
HOUSE BILL 2440

State of Washington

64th Legislature

2016 Regular Session

By Representatives Kagi, Smith, McBride, Hargrove, McCaslin, Dent, Clibborn, Walsh, Walkinshaw, Scott, Sawyer, Ortiz-Self, Caldier, Hudgins, Senn, Robinson, Ormsby, Cody, Jinkins, Fey, Zeiger, Frame, Kilduff, Bergquist, and Goodman

Read first time 01/13/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to host home programs for youth; amending RCW
2 74.15.020; and adding a new section to chapter 74.15 RCW.

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

4 **Sec. 1.** RCW 74.15.020 and 2013 c 105 s 2 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter and
7 RCW 74.13.031 unless the context clearly requires otherwise.

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

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

20 (b) "Community facility" means a group care facility operated for
21 the care of juveniles committed to the department under RCW

1 13.40.185. A county detention facility that houses juveniles
2 committed to the department under RCW 13.40.185 pursuant to a
3 contract with the department is not a community facility;

4 (c) "Crisis residential center" means an agency which is a
5 temporary protective residential facility operated to perform the
6 duties specified in chapter 13.32A RCW, in the manner provided in RCW
7 74.13.032 through 74.13.036;

8 (d) "Emergency respite center" is an agency that may be commonly
9 known as a crisis nursery, that provides emergency and crisis care
10 for up to seventy-two hours to children who have been admitted by
11 their parents or guardians to prevent abuse or neglect. Emergency
12 respite centers may operate for up to twenty-four hours a day, and
13 for up to seven days a week. Emergency respite centers may provide
14 care for children ages birth through seventeen, and for persons
15 eighteen through twenty with developmental disabilities who are
16 admitted with a sibling or siblings through age seventeen. Emergency
17 respite centers may not substitute for crisis residential centers or
18 HOPE centers, or any other services defined under this section, and
19 may not substitute for services which are required under chapter
20 13.32A or 13.34 RCW;

21 (e) "Foster-family home" means an agency which regularly provides
22 care on a twenty-four hour basis to one or more children, expectant
23 mothers, or persons with developmental disabilities in the family
24 abode of the person or persons under whose direct care and
25 supervision the child, expectant mother, or person with a
26 developmental disability is placed;

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

30 (g) "HOPE center" means an agency licensed by the secretary to
31 provide temporary residential placement and other services to street
32 youth. A street youth may remain in a HOPE center for thirty days
33 while services are arranged and permanent placement is coordinated.
34 No street youth may stay longer than thirty days unless approved by
35 the department and any additional days approved by the department
36 must be based on the unavailability of a long-term placement option.
37 A street youth whose parent wants him or her returned to home may
38 remain in a HOPE center until his or her parent arranges return of
39 the youth, not longer. All other street youth must have court

1 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
2 up to thirty days;

3 (h) "Maternity service" means an agency which provides or
4 arranges for care or services to expectant mothers, before or during
5 confinement, or which provides care as needed to mothers and their
6 infants after confinement;

7 (i) "Resource and assessment center" means an agency that
8 provides short-term emergency and crisis care for a period up to
9 seventy-two hours, excluding Saturdays, Sundays, and holidays to
10 children who have been removed from their parent's or guardian's care
11 by child protective services or law enforcement;

12 (j) "Responsible living skills program" means an agency licensed
13 by the secretary that provides residential and transitional living
14 services to persons ages sixteen to eighteen who are dependent under
15 chapter 13.34 RCW and who have been unable to live in his or her
16 legally authorized residence and, as a result, the minor lived
17 outdoors or in another unsafe location not intended for occupancy by
18 the minor. Dependent minors ages fourteen and fifteen may be eligible
19 if no other placement alternative is available and the department
20 approves the placement;

21 (k) "Service provider" means the entity that operates a community
22 facility.

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

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

26 (i) Any blood relative, including those of half-blood, and
27 including first cousins, second cousins, nephews or nieces, and
28 persons of preceding generations as denoted by prefixes of grand,
29 great, or great-great;

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

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

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

37 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
38 subsection (2), of any half sibling of the child; or

39 (vi) Extended family members, as defined by the law or custom of
40 the Indian child's tribe or, in the absence of such law or custom, a

1 person who has reached the age of eighteen and who is the Indian
2 child's grandparent, aunt or uncle, brother or sister, brother-in-law
3 or sister-in-law, niece or nephew, first or second cousin, or
4 stepparent who provides care in the family abode on a twenty-four-
5 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

8 (c) Persons who care for a neighbor's or friend's child or
9 children, with or without compensation, where the parent and person
10 providing care on a twenty-four-hour basis have agreed to the
11 placement in writing and the state is not providing any payment for
12 the care;

13 (d) A person, partnership, corporation, or other entity that
14 provides placement or similar services to exchange students or
15 international student exchange visitors or persons who have the care
16 of an exchange student in their home;

17 (e) A person, partnership, corporation, or other entity that
18 provides placement or similar services to international children who
19 have entered the country by obtaining visas that meet the criteria
20 for medical care as established by the United States citizenship and
21 immigration services, or persons who have the care of such an
22 international child in their home;

23 (f) Schools, including boarding schools, which are engaged
24 primarily in education, operate on a definite school year schedule,
25 follow a stated academic curriculum, accept only school-age children
26 and do not accept custody of children;

27 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
28 performing functions defined in chapter 70.41 RCW, nursing homes
29 licensed under chapter 18.51 RCW and assisted living facilities
30 licensed under chapter 18.20 RCW;

31 (h) Licensed physicians or lawyers;

32 (i) Facilities approved and certified under chapter 71A.22 RCW;

33 (j) Any agency having been in operation in this state ten years
34 prior to June 8, 1967, and not seeking or accepting moneys or
35 assistance from any state or federal agency, and is supported in part
36 by an endowment or trust fund;

37 (k) Persons who have a child in their home for purposes of
38 adoption, if the child was placed in such home by a licensed child-
39 placing agency, an authorized public or tribal agency or court or if

1 a replacement report has been filed under chapter 26.33 RCW and the
2 placement has been approved by the court;

3 (l) An agency operated by any unit of local, state, or federal
4 government or an agency licensed by an Indian tribe pursuant to RCW
5 74.15.190;

6 (m) A maximum or medium security program for juvenile offenders
7 operated by or under contract with the department;

8 (n) An agency located on a federal military reservation, except
9 where the military authorities request that such agency be subject to
10 the licensing requirements of this chapter;

11 (o) A host home program serving youth who are not in the care and
12 custody of the department operated by a tax exempt organization, if
13 that program: (i) Recruits and screens potential homes in the
14 program, including performing background checks on individuals
15 residing in the homes through the department's central background
16 check unit and the Washington state patrol or equivalent law
17 enforcement agency, and performing physical inspections of the homes;
18 (ii) provides case management services to youth in the program; (iii)
19 obtains a written and notarized permission or limited power of
20 attorney from the parent or legal guardian of the youth authorizing
21 youth to participate in the program; and (iv) obtains insurance for
22 the program through an insurance provider authorized under Title 48
23 RCW.

24 (3) "Department" means the state department of social and health
25 services.

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

29 (5) "Performance-based contracts" or "contracting" means the
30 structuring of all aspects of the procurement of services around the
31 purpose of the work to be performed and the desired results with the
32 contract requirements set forth in clear, specific, and objective
33 terms with measurable outcomes. Contracts may also include provisions
34 that link the performance of the contractor to the level and timing
35 of the reimbursement.

36 (6) "Probationary license" means a license issued as a
37 disciplinary measure to an agency that has previously been issued a
38 full license but is out of compliance with licensing standards.

39 (7) "Requirement" means any rule, regulation, or standard of care
40 to be maintained by an agency.

1 (8) "Secretary" means the secretary of social and health
2 services.

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

7 (10) "Supervising agency" means an agency licensed by the state
8 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
9 entered into a performance-based contract with the department to
10 provide child welfare services.

11 (11) "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,
19 and 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
23 options;

24 (d) Individual and group counseling; and

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

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

32 By July 1, 2017, the department shall provide a report to the
33 governor and the appropriate committees of the legislature that
34 includes the best practices for host home programs, including any
35 recommendations regarding licensing or certifying host home programs.

--- END ---