38 to read as follows:

1 The secretary is authorized to license emergency respite centers.
2 The department may adopt rules to specify licensing requirements for
3 emergency respite centers."

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5 By Senators Hargrove and Long

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ADOPTED 04/19/01

7 On page 1, line 1 of the title, after "nurseries;" strike the
8 remainder of the title and insert "amending RCW 74.15.020; and adding
9 a new section to chapter 74.15 RCW."

EFFECT: Keeps the provisions of the previous striking amendment that gave a more specific definition of crisis nursery. Deletes the part of the striker that added the entire text of SSB 5236, relating to abandoning infants at hospitals.

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