

2 By Senator Hargrove

3 **HB 1898** - S COMM AMD

4 By Committee on Human Services & Corrections

5

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

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

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

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

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

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

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

33 (d) "Crisis residential center" means an agency which is a  
34 temporary protective residential facility operated to perform the  
35 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
36 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.

4 NEW SECTION. **Sec. 3.** The legislature intends to increase the  
5 likelihood that pregnant women will obtain adequate prenatal care and  
6 will provide their newborns with adequate health care during the first  
7 few days of their lives. The legislature recognizes that prenatal and  
8 postdelivery health care for newborns and their mothers is especially  
9 critical to their survival and well-being. The legislature intends  
10 that reasonable steps should be taken to remove any barriers to such  
11 care, particularly for those parents who may otherwise encounter  
12 emotional and/or psychological barriers to obtaining such care by  
13 reducing impediments to obtaining prenatal and postdelivery care to  
14 newborns while encouraging pregnant women to act responsibly regarding  
15 the health of their newborns. The legislature does not intend to  
16 encourage the abandonment of newborn children nor to change existing  
17 law relating to notification to parents under chapter 13.34 RCW, but  
18 rather to assure that abandonment does not occur and that all newborns  
19 have an opportunity for adequate health care and a stable home life.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW  
21 to read as follows:

22 (1) For purposes of this section:

23 (a) "Appropriate location" means the emergency department of a  
24 hospital licensed under chapter 70.41 RCW during the hours the hospital  
25 is in operation.

26 (b) "Newborn" means a live human being who is less than seventy-two  
27 hours old.

28 (c) "Qualified person" means any person that the parent  
29 transferring the newborn reasonably believes is a bona fide employee,  
30 volunteer, or medical staff member of the hospital and who represents  
31 to the parent transferring the newborn that he or she can and will  
32 summon appropriate resources to meet the newborn's immediate needs.

33 (2) A parent of a newborn who transfers the newborn to a qualified  
34 person at an appropriate location is not subject to criminal liability  
35 under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

1 (3)(a) The qualified person and the hospital shall not require the  
2 parent transferring the newborn to provide any identifying information  
3 in order to transfer the newborn.

4 (b) The qualified person and the hospital shall attempt to protect  
5 the anonymity of the parent who transfers the newborn, while providing  
6 an opportunity for the parent to anonymously give the hospital such  
7 information as the parent knows about the family medical history of the  
8 parents and the newborn. The qualified person and the hospital shall  
9 provide referral information about adoption options, counseling,  
10 appropriate medical and emotional aftercare services, domestic  
11 violence, and legal rights to the parent seeking to transfer the  
12 newborn.

13 (c) If a parent of a newborn transfers the newborn to a qualified  
14 person at an appropriate location pursuant to this section, the  
15 hospital shall cause child protective services to be notified within  
16 twenty-four hours after receipt of such a newborn. Child protective  
17 services shall assume custody of the newborn within twenty-four hours  
18 after receipt of notification and shall arrange for discharge of the  
19 newborn from the hospital.

20 (d) A hospital, its employees, volunteers, and medical staff are  
21 immune from any criminal or civil liability for accepting or receiving  
22 a newborn under this section.

23 **Sec. 5.** RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read  
24 as follows:

25 (1) Except as provided in subsection (2) of this section, a person  
26 is guilty of the crime of abandonment of a dependent person in the  
27 first degree if:

28 (a) The person is the parent of a child, a person entrusted with  
29 the physical custody of a child or other dependent person, or a person  
30 employed to provide to the child or other dependent person any of the  
31 basic necessities of life;

32 (b) The person recklessly abandons the child or other dependent  
33 person; and

34 (c) As a result of being abandoned, the child or other dependent  
35 person suffers great bodily harm.

36 (2) A parent of a newborn who transfers the newborn to a qualified  
37 person at an appropriate location pursuant to section 4 of this act is  
38 not subject to criminal liability under this section.

1       (3) Abandonment of a dependent person in the first degree is a  
2 class B felony.

3       **Sec. 6.** RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read  
4 as follows:

5       (1) Except as provided in subsection (2) of this section, a person  
6 is guilty of the crime of abandonment of a dependent person in the  
7 second degree if:

8       (a) The person is the parent of a child, a person entrusted with  
9 the physical custody of a child or other dependent person, or a person  
10 employed to provide to the child or other dependent person any of the  
11 basic necessities of life; and

12       (b) The person recklessly abandons the child or other dependent  
13 person; and:

14       (i) As a result of being abandoned, the child or other dependent  
15 person suffers substantial bodily harm; or

16       (ii) Abandoning the child or other dependent person creates an  
17 imminent and substantial risk that the child or other dependent person  
18 will die or suffer great bodily harm.

19       (2) A parent of a newborn who transfers the newborn to a qualified  
20 person at an appropriate location pursuant to section 4 of this act is  
21 not subject to criminal liability under this section.

22       (3) Abandonment of a dependent person in the second degree is a  
23 class C felony.

24       **Sec. 7.** RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read  
25 as follows:

26       (1) Except as provided in subsection (2) of this section, a person  
27 is guilty of the crime of abandonment of a dependent person in the  
28 third degree if:

29       (a) The person is the parent of a child, a person entrusted with  
30 the physical custody of a child or other dependent person, or a person  
31 employed to provide to the child or dependent person any of the basic  
32 necessities of life; and

33       (b) The person recklessly abandons the child or other dependent  
34 person; and:

35       (i) As a result of being abandoned, the child or other dependent  
36 person suffers bodily harm; or



1 (ii) Abandoning the child or other dependent person creates an  
2 imminent and substantial risk that the child or other person will  
3 suffer substantial bodily harm.

4 (2) A parent of a newborn who transfers the newborn to a qualified  
5 person at an appropriate location pursuant to section 4 of this act is  
6 not subject to criminal liability under this section.

7 (3) Abandonment of a dependent person in the third degree is a  
8 gross misdemeanor.

9 **Sec. 8.** RCW 26.20.030 and 1984 c 260 s 26 are each amended to read  
10 as follows:

11 (1) Except as provided in subsection (2) of this section, any  
12 person who has a child dependent upon him or her for care, education or  
13 support and deserts such child in any manner whatever with intent to  
14 abandon it is guilty of the crime of family abandonment.

15 (2) A parent of a newborn who transfers the newborn to a qualified  
16 person at an appropriate location pursuant to section 4 of this act is  
17 not subject to criminal liability under this section.

18 (3) The crime of family abandonment is a class C felony under  
19 chapter 9A.20 RCW.

20 **Sec. 9.** RCW 26.20.035 and 1984 c 260 s 27 are each amended to read  
21 as follows:

22 (1) Except as provided in subsection (2) of this section, any  
23 person who is able to provide support, or has the ability to earn the  
24 means to provide support, and who:

25 (a) Willfully omits to provide necessary food, clothing, shelter,  
26 or medical attendance to a child dependent upon him or her; or

27 (b) Willfully omits to provide necessary food, clothing, shelter,  
28 or medical attendance to his or her spouse,  
29 is guilty of the crime of family nonsupport.

30 (2) A parent of a newborn who transfers the newborn to a qualified  
31 person at an appropriate location pursuant to section 4 of this act is  
32 not subject to criminal liability under this section.

33 (3) The crime of family nonsupport is a gross misdemeanor under  
34 chapter 9A.20 RCW.

35 NEW SECTION. **Sec. 10.** (1) The secretary of the department of  
36 social and health services shall convene a task force to recommend

1 methods of implementing sections 3 through 9 of this act, including how  
2 private or public funding may be obtained to support a program of  
3 public education regarding the provisions of sections 3 through 9 of  
4 this act. The task force shall consider all reasonable methods of  
5 educating Washington residents about the need for prenatal and  
6 postdelivery health care for a newborn whose parents may otherwise not  
7 seek such care and place their newborn at risk as a result. The task  
8 force shall also consider, and make recommendations regarding: (a)  
9 Ways to meet the medical and emotional needs of the mother and to  
10 improve the promotion of adoption as an alternative to placing a  
11 newborn in situations that create a serious risk to his or her health;  
12 and (b) methods of providing access to (i) the medical history of the  
13 parents of a newborn who is transferred to a hospital pursuant to  
14 section 4 of this act; and (ii) the medical history of the newborn,  
15 consistent with the protection of the anonymity of the parents of the  
16 newborn. The task force shall develop model forms of policies and  
17 procedures for hospitals to use in receiving newborns under section 4  
18 of this act.

19 (2) In addition to the secretary, or the secretary's designee, the  
20 task force shall include but not be limited to representation from the  
21 following: (a) Licensed physicians; (b) public and private agencies  
22 which provide adoption services; (c) private attorneys handling  
23 adoptions; (d) the licensed nursing community; (e) hospitals; (f)  
24 prosecuting attorneys; (g) foster parents; (h) the department of  
25 health; (i) the attorney general; (j) advocacy groups concerned with  
26 the availability of adoption records; (k) risk managers; and (l) the  
27 public. At least three members of the task force shall be public  
28 members. The task force may seek input from other experts as needed.

29 (3) Members of the task force shall serve without compensation.

30 (4) The task force shall submit its report and recommendations to  
31 the governor and legislature not later than December 1, 2001.

32 (5) This section expires January 1, 2003.

33 NEW SECTION. **Sec. 11.** Sections 3 through 9 of this act are  
34 necessary for the immediate preservation of the public peace, health,  
35 or safety, or support of the state government and its existing public  
36 institutions, and take effect immediately."

1 **HB 1898** - S COMM AMD  
2 By Committee on Human Services & Corrections

3  
4 On page 1, line 1 of the title, after "nurseries;" strike the  
5 remainder of the title and insert "amending RCW 74.15.020, 9A.42.060,  
6 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to  
7 chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; creating  
8 new sections; prescribing penalties; providing an expiration date; and  
9 declaring an emergency."

EFFECT: Defines crisis nurseries as "emergency respite centers" for the purposes of licensing, and provides a more specific program description. Declares that emergency respite centers may not substitute for required services related to juvenile delinquency or child dependency, and existing DSHS licensed facilities.

Makes provisions regarding the health and safety of newborn infants who are abandoned, and exempts from criminal liability persons who abandon them into the custody of a qualified person at a hospital.

--- END ---