

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6479

Chapter 104, Laws of 2014

63rd Legislature
2014 Regular Session

CHILD WELFARE--CAREGIVER AUTHORITY--PARTICIPATION IN ACTIVITIES

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 10, 2014
YEAS 37 NAYS 12

BRAD OWEN

President of the Senate

Passed by the House March 5, 2014
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 27, 2014, 11:06 a.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6479** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 27, 2014

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6479

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Frockt, Fain, Darneille, Kohl-Welles, Rivers, and Kline)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to providing caregivers authority to allow children
2 placed in their care to participate in normal childhood activities
3 based on a reasonable and prudent parent standard; reenacting and
4 amending RCW 74.15.030; and adding a new section to chapter 74.13 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
7 to read as follows:

8 (1) For the purposes of this section, "caregiver" means a person
9 with whom a child is placed in out-of-home care, or a designated
10 official for a group care facility licensed by the department.

11 (2) This section applies to all caregivers providing for children
12 in out-of-home care.

13 (3) Caregivers have the authority to provide or withhold permission
14 without prior approval of the caseworker, department, or court to allow
15 a child in their care to participate in normal childhood activities
16 based on a reasonable and prudent parent standard.

17 (a) Normal childhood activities include, but are not limited to,
18 extracurricular, enrichment, and social activities, and may include

1 overnight activities outside the direct supervision of the caregiver
2 for periods of over twenty-four hours and up to seventy-two hours.

3 (b) The reasonable and prudent parent standard means the standard
4 of care used by a caregiver in determining whether to allow a child in
5 his or her care to participate in extracurricular, enrichment, and
6 social activities. This standard is characterized by careful and
7 thoughtful parental decision making that is intended to maintain a
8 child's health, safety, and best interest while encouraging the child's
9 emotional and developmental growth.

10 (4) Any authorization provided under this section must comply with
11 provisions included in an existing safety plan established by the
12 department or court order.

13 (5)(a) Caseworkers shall discuss the child's interest in and
14 pursuit of normal childhood activities in their monthly health and
15 safety visits and describe the child's participation in normal
16 childhood activities in the individual service and safety plan.

17 (b) Caseworkers shall also review a child's interest in and pursuit
18 of normal childhood activities during monthly meetings with parents.
19 Caseworkers shall communicate the opinions of parents regarding their
20 child's participation in normal childhood activities so that the
21 parents' wishes may be appropriately considered.

22 (6) Neither the caregiver nor the department may be held liable for
23 injuries to the child that occur as a result of authority granted in
24 this section unless the action or inaction of the caregiver or the
25 department resulting in injury constitutes willful or wanton
26 misconduct.

27 (7) This section does not remove or limit any existing liability
28 protection afforded by law.

29 **Sec. 2.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
30 each reenacted and amended to read as follows:

31 The secretary shall have the power and it shall be the secretary's
32 duty:

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

1 ages, sex and other characteristics of persons served, variations in
2 the purposes and services offered or size or structure of the agencies
3 to be licensed hereunder, or because of any other factor relevant
4 thereto;

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

10 The minimum requirements shall be limited to:

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

14 (b) Obtaining background information and any out-of-state
15 equivalent, to determine whether the applicant or service provider is
16 disqualified and to determine the character, competence, and
17 suitability of an agency, the agency's employees, volunteers, and other
18 persons associated with an agency;

19 (c) Conducting background checks for those who will or may have
20 unsupervised access to children, expectant mothers, or individuals with
21 a developmental disability; however, a background check is not required
22 if a caregiver approves an activity pursuant to the prudent parent
23 standard contained in section 1 of this act;

24 (d) Obtaining child protective services information or records
25 maintained in the department case management information system. No
26 unfounded allegation of child abuse or neglect as defined in RCW
27 26.44.020 may be disclosed to a child-placing agency, private adoption
28 agency, or any other provider licensed under this chapter;

29 (e) Submitting a fingerprint-based background check through the
30 Washington state patrol under chapter 10.97 RCW and through the federal
31 bureau of investigation for:

32 (i) Agencies and their staff, volunteers, students, and interns
33 when the agency is seeking license or relicensure;

34 (ii) Foster care and adoption placements; and

35 (iii) Any adult living in a home where a child may be placed;

36 (f) If any adult living in the home has not resided in the state of
37 Washington for the preceding five years, the department shall review

1 any child abuse and neglect registries maintained by any state where
2 the adult has resided over the preceding five years;

3 (g) The cost of fingerprint background check fees will be paid as
4 required in RCW 43.43.837;

5 (h) National and state background information must be used solely
6 for the purpose of determining eligibility for a license and for
7 determining the character, suitability, and competence of those persons
8 or agencies, excluding parents, not required to be licensed who are
9 authorized to care for children or expectant mothers;

10 (i) The number of qualified persons required to render the type of
11 care and treatment for which an agency seeks a license;

12 (j) The safety, cleanliness, and general adequacy of the premises
13 to provide for the comfort, care and well-being of children, expectant
14 mothers or developmentally disabled persons;

15 (k) The provision of necessary care, including food, clothing,
16 supervision and discipline; physical, mental and social well-being; and
17 educational, recreational and spiritual opportunities for those served;

18 (l) The financial ability of an agency to comply with minimum
19 requirements established pursuant to chapter 74.15 RCW and RCW
20 74.13.031; and

21 (m) The maintenance of records pertaining to the admission,
22 progress, health and discharge of persons served;

23 (3) To investigate any person, including relatives by blood or
24 marriage except for parents, for character, suitability, and competence
25 in the care and treatment of children, expectant mothers, and
26 developmentally disabled persons prior to authorizing that person to
27 care for children, expectant mothers, and developmentally disabled
28 persons. However, if a child is placed with a relative under RCW
29 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
30 and competent to provide care and treatment the criminal history
31 background check required by this section need not be completed before
32 placement, but shall be completed as soon as possible after placement;

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

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

5 (6) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of chapter 74.15 RCW and RCW
7 74.13.031 and to require regular reports from each licensee;

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

11 (8) To review requirements adopted hereunder at least every two
12 years and to adopt appropriate changes after consultation with affected
13 groups for child day-care requirements and with the children's services
14 advisory committee for requirements for other agencies; and

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

Passed by the Senate March 10, 2014.

Passed by the House March 5, 2014.

Approved by the Governor March 27, 2014.

Filed in Office of Secretary of State March 27, 2014.