

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5890

Chapter 20, Laws of 2017
(partial veto)

65th Legislature
2017 3rd Special Session

FOSTER CARE AND ADOPTION--SUPPORT

EFFECTIVE DATE: PENDING

Passed by the Senate June 30, 2017
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House June 30, 2017
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved July 6, 2017 2:45 PM with the
exception of Section 13 which is
vetoed.

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 **SECOND ENGROSSED
SUBSTITUTE SENATE BILL 5890** as
passed by Senate and the House of
Representatives on the dates hereon
set forth.

HUNTER G. GOODMAN

Secretary

FILED

July 7, 2017

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5890

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 3rd Special Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban, Braun, and Rolfes)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to child welfare, foster care, and adoption
2 support; amending RCW 74.13.270, 74.13.031, 74.13A.025, 74.13A.030,
3 74.13A.047, 28B.118.010, and 26.44.030; reenacting and amending RCW
4 43.43.832; adding a new section to chapter 74.15 RCW; adding a new
5 section to chapter 13.34 RCW; adding a new section to chapter 41.04
6 RCW; adding a new section to chapter 43.06 RCW; adding a new section
7 to chapter 74.13 RCW; creating new sections; repealing RCW 74.13.107,
8 74.12.037, 43.131.415, and 43.131.416; making appropriations;
9 providing effective dates; providing contingent effective dates;
10 providing expiration dates; and declaring an emergency.

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

12 **Sec. 1.** RCW 74.13.270 and 1990 c 284 s 8 are each amended to
13 read as follows:

14 (1) The legislature recognizes the need for temporary short-term
15 relief for foster parents who care for children with emotional,
16 mental, or physical handicaps. For purposes of this section, respite
17 care means appropriate, temporary, short-term care for these foster
18 children placed with licensed foster parents. The purpose of this
19 care is to give the foster parents temporary relief from the stresses
20 associated with the care of these foster children. The department
21 shall design a program of respite care that will minimize disruptions

1 to the child and will serve foster parents within these priorities,
2 based on input from foster parents, foster parent associations, and
3 reliable research if available.

4 (2)(a) For the purposes of this section, and subject to funding
5 appropriated specifically for this purpose, short-term support shall
6 include case aides who provide temporary assistance to foster parents
7 as needed with the overall goal of supporting the parental efforts of
8 the foster parents except that this assistance shall not include
9 overnight assistance. The department shall contract with nonprofit
10 community-based organizations in each region to establish a statewide
11 pool of individuals to provide the support described in this
12 subsection. These individuals shall be hired by the nonprofit
13 community-based organization and shall have the appropriate training,
14 background checks, and qualifications as determined by the
15 department. Short-term support as described in this subsection shall
16 be available to all licensed foster parents in the state as funding
17 is available and shall be phased in by geographic region. To obtain
18 the assistance of a case aide for this purpose, the foster parent may
19 request the services from the nonprofit community-based organization
20 and the nonprofit community-based organization may offer assistance
21 to licensed foster families. If the requests for the short-term
22 support provided in this subsection exceed the funding available, the
23 nonprofit community-based organization shall have discretion to
24 determine the assignment of case aides. The nonprofit community-based
25 organization shall report all short-term support provided under this
26 subsection to the department.

27 (b) Subject to funding appropriated specifically for this
28 purpose, the Washington state institute for public policy shall
29 prepare an outcome evaluation of the short-term support described in
30 this subsection. The evaluation will, to the maximum extent possible,
31 assess the impact of the short-term support services described in
32 this subsection on the retention of foster homes and the number of
33 placements a foster child receives while in out-of-home care as well
34 as the return on investment to the state. The institute shall submit
35 a preliminary report to the appropriate committees of the legislature
36 and the governor by December 1, 2018, that describes the initial
37 implementation of these services and descriptive statistics of the
38 families utilizing these services. A final report shall be submitted
39 to the appropriate committees of the legislature by June 30, 2020. At

1 no cost to the institute, the department shall provide all data
2 necessary to discharge this duty.

3 (c) Costs associated with case aides as described in this
4 subsection shall not be included in the forecast.

5 (d) Pursuant to RCW 41.06.142(3), performance-based contracting
6 under (a) of this subsection is expressly mandated by the legislature
7 and is not subject to the processes set forth in RCW 41.06.142 (1),
8 (4), and (5).

9 NEW SECTION. Sec. 2. (1) No later than December 31, 2017, the
10 department of social and health services, in consultation with
11 stakeholders, including child placing agencies, foster parents,
12 foster care advocates, and biological parents shall identify a system
13 of support services to be provided to foster parents to assist foster
14 parents in their parental efforts with foster children and a plan to
15 implement these support services statewide, which may include
16 contracts with community-based organizations.

17 (2) For the purpose of this section, "support services" shall
18 include, but shall not be limited to, counseling, educational
19 assistance, respite care, and hands-on assistance for children with
20 high-risk behaviors.

21 (3) The department of social and health services shall submit the
22 final plan, which shall include estimated costs to implement these
23 support services and recommendations for implementing these support
24 services in a phased-in manner to the appropriate committees and the
25 legislature no later than January 15, 2018.

26 (4) This section expires February 1, 2018.

27 NEW SECTION. Sec. 3. (1) No later than December 31, 2017, the
28 office of innovation, alignment, and accountability, in consultation
29 with stakeholders, including child placing agencies, foster parents,
30 foster care advocates, and biological parents shall identify a system
31 of support services to be provided to foster parents to assist foster
32 parents in their parental efforts with foster children and a plan to
33 implement these support services statewide, which may include
34 contracts with community-based organizations.

35 (2) For the purpose of this section, "support services" shall
36 include, but shall not be limited to, counseling, educational
37 assistance, respite care, and hands-on assistance for children with
38 high-risk behaviors.

1 (3) The office of innovation, alignment, and accountability shall
2 submit the final plan, which shall include estimated costs to
3 implement these support services and recommendations for implementing
4 these support services in a phased-in manner to the appropriate
5 committees of the legislature no later than January 15, 2018.

6 (4) This section expires February 1, 2018.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15
8 RCW to read as follows:

9 (1) The department shall design and implement an expedited foster
10 licensing process.

11 (2) The expedited foster licensing process described in this
12 section shall be available to individuals who:

13 (a) Were licensed within the last five years;

14 (b) Were not the subject of an adverse licensing action or a
15 voluntary relinquishment;

16 (c) Seek licensure for the same residence for which he or she was
17 previously licensed provided that any changes to family constellation
18 since the previous license is limited to individuals leaving the
19 family constellation; and

20 (d) Apply to the same agency for which he or she was previously
21 licensed, with the understanding that the agency must be agreeable to
22 supervise the home.

23 (3) The department shall make every effort to ensure that
24 individuals qualifying for and seeking an expedited license are able
25 to become licensed within forty days of the department receiving his
26 or her application.

27 (4) The department shall only issue a foster license pursuant to
28 this section after receiving a completed fingerprint-based background
29 check, and may delay issuance of an expedited license solely based on
30 awaiting the results of a background check.

31 (5) The department may issue a provisional expedited license
32 pursuant to this section before completing a home study, but shall
33 complete the home study as soon as possible after issuing a
34 provisional expedited license.

35 (6) The department and its officers, agents, employees, and
36 volunteers are not liable for injuries caused by the expedited foster
37 licensing process.

1 **Sec. 5.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
2 each reenacted and amended to read as follows:

3 (1) The Washington state patrol identification and criminal
4 history section shall disclose conviction records as follows:

5 (a) An applicant's conviction record, upon the request of a
6 business or organization as defined in RCW 43.43.830, a
7 developmentally disabled person, or a vulnerable adult as defined in
8 RCW 43.43.830 or his or her guardian;

9 (b) The conviction record of an applicant for certification, upon
10 the request of the Washington professional educator standards board;

11 (c) Any conviction record to aid in the investigation and
12 prosecution of child, developmentally disabled person, and vulnerable
13 adult abuse cases and to protect children and adults from further
14 incidents of abuse, upon the request of a law enforcement agency, the
15 office of the attorney general, prosecuting authority, or the
16 department of social and health services; and

17 (d) A prospective client's or resident's conviction record, upon
18 the request of a business or organization that qualifies for
19 exemption under section 501(c)(3) of the internal revenue code of
20 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
21 or transitional housing for children, persons with developmental
22 disabilities, or vulnerable adults.

23 (2) The secretary of the department of social and health services
24 must establish rules and set standards to require specific action
25 when considering the information received pursuant to subsection (1)
26 of this section, and when considering additional information
27 including but not limited to civil adjudication proceedings as
28 defined in RCW 43.43.830 and any out-of-state equivalent, in the
29 following circumstances:

30 (a) When considering persons for state employment in positions
31 directly responsible for the supervision, care, or treatment of
32 children, vulnerable adults, or individuals with mental illness or
33 developmental disabilities provided that: For persons residing in a
34 home that will be utilized to provide foster care for dependent
35 youth, a criminal background check will be required for all persons
36 aged sixteen and older and the department of social and health
37 services may require a criminal background check for persons who are
38 younger than sixteen in situations where it may be warranted to
39 ensure the safety of youth in foster care;

1 (b) When considering persons for state positions involving
2 unsupervised access to vulnerable adults to conduct comprehensive
3 assessments, financial eligibility determinations, licensing and
4 certification activities, investigations, surveys, or case
5 management; or for state positions otherwise required by federal law
6 to meet employment standards;

7 (c) When licensing agencies or facilities with individuals in
8 positions directly responsible for the care, supervision, or
9 treatment of children, developmentally disabled persons, or
10 vulnerable adults, including but not limited to agencies or
11 facilities licensed under chapter 74.15 or 18.51 RCW;

12 (d) When contracting with individuals or businesses or
13 organizations for the care, supervision, case management, or
14 treatment, including peer counseling, of children, developmentally
15 disabled persons, or vulnerable adults, including but not limited to
16 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
17 or 74.39A RCW or Title 71A RCW;

18 (e) When individual providers are paid by the state or providers
19 are paid by home care agencies to provide in-home services involving
20 unsupervised access to persons with physical, mental, or
21 developmental disabilities or mental illness, or to vulnerable adults
22 as defined in chapter 74.34 RCW, including but not limited to
23 services provided under chapter 74.39 or 74.39A RCW.

24 (3) The director of the department of early learning shall
25 investigate the conviction records, pending charges, and other
26 information including civil adjudication proceeding records of
27 current employees and of any person actively being considered for any
28 position with the department who will or may have unsupervised access
29 to children, or for state positions otherwise required by federal law
30 to meet employment standards. "Considered for any position" includes
31 decisions about (a) initial hiring, layoffs, reallocations,
32 transfers, promotions, or demotions, or (b) other decisions that
33 result in an individual being in a position that will or may have
34 unsupervised access to children as an employee, an intern, or a
35 volunteer.

36 (4) The director of the department of early learning shall adopt
37 rules and investigate conviction records, pending charges, and other
38 information including civil adjudication proceeding records, in the
39 following circumstances:

1 (a) When licensing or certifying agencies with individuals in
2 positions that will or may have unsupervised access to children who
3 are in child day care, in early learning programs, or receiving early
4 childhood education services, including but not limited to licensees,
5 agency staff, interns, volunteers, contracted providers, and persons
6 living on the premises who are sixteen years of age or older;

7 (b) When authorizing individuals who will or may have
8 unsupervised access to children who are in child day care, in early
9 learning programs, or receiving early childhood learning education
10 services in licensed or certified agencies, including but not limited
11 to licensees, agency staff, interns, volunteers, contracted
12 providers, and persons living on the premises who are sixteen years
13 of age or older;

14 (c) When contracting with any business or organization for
15 activities that will or may have unsupervised access to children who
16 are in child day care, in early learning programs, or receiving early
17 childhood learning education services;

18 (d) When establishing the eligibility criteria for individual
19 providers to receive state paid subsidies to provide child day care
20 or early learning services that will or may involve unsupervised
21 access to children.

22 (5) Whenever a state conviction record check is required by state
23 law, persons may be employed or engaged as volunteers or independent
24 contractors on a conditional basis pending completion of the state
25 background investigation. Whenever a national criminal record check
26 through the federal bureau of investigation is required by state law,
27 a person may be employed or engaged as a volunteer or independent
28 contractor on a conditional basis pending completion of the national
29 check. The Washington personnel resources board shall adopt rules to
30 accomplish the purposes of this subsection as it applies to state
31 employees.

32 (6)(a) For purposes of facilitating timely access to criminal
33 background information and to reasonably minimize the number of
34 requests made under this section, recognizing that certain health
35 care providers change employment frequently, health care facilities
36 may, upon request from another health care facility, share copies of
37 completed criminal background inquiry information.

38 (b) Completed criminal background inquiry information may be
39 shared by a willing health care facility only if the following
40 conditions are satisfied: The licensed health care facility sharing

1 the criminal background inquiry information is reasonably known to be
2 the person's most recent employer, no more than twelve months has
3 elapsed from the date the person was last employed at a licensed
4 health care facility to the date of their current employment
5 application, and the criminal background information is no more than
6 two years old.

7 (c) If criminal background inquiry information is shared, the
8 health care facility employing the subject of the inquiry must
9 require the applicant to sign a disclosure statement indicating that
10 there has been no conviction or finding as described in RCW 43.43.842
11 since the completion date of the most recent criminal background
12 inquiry.

13 (d) Any health care facility that knows or has reason to believe
14 that an applicant has or may have a disqualifying conviction or
15 finding as described in RCW 43.43.842, subsequent to the completion
16 date of their most recent criminal background inquiry, shall be
17 prohibited from relying on the applicant's previous employer's
18 criminal background inquiry information. A new criminal background
19 inquiry shall be requested pursuant to RCW 43.43.830 through
20 43.43.842.

21 (e) Health care facilities that share criminal background inquiry
22 information shall be immune from any claim of defamation, invasion of
23 privacy, negligence, or any other claim in connection with any
24 dissemination of this information in accordance with this subsection.

25 (f) Health care facilities shall transmit and receive the
26 criminal background inquiry information in a manner that reasonably
27 protects the subject's rights to privacy and confidentiality.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34
29 RCW to read as follows:

30 (1) Within the department's appropriations, the department shall
31 ensure that a case review panel reviews cases involving dependent
32 children where permanency is not achieved for children within
33 eighteen months after being placed in out-of-home care.

34 (2) The case review panel shall be comprised of, at a minimum, a
35 lead social services specialist and either the office of the family
36 and children's ombuds or another external organization with child
37 welfare experience.

38 (3) Beginning September 1, 2018, the panel shall review all cases
39 where, after the effective date of this section, a dependent child

1 reaches eighteen months in out-of-home placement and has not achieved
2 permanency. This review must occur by the child's nineteenth month in
3 out-of-home placement. At each case review, the panel must develop a
4 plan of action, including recommended next steps for the department
5 to take, to achieve permanency.

6 (4) The department is encouraged to convene the case review panel
7 regularly to review other cases involving dependent children as
8 needed to ensure stability and permanency is achieved and length of
9 stay for children in out-of-home placement is reduced.

10 **Sec. 7.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to
11 read as follows:

12 (1) The department and supervising agencies shall develop,
13 administer, supervise, and monitor a coordinated and comprehensive
14 plan that establishes, aids, and strengthens services for the
15 protection and care of runaway, dependent, or neglected children.

16 (2) Within available resources, the department and supervising
17 agencies shall recruit an adequate number of prospective adoptive and
18 foster homes, both regular and specialized, i.e. homes for children
19 of ethnic minority, including Indian homes for Indian children,
20 sibling groups, handicapped and emotionally disturbed, teens,
21 pregnant and parenting teens, and the department shall annually
22 report to the governor and the legislature concerning the
23 department's and supervising agency's success in: (a) Meeting the
24 need for adoptive and foster home placements; (b) reducing the foster
25 parent turnover rate; (c) completing home studies for legally free
26 children; and (d) implementing and operating the passport program
27 required by RCW 74.13.285. The report shall include a section
28 entitled "Foster Home Turn-Over, Causes and Recommendations."

29 (3) The department shall investigate complaints of any recent act
30 or failure to act on the part of a parent or caretaker that results
31 in death, serious physical or emotional harm, or sexual abuse or
32 exploitation, or that presents an imminent risk of serious harm, and
33 on the basis of the findings of such investigation, offer child
34 welfare services in relation to the problem to such parents, legal
35 custodians, or persons serving in loco parentis, and/or bring the
36 situation to the attention of an appropriate court, or another
37 community agency. An investigation is not required of nonaccidental
38 injuries which are clearly not the result of a lack of care or
39 supervision by the child's parents, legal custodians, or persons

1 serving in loco parentis. If the investigation reveals that a crime
2 against a child may have been committed, the department shall notify
3 the appropriate law enforcement agency.

4 (4) As provided in RCW 26.44.030(11), the department may respond
5 to a report of child abuse or neglect by using the family assessment
6 response.

7 (5) The department or supervising agencies shall offer, on a
8 voluntary basis, family reconciliation services to families who are
9 in conflict.

10 (6) The department or supervising agencies shall monitor
11 placements of children in out-of-home care and in-home dependencies
12 to assure the safety, well-being, and quality of care being provided
13 is within the scope of the intent of the legislature as defined in
14 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
15 home care and in-home dependencies and their caregivers shall receive
16 a private and individual face-to-face visit each month. The
17 department and the supervising agencies shall randomly select no less
18 than ten percent of the caregivers currently providing care to
19 receive one unannounced face-to-face visit in the caregiver's home
20 per year. No caregiver will receive an unannounced visit through the
21 random selection process for two consecutive years. If the caseworker
22 makes a good faith effort to conduct the unannounced visit to a
23 caregiver and is unable to do so, that month's visit to that
24 caregiver need not be unannounced. The department and supervising
25 agencies are encouraged to group monthly visits to caregivers by
26 geographic area so that in the event an unannounced visit cannot be
27 completed, the caseworker may complete other required monthly visits.
28 The department shall use a method of random selection that does not
29 cause a fiscal impact to the department.

30 The department or supervising agencies shall conduct the monthly
31 visits with children and caregivers to whom it is providing child
32 welfare services.

33 (7) The department and supervising agencies shall have authority
34 to accept custody of children from parents and to accept custody of
35 children from juvenile courts, where authorized to do so under law,
36 to provide child welfare services including placement for adoption,
37 to provide for the routine and necessary medical, dental, and mental
38 health care, or necessary emergency care of the children, and to
39 provide for the physical care of such children and make payment of
40 maintenance costs if needed. Except where required by Public Law

1 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which
2 receives children for adoption from the department shall discriminate
3 on the basis of race, creed, or color when considering applications
4 in their placement for adoption.

5 (8) The department and supervising agency shall have authority to
6 provide temporary shelter to children who have run away from home and
7 who are admitted to crisis residential centers.

8 (9) The department and supervising agency shall have authority to
9 purchase care for children.

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

17 (11)(a) The department and supervising agencies shall provide
18 continued extended foster care services to nonminor dependents who
19 are:

20 (i) Enrolled in a secondary education program or a secondary
21 education equivalency program;

22 (ii) Enrolled and participating in a postsecondary academic or
23 postsecondary vocational education program;

24 (iii) Participating in a program or activity designed to promote
25 employment or remove barriers to employment;

26 (iv) Engaged in employment for eighty hours or more per month; or
27 (v) Not able to engage in any of the activities described in
28 (a)(i) through (iv) of this subsection due to a documented medical
29 condition.

30 (b) To be eligible for extended foster care services, the
31 nonminor dependent must have been dependent and in foster care at the
32 time that he or she reached age eighteen years. If the dependency
33 case of the nonminor dependent was dismissed pursuant to RCW
34 13.34.267, he or she may receive extended foster care services
35 pursuant to a voluntary placement agreement under RCW 74.13.336 or
36 pursuant to an order of dependency issued by the court under RCW
37 13.34.268. A nonminor dependent whose dependency case was dismissed
38 by the court must have requested extended foster care services before
39 reaching age nineteen years.

1 (c) The department shall develop and implement rules regarding
2 youth eligibility requirements.

3 (d) The department shall make efforts to ensure that extended
4 foster care services maximize medicaid reimbursements. This must
5 include the department ensuring that health and mental health
6 extended foster care providers participate in medicaid, unless the
7 condition of the extended foster care youth requires specialty care
8 that is not available among participating medicaid providers or there
9 are no participating medicaid providers in the area. The department
10 shall coordinate other services to maximize federal resources and the
11 most cost-efficient delivery of services to extended foster care
12 youth.

13 (12) The department shall have authority to provide adoption
14 support benefits, or relative guardianship subsidies on behalf of
15 youth ages eighteen to twenty-one years who achieved permanency
16 through adoption or a relative guardianship at age sixteen or older
17 and who meet the criteria described in subsection (11) of this
18 section.

19 (13) The department shall refer cases to the division of child
20 support whenever state or federal funds are expended for the care and
21 maintenance of a child, including a child with a developmental
22 disability who is placed as a result of an action under chapter 13.34
23 RCW, unless the department finds that there is good cause not to
24 pursue collection of child support against the parent or parents of
25 the child. Cases involving individuals age eighteen through twenty
26 shall not be referred to the division of child support unless
27 required by federal law.

28 (14) The department and supervising agencies shall have authority
29 within funds appropriated for foster care services to purchase care
30 for Indian children who are in the custody of a federally recognized
31 Indian tribe or tribally licensed child-placing agency pursuant to
32 parental consent, tribal court order, or state juvenile court order.
33 The purchase of such care is exempt from the requirements of chapter
34 74.13B RCW and may be purchased from the federally recognized Indian
35 tribe or tribally licensed child-placing agency, and shall be subject
36 to the same eligibility standards and rates of support applicable to
37 other children for whom the department purchases care.

38 Notwithstanding any other provision of RCW 13.32A.170 through
39 13.32A.200 (~~(and 74.13.032 through)~~), 43.185C.295, 74.13.035, and
40 74.13.036, or of this section all services to be provided by the

1 department under subsections (4), (7), and (8) of this section,
2 subject to the limitations of these subsections, may be provided by
3 any program offering such services funded pursuant to Titles II and
4 III of the federal juvenile justice and delinquency prevention act of
5 1974.

6 (15) Within amounts appropriated for this specific purpose, the
7 supervising agency or department shall provide preventive services to
8 families with children that prevent or shorten the duration of an
9 out-of-home placement.

10 (16) The department and supervising agencies shall have authority
11 to provide independent living services to youths, including
12 individuals who have attained eighteen years of age, and have not
13 attained twenty-one years of age who are or have been in foster care.

14 (17) The department and supervising agencies shall consult at
15 least quarterly with foster parents, including members of the foster
16 parent association of Washington state, for the purpose of receiving
17 information and comment regarding how the department and supervising
18 agencies are performing the duties and meeting the obligations
19 specified in this section and RCW 74.13.250 and 74.13.320 regarding
20 the recruitment of foster homes, reducing foster parent turnover
21 rates, providing effective training for foster parents, and
22 administering a coordinated and comprehensive plan that strengthens
23 services for the protection of children. Consultation shall occur at
24 the regional and statewide levels.

25 (18)(a) The department shall, within current funding levels,
26 place on its public web site a document listing the duties and
27 responsibilities the department has to a child subject to a
28 dependency petition including, but not limited to, the following:

29 (i) Reasonable efforts, including the provision of services,
30 toward reunification of the child with his or her family;

31 (ii) Sibling visits subject to the restrictions in RCW
32 13.34.136(2)(b)(ii);

33 (iii) Parent-child visits;

34 (iv) Statutory preference for placement with a relative or other
35 suitable person, if appropriate; and

36 (v) Statutory preference for an out-of-home placement that allows
37 the child to remain in the same school or school district, if
38 practical and in the child's best interests.

39 (b) The document must be prepared in conjunction with a
40 community-based organization and must be updated as needed.

1 (19) The department shall have the authority to purchase legal
2 representation for parents of children who are at risk of being
3 dependent, or who are dependent, to establish or modify a parenting
4 plan under chapter 26.09 or 26.26 RCW, when it is necessary for the
5 child's safety, permanence, or well-being. This subsection does not
6 create an entitlement to legal representation purchased by the
7 department and does not create judicial authority to order the
8 department to purchase legal representation for a parent. Such
9 determinations are solely within the department's discretion.

10 **Sec. 8.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to
11 read as follows:

12 The factors to be considered by the secretary in setting the
13 amount of any payment or payments to be made pursuant to RCW
14 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting
15 standards hereunder shall include: The size of the family including
16 the adoptive child, the usual living expenses of the family, the
17 special needs of any family member including education needs, the
18 family income, the family resources and plan for savings, the medical
19 and hospitalization needs of the family, the family's means of
20 purchasing or otherwise receiving such care, and any other expenses
21 likely to be needed by the child to be adopted. In setting the amount
22 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005
23 through 74.13A.080, the secretary is authorized to establish maximum
24 payment amounts that are reasonable and allow permanency planning
25 goals related to adoption of children under RCW 13.34.145 to be
26 achieved at the earliest possible date. To encourage adoption of
27 children between the ages of fourteen and eighteen, and in particular
28 those children between the ages of fourteen and eighteen who are hard
29 to place for adoption, the secretary is authorized to include as part
30 of any new negotiated adoption agreement executed after the effective
31 date of this section continued eligibility for the Washington college
32 bound scholarship pursuant to RCW 28B.118.010.

33 The amounts paid for the support of a child pursuant to RCW
34 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to
35 family and from year to year. Due to changes in economic
36 circumstances or the needs of the child such payments may be
37 discontinued and later resumed.

38 Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080
39 may be continued by the secretary subject to review as provided for

1 herein, if such parent or parents having such child in their custody
2 establish their residence in another state or a foreign jurisdiction.

3 In fixing the standards to govern the amount and character of
4 payments to be made for the support of adopted children pursuant to
5 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing
6 rules and regulations to carry out the provisions of RCW 26.33.320
7 and 74.13A.005 through 74.13A.080, the secretary shall consider the
8 comments and recommendations of the committee designated by the
9 secretary to advise him or her with respect to child welfare.

10 **Sec. 9.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to
11 read as follows:

12 To carry out the program authorized by RCW 26.33.320 and
13 (~~((74.13.100 through 74.13.145))~~) 74.13A.005 through 74.13A.080, the
14 secretary may make continuing payments or lump sum payments of
15 adoption support. In lieu of continuing payments, or in addition to
16 them, the secretary may make one or more specific lump sum payments
17 for or on behalf of a hard to place child either to the adoptive
18 parents or directly to other persons to assist in correcting any
19 condition causing such child to be hard to place for adoption.

20 Consistent with a particular child's needs, continuing adoption
21 support payments shall include, if necessary to facilitate or support
22 the adoption of a special needs child, an amount sufficient to remove
23 any reasonable financial barrier to adoption as determined by the
24 secretary under RCW (~~((74.13.112))~~) 74.13A.025.

25 After determination by the secretary of the amount of a payment
26 or the initial amount of continuing payments, the prospective parent
27 or parents who desire such support shall sign an agreement with the
28 secretary providing for the payment, in the manner and at the time or
29 times prescribed in regulations to be issued by the secretary subject
30 to the provisions of RCW 26.33.320 and (~~((74.13.100 through~~
31 ~~74.13.145))~~) 74.13A.005 through 74.13A.080, of the amount or amounts of
32 support so determined.

33 Payments shall be subject to review as provided in RCW 26.33.320
34 and (~~((74.13.100 through 74.13.145))~~) 74.13A.005 through 74.13A.080.

35 **Sec. 10.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to
36 read as follows:

37 (1) To ensure expenditures continue to remain within available
38 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary

1 shall not set the amount of any adoption assistance payment or
2 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
3 74.13A.080, to more than eighty percent of the foster care
4 maintenance payment for that child had he or she remained in a foster
5 family home during the same period. This subsection applies
6 prospectively to adoption assistance agreements established on or
7 after July 1, 2013, through June 30, 2017.

8 (2)(a) To ensure expenditures continue to remain within available
9 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
10 shall not set the amount of any adoption assistance payment or
11 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
12 74.13A.080, to more than the following:

13 (i) For a child under the age of five, no more than eighty
14 percent of the foster care maintenance payment for that child had he
15 or she remained in a foster family home during the same period.

16 (ii) For a child aged five through nine, no more than ninety
17 percent of the foster care maintenance payment for that child had he
18 or she remained in a foster family home during the same period.

19 (iii) For a child aged ten through eighteen, no more than ninety-
20 five percent of the foster care maintenance payment for that child
21 had he or she remained in a foster family home during the same
22 period.

23 (b) This subsection applies prospectively to adoption assistance
24 agreements established on or after the effective date of this
25 section.

26 (3) The department must establish a central unit of adoption
27 support negotiators to help ensure consistent negotiation of adoption
28 support agreements that will balance the needs of adoptive families
29 with the state's need to remain fiscally responsible.

30 ~~((+3))~~(4) The department must request, in writing, that adoptive
31 families with existing adoption support contracts renegotiate their
32 contracts to establish lower adoption assistance payments if it is
33 fiscally feasible for the family to do so. The department shall
34 explain that adoption support contracts may be renegotiated as needs
35 arise.

36 **Sec. 11.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each
37 amended to read as follows:

38 The office of student financial assistance shall design the
39 Washington college bound scholarship program in accordance with this

1 section and in alignment with the state need grant program in chapter
2 28B.92 RCW unless otherwise provided in this section.

3 (1) "Eligible students" are those students who:

4 (a) Qualify for free or reduced-price lunches. If a student
5 qualifies in the seventh grade, the student remains eligible even if
6 the student does not receive free or reduced-price lunches
7 thereafter; ~~((or))~~

8 (b) Are dependent pursuant to chapter 13.34 RCW and:

9 (i) In grade seven through twelve; or

10 (ii) Are between the ages of eighteen and twenty-one and have not
11 graduated from high school; or

12 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
13 between the ages of fourteen and eighteen with a negotiated adoption
14 agreement that includes continued eligibility for the Washington
15 state college bound scholarship program pursuant to RCW 74.13A.025.

16 (2) Eligible students shall be notified of their eligibility for
17 the Washington college bound scholarship program beginning in their
18 seventh grade year. Students shall also be notified of the
19 requirements for award of the scholarship.

20 (3)(a) To be eligible for a Washington college bound scholarship,
21 a student eligible under subsection (1)(a) of this section must sign
22 a pledge during seventh or eighth grade that includes a commitment to
23 graduate from high school with at least a C average and with no
24 felony convictions. The pledge must be witnessed by a parent or
25 guardian and forwarded to the office of student financial assistance
26 by mail or electronically, as indicated on the pledge form.

27 (b) A student eligible under subsection (1)(b) of this section
28 shall be automatically enrolled, with no action necessary by the
29 student or the student's family, and the enrollment form must be
30 forwarded by the department of social and health services to the
31 higher education coordinating board or its successor by mail or
32 electronically, as indicated on the form.

33 (4)(a) Scholarships shall be awarded to eligible students
34 graduating from public high schools, approved private high schools
35 under chapter 28A.195 RCW, or who received home-based instruction
36 under chapter 28A.200 RCW.

37 (b)(i) To receive the Washington college bound scholarship, a
38 student must graduate with at least a "C" average from a public high
39 school or an approved private high school under chapter 28A.195 RCW
40 in Washington or have received home-based instruction under chapter

1 28A.200 RCW, must have no felony convictions, and must be a resident
2 student as defined in RCW 28B.15.012(2) (a) through (d).

3 (ii) For eligible children as defined in subsection (1)(b) and
4 (c) of this section, to receive the Washington college bound
5 scholarship, a student must have received a high school equivalency
6 certificate as provided in RCW 28B.50.536 or have graduated with at
7 least a "C" average from a public high school or an approved private
8 high school under chapter 28A.195 RCW in Washington or have received
9 home-based instruction under chapter 28A.200 RCW, must have no felony
10 convictions, and must be a resident student as defined in RCW
11 28B.15.012(2) (a) through (d).

12 For a student who does not meet the "C" average requirement, and
13 who completes fewer than two quarters in the running start program,
14 under chapter 28A.600 RCW, the student's first quarter of running
15 start course grades must be excluded from the student's overall grade
16 point average for purposes of determining their eligibility to
17 receive the scholarship.

18 (5) A student's family income will be assessed upon graduation
19 before awarding the scholarship.

20 (6) If at graduation from high school the student's family income
21 does not exceed sixty-five percent of the state median family income,
22 scholarship award amounts shall be as provided in this section.

23 (a) For students attending two or four-year institutions of
24 higher education as defined in RCW 28B.10.016, the value of the award
25 shall be (i) the difference between the student's tuition and
26 required fees, less the value of any state-funded grant, scholarship,
27 or waiver assistance the student receives; (ii) plus five hundred
28 dollars for books and materials.

29 (b) For students attending private four-year institutions of
30 higher education in Washington, the award amount shall be the
31 representative average of awards granted to students in public
32 research universities in Washington or the representative average of
33 awards granted to students in public research universities in
34 Washington in the 2014-15 academic year, whichever is greater.

35 (c) For students attending private vocational schools in
36 Washington, the award amount shall be the representative average of
37 awards granted to students in public community and technical colleges
38 in Washington or the representative average of awards granted to
39 students in public community and technical colleges in Washington in
40 the 2014-15 academic year, whichever is greater.

1 (7) Recipients may receive no more than four full-time years'
2 worth of scholarship awards.

3 (8) Institutions of higher education shall award the student all
4 need-based and merit-based financial aid for which the student would
5 otherwise qualify. The Washington college bound scholarship is
6 intended to replace unmet need, loans, and, at the student's option,
7 work-study award before any other grants or scholarships are reduced.

8 (9) The first scholarships shall be awarded to students
9 graduating in 2012.

10 (10) The state of Washington retains legal ownership of tuition
11 units awarded as scholarships under this chapter until the tuition
12 units are redeemed. These tuition units shall remain separately held
13 from any tuition units owned under chapter 28B.95 RCW by a Washington
14 college bound scholarship recipient.

15 (11) The scholarship award must be used within five years of
16 receipt. Any unused scholarship tuition units revert to the
17 Washington college bound scholarship account.

18 (12) Should the recipient terminate his or her enrollment for any
19 reason during the academic year, the unused portion of the
20 scholarship tuition units shall revert to the Washington college
21 bound scholarship account.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 41.04
23 RCW to read as follows:

24 (1) The foster parent shared leave pool is created to allow
25 employees to donate leave to be used as shared leave for any employee
26 who is a foster parent needing to care for or preparing to accept a
27 foster child in their home. Participation in the pool shall, at all
28 times, be voluntary on the part of the employee. The department of
29 social and health services, in consultation with the office of
30 financial management, shall administer the foster parent shared leave
31 pool.

32 (2) Employees, as defined in RCW 41.04.655, may donate leave to
33 the foster parent shared leave pool.

34 (3) An employee, as defined in RCW 41.04.655, who is also a
35 foster parent licensed pursuant to RCW 74.15.040 may request shared
36 leave from the foster parent shared leave pool.

37 (4) Shared leave under this section may not be granted unless the
38 pool has a sufficient balance to fund the requested shared leave.

1 (5) Shared leave paid under this section must not exceed the
2 level of the employee's state monthly salary.

3 (6) Any leave donated must be removed from the personally
4 accumulated leave balance of the employee donating the leave.

5 (7) An employee who receives shared leave from the pool is not
6 required to recontribute such leave to the pool, except as otherwise
7 provided in this section.

8 (8) Leave that may be donated or received by any one employee
9 shall be calculated as in RCW 41.04.665.

10 (9) As used in this section, "monthly salary" includes monthly
11 salary and special pay and shift differential, or the monthly
12 equivalent for hourly employees. "Monthly salary" does not include:

13 (a) Overtime pay;

14 (b) Call back pay;

15 (c) Standby pay; or

16 (d) Performance bonuses.

17 (10) The office of financial management, in consultation with the
18 department of social and health services, shall adopt rules and
19 policies governing the donation and use of shared leave from the
20 foster parent shared leave pool, including definitions of pay and
21 allowances and guidelines for agencies to use in recordkeeping
22 concerning shared leave.

23 (11) Agencies must investigate any alleged abuse of the foster
24 parent shared leave pool and on a finding of wrongdoing, the employee
25 may be required to repay all of the shared leave received from the
26 foster parent shared leave pool.

27 (12) Higher education institutions shall adopt policies
28 consistent with the needs of the employees under their respective
29 jurisdictions.

30 ***NEW SECTION. Sec. 13. A new section is added to chapter 43.06**
31 **RCW to read as follows:**

32 ***Within the office of the governor's appropriations, the governor***
33 ***shall regularly acknowledge the contributions of foster parents to***
34 ***the state of Washington with, at a minimum, a letter signed by the***
35 ***governor. The department of social and health services shall provide***
36 ***to the office of the governor all data necessary to discharge this***
37 ***duty.***

****Sec. 13 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 14.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The child welfare system improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for the following: (a) Foster home licensing; (b) achieving permanency for children; (c) support and assistance provided to foster parents in order to improve foster home retention and stability of placements; (d) improving and increasing placement options for youth in out-of-home care; and (e) preventing out-of-home placement.

(2) Revenues to the child welfare system improvement account consist of: (a) Legislative appropriations; and (b) any other public or private funds appropriated to or deposited in the account.

NEW SECTION. **Sec. 15.** RCW 74.13.107 (Child and family reinvestment account—Methodology for calculating savings resulting from reductions in foster care caseloads and per capita costs) and 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

NEW SECTION. **Sec. 16.** RCW 74.12.037 (Income eligibility—Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4 are each repealed, effective July 1, 2018.

NEW SECTION. **Sec. 17.** The following acts or parts of acts are repealed:

(1) RCW 43.131.415 (Child and family reinvestment account and methodology for calculating savings—Termination) and 2012 c 204 s 4; and

(2) RCW 43.131.416 (Child and family reinvestment account and methodology for calculating savings—Repeal) and 2013 c 332 s 13 & 2012 c 204 s 5.

NEW SECTION. **Sec. 18.** Any residual balance of funds remaining in the child and family reinvestment account repealed by section 17 of this act must be transferred to the general fund.

NEW SECTION. **Sec. 19.** Pursuant to RCW 41.06.142(3), the competitive procurement process and contract provisions in this act

are expressly mandated by the legislature and are not subject to the processes of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. **Sec. 20.** Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2017.

NEW SECTION. **Sec. 21.** Section 18 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

NEW SECTION. **Sec. 22.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 23.** If any part of this act is found to be in conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 24. RCW 26.44.030 and 2017 c 118 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office,

1 or host home program has reasonable cause to believe that a child has
2 suffered abuse or neglect, he or she shall report such incident, or
3 cause a report to be made, to the proper law enforcement agency or to
4 the department as provided in RCW 26.44.040.

5 (b) When any person, in his or her official supervisory capacity
6 with a nonprofit or for-profit organization, has reasonable cause to
7 believe that a child has suffered abuse or neglect caused by a person
8 over whom he or she regularly exercises supervisory authority, he or
9 she shall report such incident, or cause a report to be made, to the
10 proper law enforcement agency, provided that the person alleged to
11 have caused the abuse or neglect is employed by, contracted by, or
12 volunteers with the organization and coaches, trains, educates, or
13 counsels a child or children or regularly has unsupervised access to
14 a child or children as part of the employment, contract, or voluntary
15 service. No one shall be required to report under this section when
16 he or she obtains the information solely as a result of a privileged
17 communication as provided in RCW 5.60.060.

18 Nothing in this subsection (1)(b) shall limit a person's duty to
19 report under (a) of this subsection.

20 For the purposes of this subsection, the following definitions
21 apply:

22 (i) "Official supervisory capacity" means a position, status, or
23 role created, recognized, or designated by any nonprofit or for-
24 profit organization, either for financial gain or without financial
25 gain, whose scope includes, but is not limited to, overseeing,
26 directing, or managing another person who is employed by, contracted
27 by, or volunteers with the nonprofit or for-profit organization.

28 (ii) "Organization" includes a sole proprietor, partnership,
29 corporation, limited liability company, trust, association, financial
30 institution, governmental entity, other than the federal government,
31 and any other individual or group engaged in a trade, occupation,
32 enterprise, governmental function, charitable function, or similar
33 activity in this state whether or not the entity is operated as a
34 nonprofit or for-profit entity.

35 (iii) "Reasonable cause" means a person witnesses or receives a
36 credible written or oral report alleging abuse, including sexual
37 contact, or neglect of a child.

38 (iv) "Regularly exercises supervisory authority" means to act in
39 his or her official supervisory capacity on an ongoing or continuing
40 basis with regards to a particular person.

1 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

2 (c) The reporting requirement also applies to department of
3 corrections personnel who, in the course of their employment, observe
4 offenders or the children with whom the offenders are in contact. If,
5 as a result of observations or information received in the course of
6 his or her employment, any department of corrections personnel has
7 reasonable cause to believe that a child has suffered abuse or
8 neglect, he or she shall report the incident, or cause a report to be
9 made, to the proper law enforcement agency or to the department as
10 provided in RCW 26.44.040.

11 (d) The reporting requirement shall also apply to any adult who
12 has reasonable cause to believe that a child who resides with them,
13 has suffered severe abuse, and is able or capable of making a report.
14 For the purposes of this subsection, "severe abuse" means any of the
15 following: Any single act of abuse that causes physical trauma of
16 sufficient severity that, if left untreated, could cause death; any
17 single act of sexual abuse that causes significant bleeding, deep
18 bruising, or significant external or internal swelling; or more than
19 one act of physical abuse, each of which causes bleeding, deep
20 bruising, significant external or internal swelling, bone fracture,
21 or unconsciousness.

22 (e) The reporting requirement also applies to guardians ad litem,
23 including court-appointed special advocates, appointed under Titles
24 11 and 13 RCW and this title, who in the course of their
25 representation of children in these actions have reasonable cause to
26 believe a child has been abused or neglected.

27 (f) The reporting requirement in (a) of this subsection also
28 applies to administrative and academic or athletic department
29 employees, including student employees, of institutions of higher
30 education, as defined in RCW 28B.10.016, and of private institutions
31 of higher education.

32 (g) The report must be made at the first opportunity, but in no
33 case longer than forty-eight hours after there is reasonable cause to
34 believe that the child has suffered abuse or neglect. The report must
35 include the identity of the accused if known.

36 (2) The reporting requirement of subsection (1) of this section
37 does not apply to the discovery of abuse or neglect that occurred
38 during childhood if it is discovered after the child has become an
39 adult. However, if there is reasonable cause to believe other
40 children are or may be at risk of abuse or neglect by the accused,

1 the reporting requirement of subsection (1) of this section does
2 apply.

3 (3) Any other person who has reasonable cause to believe that a
4 child has suffered abuse or neglect may report such incident to the
5 proper law enforcement agency or to the department of social and
6 health services as provided in RCW 26.44.040.

7 (4) The department, upon receiving a report of an incident of
8 alleged abuse or neglect pursuant to this chapter, involving a child
9 who has died or has had physical injury or injuries inflicted upon
10 him or her other than by accidental means or who has been subjected
11 to alleged sexual abuse, shall report such incident to the proper law
12 enforcement agency, including military law enforcement, if
13 appropriate. In emergency cases, where the child's welfare is
14 endangered, the department shall notify the proper law enforcement
15 agency within twenty-four hours after a report is received by the
16 department. In all other cases, the department shall notify the law
17 enforcement agency within seventy-two hours after a report is
18 received by the department. If the department makes an oral report, a
19 written report must also be made to the proper law enforcement agency
20 within five days thereafter.

21 (5) Any law enforcement agency receiving a report of an incident
22 of alleged abuse or neglect pursuant to this chapter, involving a
23 child who has died or has had physical injury or injuries inflicted
24 upon him or her other than by accidental means, or who has been
25 subjected to alleged sexual abuse, shall report such incident in
26 writing as provided in RCW 26.44.040 to the proper county prosecutor
27 or city attorney for appropriate action whenever the law enforcement
28 agency's investigation reveals that a crime may have been committed.
29 The law enforcement agency shall also notify the department of all
30 reports received and the law enforcement agency's disposition of
31 them. In emergency cases, where the child's welfare is endangered,
32 the law enforcement agency shall notify the department within twenty-
33 four hours. In all other cases, the law enforcement agency shall
34 notify the department within seventy-two hours after a report is
35 received by the law enforcement agency.

36 (6) Any county prosecutor or city attorney receiving a report
37 under subsection (5) of this section shall notify the victim, any
38 persons the victim requests, and the local office of the department,
39 of the decision to charge or decline to charge a crime, within five
40 days of making the decision.

1 (7) The department may conduct ongoing case planning and
2 consultation with those persons or agencies required to report under
3 this section, with consultants designated by the department, and with
4 designated representatives of Washington Indian tribes if the client
5 information exchanged is pertinent to cases currently receiving child
6 protective services. Upon request, the department shall conduct such
7 planning and consultation with those persons required to report under
8 this section if the department determines it is in the best interests
9 of the child. Information considered privileged by statute and not
10 directly related to reports required by this section must not be
11 divulged without a valid written waiver of the privilege.

12 (8) Any case referred to the department by a physician licensed
13 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
14 opinion that child abuse, neglect, or sexual assault has occurred and
15 that the child's safety will be seriously endangered if returned
16 home, the department shall file a dependency petition unless a second
17 licensed physician of the parents' choice believes that such expert
18 medical opinion is incorrect. If the parents fail to designate a
19 second physician, the department may make the selection. If a
20 physician finds that a child has suffered abuse or neglect but that
21 such abuse or neglect does not constitute imminent danger to the
22 child's health or safety, and the department agrees with the
23 physician's assessment, the child may be left in the parents' home
24 while the department proceeds with reasonable efforts to remedy
25 parenting deficiencies.

26 (9) Persons or agencies exchanging information under subsection
27 (7) of this section shall not further disseminate or release the
28 information except as authorized by state or federal statute.
29 Violation of this subsection is a misdemeanor.

30 (10) Upon receiving a report of alleged abuse or neglect, the
31 department shall make reasonable efforts to learn the name, address,
32 and telephone number of each person making a report of abuse or
33 neglect under this section. The department shall provide assurances
34 of appropriate confidentiality of the identification of persons
35 reporting under this section. If the department is unable to learn
36 the information required under this subsection, the department shall
37 only investigate cases in which:

38 (a) The department believes there is a serious threat of
39 substantial harm to the child;

1 (b) The report indicates conduct involving a criminal offense
2 that has, or is about to occur, in which the child is the victim; or

3 (c) The department has a prior founded report of abuse or neglect
4 with regard to a member of the household that is within three years
5 of receipt of the referral.

6 (11)(a) Upon receiving a report of alleged abuse or neglect, the
7 department shall use one of the following discrete responses to
8 reports of child abuse or neglect that are screened in and accepted
9 for departmental response:

10 (i) Investigation; or

11 (ii) Family assessment.

12 (b) In making the response in (a) of this subsection the
13 department shall:

14 (i) Use a method by which to assign cases to investigation or
15 family assessment which are based on an array of factors that may
16 include the presence of: Imminent danger, level of risk, number of
17 previous child abuse or neglect reports, or other presenting case
18 characteristics, such as the type of alleged maltreatment and the age
19 of the alleged victim. Age of the alleged victim shall not be used as
20 the sole criterion for determining case assignment;

21 (ii) Allow for a change in response assignment based on new
22 information that alters risk or safety level;

23 (iii) Allow families assigned to family assessment to choose to
24 receive an investigation rather than a family assessment;

25 (iv) Provide a full investigation if a family refuses the initial
26 family assessment;

27 (v) Provide voluntary services to families based on the results
28 of the initial family assessment. If a family refuses voluntary
29 services, and the department cannot identify specific facts related
30 to risk or safety that warrant assignment to investigation under this
31 chapter, and there is not a history of reports of child abuse or
32 neglect related to the family, then the department must close the
33 family assessment response case. However, if at any time the
34 department identifies risk or safety factors that warrant an
35 investigation under this chapter, then the family assessment response
36 case must be reassigned to investigation;

37 (vi) Conduct an investigation, and not a family assessment, in
38 response to an allegation that, the department determines based on
39 the intake assessment:

1 (A) Poses a risk of "imminent harm" consistent with the
2 definition provided in RCW 13.34.050, which includes, but is not
3 limited to, sexual abuse and sexual exploitation as defined in this
4 chapter;

5 (B) Poses a serious threat of substantial harm to a child;

6 (C) Constitutes conduct involving a criminal offense that has, or
7 is about to occur, in which the child is the victim;

8 (D) The child is an abandoned child as defined in RCW 13.34.030;

9 (E) The child is an adjudicated dependent child as defined in RCW
10 13.34.030, or the child is in a facility that is licensed, operated,
11 or certified for care of children by the department under chapter
12 74.15 RCW, or by the department of early learning.

13 (c) The department may not be held civilly liable for the
14 decision to respond to an allegation of child abuse or neglect by
15 using the family assessment response under this section unless the
16 state or its officers, agents, or employees acted with reckless
17 disregard.

18 (12)(a) For reports of alleged abuse or neglect that are accepted
19 for investigation by the department, the investigation shall be
20 conducted within time frames established by the department in rule.
21 In no case shall the investigation extend longer than ninety days
22 from the date the report is received, unless the investigation is
23 being conducted under a written protocol pursuant to RCW 26.44.180
24 and a law enforcement agency or prosecuting attorney has determined
25 that a longer investigation period is necessary. At the completion of
26 the investigation, the department shall make a finding that the
27 report of child abuse or neglect is founded or unfounded.

28 (b) If a court in a civil or criminal proceeding, considering the
29 same facts or circumstances as are contained in the report being
30 investigated by the department, makes a judicial finding by a
31 preponderance of the evidence or higher that the subject of the
32 pending investigation has abused or neglected the child, the
33 department shall adopt the finding in its investigation.

34 (13) For reports of alleged abuse or neglect that are responded
35 to through family assessment response, the department shall:

36 (a) Provide the family with a written explanation of the
37 procedure for assessment of the child and the family and its
38 purposes;

39 (b) Collaborate with the family to identify family strengths,
40 resources, and service needs, and develop a service plan with the

1 goal of reducing risk of harm to the child and improving or restoring
2 family well-being;

3 (c) Complete the family assessment response within forty-five
4 days of receiving the report; however, upon parental agreement, the
5 family assessment response period may be extended up to ninety days;

6 (d) Offer services to the family in a manner that makes it clear
7 that acceptance of the services is voluntary;

8 (e) Implement the family assessment response in a consistent and
9 cooperative manner;

10 (f) Have the parent or guardian (~~((sign an agreement))~~)agree to
11 participate in services before services are initiated (~~((that))~~). The
12 department shall inform(~~((s))~~) the parents of their rights under family
13 assessment response, all of their options, and the options the
14 department has if the parents do not (~~((sign the consent form))~~)agree
15 to participate in services.

16 (14)(a) In conducting an investigation or family assessment of
17 alleged abuse or neglect, the department or law enforcement agency:

18 (i) May interview children. If the department determines that the
19 response to the allegation will be family assessment response, the
20 preferred practice is to request a parent's, guardian's, or
21 custodian's permission to interview the child before conducting the
22 child interview unless doing so would compromise the safety of the
23 child or the integrity of the assessment. The interviews may be
24 conducted on school premises, at day-care facilities, at the child's
25 home, or at other suitable locations outside of the presence of
26 parents. If the allegation is investigated, parental notification of
27 the interview must occur at the earliest possible point in the
28 investigation that will not jeopardize the safety or protection of
29 the child or the course of the investigation. Prior to commencing the
30 interview the department or law enforcement agency shall determine
31 whether the child wishes a third party to be present for the
32 interview and, if so, shall make reasonable efforts to accommodate
33 the child's wishes. Unless the child objects, the department or law
34 enforcement agency shall make reasonable efforts to include a third
35 party in any interview so long as the presence of the third party
36 will not jeopardize the course of the investigation; and

37 (ii) Shall have access to all relevant records of the child in
38 the possession of mandated reporters and their employees.

39 (b) The Washington state school directors' association shall
40 adopt a model policy addressing protocols when an interview, as

1 authorized by this subsection, is conducted on school premises. In
2 formulating its policy, the association shall consult with the
3 department and the Washington association of sheriffs and police
4 chiefs.

5 (15) If a report of alleged abuse or neglect is founded and
6 constitutes the third founded report received by the department
7 within the last twelve months involving the same child or family, the
8 department shall promptly notify the office of the family and
9 children's ombuds of the contents of the report. The department shall
10 also notify the ombuds of the disposition of the report.

11 (16) In investigating and responding to allegations of child
12 abuse and neglect, the department may conduct background checks as
13 authorized by state and federal law.

14 (17)(a) The department shall maintain investigation records and
15 conduct timely and periodic reviews of all founded cases of abuse and
16 neglect. The department shall maintain a log of screened-out
17 nonabusive cases.

18 (b) In the family assessment response, the department shall not
19 make a finding as to whether child abuse or neglect occurred. No one
20 shall be named as a perpetrator and no investigative finding shall be
21 entered in the department's child abuse or neglect database.

22 (18) The department shall use a risk assessment process when
23 investigating alleged child abuse and neglect referrals. The
24 department shall present the risk factors at all hearings in which
25 the placement of a dependent child is an issue. Substance abuse must
26 be a risk factor.

27 (19) Upon receipt of a report of alleged abuse or neglect the law
28 enforcement agency may arrange to interview the person making the
29 report and any collateral sources to determine if any malice is
30 involved in the reporting.

31 (20) Upon receiving a report of alleged abuse or neglect
32 involving a child under the court's jurisdiction under chapter 13.34
33 RCW, the department shall promptly notify the child's guardian ad
34 litem of the report's contents. The department shall also notify the
35 guardian ad litem of the disposition of the report. For purposes of
36 this subsection, "guardian ad litem" has the meaning provided in RCW
37 13.34.030.

38 (21) The department shall make efforts as soon as practicable to
39 determine the military status of parents whose children are subject
40 to abuse or neglect allegations. If the department determines that a

parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(22) The department shall make available on its public web site a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing.

NEW SECTION. **Sec. 25.** (1) The department of social and health services, with technical consultation from the caseload forecast council and associated technical work groups, shall review the forecasts of licensed foster care to ensure that all youth in licensed foster care are included in the caseload forecast and that maintenance level costs associated with these youth, not including costs associated with behavioral rehabilitation services, are accurately calculated.

(2) The department of social and health services shall submit a report detailing their findings and any recommendations associated with this review to the governor and the appropriate committees of the legislature no later than December 1, 2017.

(3) This section expires January 1, 2018.

NEW SECTION. **Sec. 26.** Section 2 of this act takes effect only if neither Second Engrossed Second Substitute House Bill No. 1661 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5498 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

1 NEW SECTION. **Sec. 27.** Section 3 of this act takes effect only
2 if Second Engrossed Second Substitute House Bill No. 1661 (including
3 any later amendments or substitutes) or Substitute Senate Bill No.
4 5498 (including any later amendments or substitutes) is signed into
5 law by the governor by the effective date of this section.

6 NEW SECTION. **Sec. 28.** APPROPRIATIONS FOR THE OFFICE OF CIVIL
7 LEGAL AID. (1) The sums of \$648,000 from the state general fund for
8 fiscal year 2018 and \$648,000 from the state general fund for fiscal
9 year 2019, or so much thereof as may be necessary, are each
10 appropriated to the office of civil legal aid and are provided solely
11 for the office to provide legal representation for foster children in
12 two counties at the initial shelter care hearing in dependency
13 proceedings prior to termination of parental rights in conjunction
14 with the research assessment authorized in subsection (2) of this
15 section.

16 (2)(a) The sum of \$75,000, or so much thereof as may be
17 necessary, is appropriated from the state general fund for fiscal
18 year 2019 to the office of civil legal aid and is provided solely for
19 the office to contract with the Washington state center for court
20 research for a statistically reliable assessment of differential
21 outcomes in dependency proceedings prior to termination of parental
22 rights. The assessment must involve a randomized control test or
23 other appropriate research methodology. The center may engage or
24 otherwise associate with other researcher organizations, as
25 appropriate, to help with data design, collection, and analysis. The
26 assessment must compare impacts and outcomes for foster children who
27 receive standards-based legal representation to those who are not
28 represented by an attorney before termination of parental rights. The
29 assessment must focus on dependent children in Grant, Lewis, Douglas,
30 and Whatcom counties. The assessment must quantify differentials, if
31 any, between the experience of children who are represented in the
32 dependency proceeding and those who are not in relation to the
33 following:

34 (i) The time to achieve permanency and permanency outcomes; and
35 (ii) Educational, social, or other relevant child welfare
36 indicators as determined relevant by the center including, but not
37 limited to, relevant child welfare indicators identified through
38 consultation with foster children, youth, and other stakeholders
39 involved in the research assessment.

1 The assessment must also identify and project cost savings to the
2 state, if any, as a result of providing legal representation for
3 children at the shelter care hearing.

4 (b) The office of the superintendent of public instruction and
5 the children's administration or a successor agency shall provide, in
6 compliance with the federal family education rights and privacy act,
7 the center with necessary data including necessary personal
8 identifiers. The office of the superintendent of public instruction
9 shall consult with the center to ensure the validity of data elements
10 and the interpretation of results.

11 (c) The Washington state center for court research shall report
12 its initial findings to the legislature by December 31, 2019. Subject
13 to the availability of amounts appropriated during the 2019-2021
14 fiscal biennium or obtained from other sources, the center may
15 continue the research assessment through December 31, 2021, and
16 submit a supplemental report to the legislature. The report or
17 reports may not include personal identifiers, or any personally
18 identifiable information, as defined in the federal family
19 educational rights and privacy act.

20 (d) The office of civil legal aid may apply for and receive
21 grants, donations, or other contributions to help underwrite this
22 research assessment effort.

Passed by the Senate June 30, 2017.

Passed by the House June 30, 2017.

Approved by the Governor July 6, 2017, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State July 7, 2017.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 13,
Second Engrossed Substitute Senate Bill No. 5890 entitled:

"AN ACT Relating to foster care and adoption support."

Section 13 requires me to regularly acknowledge the contributions of
foster parents by, at a minimum, sending them a signed letter. I am
always striving to find ways to thank foster parents for what they
do. I currently honor them by proclaiming the month of May as Foster
Care Month and personally recognizing them at the annual foster
parent application event. I will continue to identify ways to express
my appreciation.

For these reasons I have vetoed Section 13 of Second Engrossed
Substitute Senate Bill No. 5890.

With the exception of Section 13, Second Engrossed Substitute Senate
Bill No. 5890 is approved."

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