
SUBSTITUTE HOUSE BILL 2388

State of Washington

66th Legislature

2020 Regular Session

By House Human Services & Early Learning (originally sponsored by Representatives Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman, and Pollet)

READ FIRST TIME 01/31/20.

1 AN ACT Relating to standardizing definitions of homelessness to
2 improve access to services; amending RCW 43.216.505, 74.08A.010,
3 74.13.802, 26.44.020, and 46.20.117; reenacting and amending RCW
4 43.216.135 and 13.34.030; and creating a new section.

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

6 **Early Childhood Education and Assistance Program**

7 **Sec. 1.** RCW 43.216.505 and 2019 c 408 s 2 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout RCW 43.216.500 through 43.216.559,
11 43.216.900, and 43.216.901.

12 (1) "Advisory committee" means the advisory committee under RCW
13 43.216.520.

14 (2) "Approved programs" means those state-supported education and
15 special assistance programs which are recognized by the department as
16 meeting the minimum program rules adopted by the department to
17 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
18 43.216.901 and are designated as eligible for funding by the
19 department under RCW 43.216.530 and 43.216.540.

1 (3) "Comprehensive" means an assistance program that focuses on
2 the needs of the child and includes education, health, and family
3 support services.

4 (4) "Eligible child" means a three to five-year old child who is
5 not age-eligible for kindergarten, is not a participant in a federal
6 or state program providing comprehensive services, and who:

7 (a) Has a family income at or below one hundred ten percent of
8 the federal poverty level, as published annually by the federal
9 department of health and human services;

10 (b) Is eligible for special education due to disability under RCW
11 28A.155.020; or

12 (c) Meets criteria under rules adopted by the department if the
13 number of such children equals not more than ten percent of the total
14 enrollment in the early childhood program. Preference for enrollment
15 in this group shall be given to children from families with the
16 lowest income, children in foster care, or to eligible children from
17 families with multiple needs.

18 (5) "Family support services" means providing opportunities for
19 parents to:

20 (a) Actively participate in their child's early childhood
21 program;

22 (b) Increase their knowledge of child development and parenting
23 skills;

24 (c) Further their education and training;

25 (d) Increase their ability to use needed services in the
26 community;

27 (e) Increase their self-reliance.

28 (6) "Homeless" means a child without a fixed, regular, and
29 adequate nighttime residence as described in the federal McKinney-
30 Vento homeless assistance act (Title 42 U.S.C., chapter 119,
31 subchapter VI, part B) as it existed on January 1, 2020.

32 **Temporary Assistance for Needy Families**

33 **Sec. 2.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to
34 read as follows:

35 (1) A family that includes an adult who has received temporary
36 assistance for needy families for sixty months after July 27, 1997,
37 shall be ineligible for further temporary assistance for needy
38 families assistance.

1 (2) For the purposes of applying the rules of this section, the
2 department shall count any month in which an adult family member
3 received a temporary assistance for needy families cash assistance
4 grant unless the assistance was provided when the adult family member
5 was a minor child and not the head of the household or married to the
6 head of the household.

7 (3) The department shall adopt regulations to apply the sixty-
8 month time limit to households in which a parent is in the home and
9 ineligible for temporary assistance for needy families. Any
10 regulations shall be consistent with federal funding requirements.

11 (4) The department shall refer recipients who require specialized
12 assistance to appropriate department programs, crime victims'
13 programs through the department of commerce, or the crime victims'
14 compensation program of the department of labor and industries.

15 (5) (a) The department shall add to adopted rules related to
16 temporary assistance for needy families time limit extensions, the
17 following criteria by which the department shall exempt a recipient
18 and the recipient's family from the application of subsection (1) of
19 this section:

20 (i) By reason of hardship, including if the (~~recipient is~~)
21 family includes a homeless ((person as described in RCW 43.185C.010))
22 child or youth without a fixed, regular, and adequate nighttime
23 residence as described in the federal McKinney-Vento homeless
24 assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B)
25 as it existed on January 1, 2020; or

26 (ii) If the family includes an individual who meets the family
27 violence options of section 402(A)(7) of Title IVA of the federal
28 social security act as amended by P.L. 104-193.

29 (b) Policies related to circumstances under which a recipient
30 will be exempted from the application of subsection (1) or (3) of
31 this section shall treat adults receiving benefits on their own
32 behalf, and parents receiving benefits on behalf of their child
33 similarly, unless required otherwise under federal law.

34 (6) The department shall not exempt a recipient and his or her
35 family from the application of subsection (1) or (3) of this section
36 until after the recipient has received fifty-two months of assistance
37 under this chapter.

38 (7) The department shall provide transitional food assistance for
39 a period of five months to a household that ceases to receive
40 temporary assistance for needy families assistance and is not in

1 sanction status. If necessary, the department shall extend the
2 household's basic food certification until the end of the transition
3 period.

4 **Working Connections Child Care**

5 **Sec. 3.** RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4
6 are each reenacted and amended to read as follows:

7 (1) The department shall establish and implement policies in the
8 working connections child care program to promote stability and
9 quality of care for children from low-income households. These
10 policies shall focus on supporting school readiness for young
11 learners. Policies for the expenditure of funds constituting the
12 working connections child care program must be consistent with the
13 outcome measures established by the department and the standards
14 established in this section intended to promote stability, quality,
15 and continuity of early care and education programming.

16 (2) As recommended by Public Law 113-186, authorizations for the
17 working connections child care subsidy shall be effective for twelve
18 months beginning July 1, 2016, unless an earlier date is provided in
19 the omnibus appropriations act.

20 (3) Existing child care providers serving nonschool-age children
21 and receiving state subsidy payments must complete the following
22 requirements to be eligible for a state subsidy under this section:

23 (a) Enroll in the early achievers program by August 1, 2016;

24 (b) Complete level 2 activities in the early achievers program by
25 August 1, 2017; and

26 (c) Rate or request to be rated at a level 3 or higher in the
27 early achievers program by December 31, 2019. If a child care
28 provider does not rate at or request to be rated at a level 3 by
29 December 31, 2019, the provider is no longer eligible to receive
30 state subsidy. If the provider rates below a level 3 when the rating
31 is released, the provider must complete remedial activities with the
32 department, and must rate at or request to be rated at a level 3 or
33 higher no later than December 30, 2020.

34 (4) A new child care provider serving nonschool-age children and
35 receiving state subsidy payments must complete the following
36 activities to be eligible to receive a state subsidy under this
37 section:

1 (a) Enroll in the early achievers program within thirty days of
2 receiving the initial state subsidy payment;

3 (b) Complete level 2 activities in the early achievers program
4 within twelve months of enrollment; and

5 (c) Rate or request to be rated at a level 3 or higher in the
6 early achievers program within thirty months of enrollment. If a
7 child care provider does not rate or request to be rated at a level 3
8 within thirty months from enrollment into the early achievers
9 program, the provider is no longer eligible to receive state subsidy.
10 If the provider rates below a level 3 when the rating is released,
11 the provider must complete remedial activities with the department,
12 and rate or request to be rated at a level 3 or higher within twelve
13 months of beginning remedial activities.

14 (5) If a child care provider does not rate or request to be rated
15 at a level 3 or higher following the remedial period, the provider is
16 no longer eligible to receive state subsidy under this section. If a
17 child care provider does not rate at a level 3 or higher when the
18 rating is released following the remedial period, the provider is no
19 longer eligible to receive state subsidy under this section.

20 (6) If a child care provider serving nonschool-age children and
21 receiving state subsidy payments has successfully completed all level
22 2 activities and is waiting to be rated by the deadline provided in
23 this section, the provider may continue to receive a state subsidy
24 pending the successful completion of the level 3 rating activity.

25 (7) The department shall implement tiered reimbursement for early
26 achievers program participants in the working connections child care
27 program rating at level 3, 4, or 5.

28 (8) The department shall account for a child care copayment
29 collected by the provider from the family for each contracted slot
30 and establish the copayment fee by rule.

31 (9)(a) The department shall establish and implement policies in
32 the working connections child care program to allow eligibility for
33 families with children who:

34 (i) In the last six months have:

35 (A) Received child protective services as defined and used by
36 chapters 26.44 and 74.13 RCW;

37 (B) Received child welfare services as defined and used by
38 chapter 74.13 RCW; or

39 (C) Received services through a family assessment response as
40 defined and used by chapter 26.44 RCW;

1 (ii) Have been referred for child care as part of the family's
2 case management as defined by RCW 74.13.020; and

3 (iii) Are residing with a biological parent or guardian.

4 (b) Children who are eligible for working connections child care
5 pursuant to this subsection do not have to keep receiving services
6 identified in this subsection to maintain twelve-month authorization.

7 ~~((The department of social and health services' involvement with the
8 family referred for working connections child care ends when the
9 family's child protective services, child welfare services, or family
10 assessment response case is closed.))~~

11 (10)(a) Beginning August 1, 2020, the department may not require
12 an applicant or consumer to meet work requirements as a condition of
13 receiving working connections child care benefits when the applicant
14 or consumer is:

15 (i) A single parent;

16 (ii) A full-time student of a community, technical, or tribal
17 college; and

18 (iii) Pursuing vocational education that leads to a degree or
19 certificate in a specific occupation, not to result in a bachelor's
20 or advanced degree.

21 (b) An applicant or consumer is a full-time student for the
22 purposes of this subsection if he or she meets the college's
23 definition of a full-time student. The student must maintain passing
24 grades and be in good standing pursuant to college attendance
25 requirements.

26 (c) Nothing in this subsection is intended to change how
27 applicants or consumers are prioritized when applicants or consumers
28 are placed on a wait list for working connections child care
29 benefits.

30 (11) For the purposes of this section, "homeless" means without a
31 fixed, regular, and adequate nighttime residence as described in the
32 federal McKinney-Vento homeless assistance act (Title 42 U.S.C.,
33 chapter 119, subchapter VI, part B) as it existed on January 1, 2020.

34 **Child Welfare**

35 **Sec. 4.** RCW 13.34.030 and 2019 c 172 s 2 and 2019 c 46 s 5016
36 are each reenacted and amended to read as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

1 (1) "Abandoned" means when the child's parent, guardian, or other
2 custodian has expressed, either by statement or conduct, an intent to
3 forego, for an extended period, parental rights or responsibilities
4 despite an ability to exercise such rights and responsibilities. If
5 the court finds that the petitioner has exercised due diligence in
6 attempting to locate the parent, no contact between the child and the
7 child's parent, guardian, or other custodian for a period of three
8 months creates a rebuttable presumption of abandonment, even if there
9 is no expressed intent to abandon.

10 (2) "Child," "juvenile," and "youth" mean:

11 (a) Any individual under the age of eighteen years; or

12 (b) Any individual age eighteen to twenty-one years who is
13 eligible to receive and who elects to receive the extended foster
14 care services authorized under RCW 74.13.031. A youth who remains
15 dependent and who receives extended foster care services under RCW
16 74.13.031 shall not be considered a "child" under any other statute
17 or for any other purpose.

18 (3) "Current placement episode" means the period of time that
19 begins with the most recent date that the child was removed from the
20 home of the parent, guardian, or legal custodian for purposes of
21 placement in out-of-home care and continues until: (a) The child
22 returns home; (b) an adoption decree, a permanent custody order, or
23 guardianship order is entered; or (c) the dependency is dismissed,
24 whichever occurs first.

25 (4) "Department" means the department of children, youth, and
26 families.

27 (5) "Dependency guardian" means the person, nonprofit
28 corporation, or Indian tribe appointed by the court pursuant to this
29 chapter for the limited purpose of assisting the court in the
30 supervision of the dependency.

31 (6) "Dependent child" means any child who:

32 (a) Has been abandoned;

33 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
34 person legally responsible for the care of the child;

35 (c) Has no parent, guardian, or custodian capable of adequately
36 caring for the child, such that the child is in circumstances which
37 constitute a danger of substantial damage to the child's
38 psychological or physical development; or

39 (d) Is receiving extended foster care services, as authorized by
40 RCW 74.13.031.

1 (7) "Developmental disability" means a disability attributable to
2 intellectual disability, cerebral palsy, epilepsy, autism, or another
3 neurological or other condition of an individual found by the
4 secretary of the department of social and health services to be
5 closely related to an intellectual disability or to require treatment
6 similar to that required for individuals with intellectual
7 disabilities, which disability originates before the individual
8 attains age eighteen, which has continued or can be expected to
9 continue indefinitely, and which constitutes a substantial limitation
10 to the individual.

11 (8) "Educational liaison" means a person who has been appointed
12 by the court to fulfill responsibilities outlined in RCW 13.34.046.

13 (9) "Experiencing homelessness" means an individual who is: (a)
14 Living outside or in a building not meant for human habitation or
15 which they have no legal right to occupy, in an emergency shelter, or
16 in a temporary housing program that may include a transitional
17 housing program if habitation time limits exist; or (b) lacking a
18 fixed, regular, and adequate nighttime residence, including
19 circumstances such as sharing the housing of other persons due to
20 loss of housing, economic hardship, fleeing domestic violence, or a
21 similar reason.

22 (10) "Extended foster care services" means residential and other
23 support services the department is authorized to provide under RCW
24 74.13.031. These services may include placement in licensed,
25 relative, or otherwise approved care, or supervised independent
26 living settings; assistance in meeting basic needs; independent
27 living services; medical assistance; and counseling or treatment.

28 ~~((10))~~ (11) "Guardian" means the person or agency that: (a) Has
29 been appointed as the guardian of a child in a legal proceeding,
30 including a guardian appointed pursuant to chapter 13.36 RCW; and (b)
31 has the legal right to custody of the child pursuant to such
32 appointment. The term "guardian" does not include a "dependency
33 guardian" appointed pursuant to a proceeding under this chapter.

34 ~~((11))~~ (12) "Guardian ad litem" means a person, appointed by
35 the court to represent the best interests of a child in a proceeding
36 under this chapter, or in any matter which may be consolidated with a
37 proceeding under this chapter. A "court-appointed special advocate"
38 appointed by the court to be the guardian ad litem for the child, or
39 to perform substantially the same duties and functions as a guardian

1 ad litem, shall be deemed to be guardian ad litem for all purposes
2 and uses of this chapter.

3 ~~((12))~~ (13) "Guardian ad litem program" means a court-
4 authorized volunteer program, which is or may be established by the
5 superior court of the county in which such proceeding is filed, to
6 manage all aspects of volunteer guardian ad litem representation for
7 children alleged or found to be dependent. Such management shall
8 include but is not limited to: Recruitment, screening, training,
9 supervision, assignment, and discharge of volunteers.

10 ~~((13))~~ (14) "Housing assistance" means appropriate referrals by
11 the department or other agencies to federal, state, local, or private
12 agencies or organizations, assistance with forms, applications, or
13 financial subsidies or other monetary assistance for housing. For
14 purposes of this chapter, "housing assistance" is not a remedial
15 service or family reunification service as described in RCW
16 13.34.025(2).

17 ~~((14))~~ (15) "Indigent" means a person who, at any stage of a
18 court proceeding, is:

19 (a) Receiving one of the following types of public assistance:
20 Temporary assistance for needy families, aged, blind, or disabled
21 assistance benefits, medical care services under RCW 74.09.035,
22 pregnant women assistance benefits, poverty-related veterans'
23 benefits, food stamps or food stamp benefits transferred
24 electronically, refugee resettlement benefits, medicaid, or
25 supplemental security income; or

26 (b) Involuntarily committed to a public mental health facility;
27 or

28 (c) Receiving an annual income, after taxes, of one hundred
29 twenty-five percent or less of the federally established poverty
30 level; or

31 (d) Unable to pay the anticipated cost of counsel for the matter
32 before the court because his or her available funds are insufficient
33 to pay any amount for the retention of counsel.

34 ~~((15))~~ (16) "Nonminor dependent" means any individual age
35 eighteen to twenty-one years who is participating in extended foster
36 care services authorized under RCW 74.13.031.

37 ~~((16))~~ (17) "Out-of-home care" means placement in a foster
38 family home or group care facility licensed pursuant to chapter 74.15
39 RCW or placement in a home, other than that of the child's parent,

1 guardian, or legal custodian, not required to be licensed pursuant to
2 chapter 74.15 RCW.

3 ~~((17))~~ (18) "Parent" means the biological or adoptive parents
4 of a child, or an individual who has established a parent-child
5 relationship under RCW 26.26A.100, unless the legal rights of that
6 person have been terminated by a judicial proceeding pursuant to this
7 chapter, chapter 26.33 RCW, or the equivalent laws of another state
8 or a federally recognized Indian tribe.

9 ~~((18))~~ (19) "Prevention and family services and programs" means
10 specific mental health prevention and treatment services, substance
11 abuse prevention and treatment services, and in-home parent skill-
12 based programs that qualify for federal funding under the federal
13 family first prevention services act, P.L. 115-123. For purposes of
14 this chapter, prevention and family services and programs are not
15 remedial services or family reunification services as described in
16 RCW 13.34.025(2).

17 ~~((19))~~ (20) "Prevention services" means preservation services,
18 as defined in chapter 74.14C RCW, and other reasonably available
19 services, including housing assistance, capable of preventing the
20 need for out-of-home placement while protecting the child. Prevention
21 services include, but are not limited to, prevention and family
22 services and programs as defined in this section.

23 ~~((20))~~ (21) "Qualified residential treatment program" means a
24 program licensed as a group care facility under chapter 74.15 RCW
25 that also qualifies for funding under the federal family first
26 prevention services act under 42 U.S.C. Sec. 672(k) and meets the
27 requirements provided in RCW 13.34.420.

28 ~~((21))~~ (22) "Relative" includes persons related to a child in
29 the following ways:

30 (a) Any blood relative, including those of half-blood, and
31 including first cousins, second cousins, nephews or nieces, and
32 persons of preceding generations as denoted by prefixes of grand,
33 great, or great-great;

34 (b) Stepfather, stepmother, stepbrother, and stepsister;

35 (c) A person who legally adopts a child or the child's parent as
36 well as the natural and other legally adopted children of such
37 persons, and other relatives of the adoptive parents in accordance
38 with state law;

39 (d) Spouses of any persons named in (a), (b), or (c) of this
40 subsection, even after the marriage is terminated;

1 (e) Relatives, as named in (a), (b), (c), or (d) of this
2 subsection, of any half sibling of the child; or

3 (f) Extended family members, as defined by the law or custom of
4 the Indian child's tribe or, in the absence of such law or custom, a
5 person who has reached the age of eighteen and who is the Indian
6 child's grandparent, aunt or uncle, brother or sister, brother-in-law
7 or sister-in-law, niece or nephew, first or second cousin, or
8 stepparent who provides care in the family abode on a twenty-four
9 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4)
10 ((~~7~~)).

11 ((~~22~~)) (23) "Shelter care" means temporary physical care in a
12 facility licensed pursuant to RCW 74.15.030 or in a home not required
13 to be licensed pursuant to RCW 74.15.030.

14 ((~~23~~)) (24) "Sibling" means a child's birth brother, birth
15 sister, adoptive brother, adoptive sister, half-brother, or half-
16 sister, or as defined by the law or custom of the Indian child's
17 tribe for an Indian child as defined in RCW 13.38.040.

18 ((~~24~~)) (25) "Social study" means a written evaluation of
19 matters relevant to the disposition of the case that contains the
20 information required by RCW 13.34.430.

21 ((~~25~~)) (26) "Supervised independent living" includes, but is
22 not limited to, apartment living, room and board arrangements,
23 college or university dormitories, and shared roommate settings.
24 Supervised independent living settings must be approved by the
25 department or the court.

26 ((~~26~~)) (27) "Voluntary placement agreement" means, for the
27 purposes of extended foster care services, a written voluntary
28 agreement between a nonminor dependent who agrees to submit to the
29 care and authority of the department for the purposes of
30 participating in the extended foster care program.

31 **Sec. 5.** RCW 74.13.802 and 2019 c 328 s 1 are each amended to
32 read as follows:

33 (1) Beginning July 1, 2020, the department shall establish a
34 child welfare housing assistance pilot program, which provides
35 housing vouchers, rental assistance, navigation, and other support
36 services to eligible families.

37 (a) The department shall operate or contract for the operation of
38 the child welfare housing assistance pilot program under subsection
39 (3) of this section in one county west of the crest of the Cascade

1 mountain range and one county east of the crest of the Cascade
2 mountain range.

3 (b) The child welfare housing assistance pilot program is
4 intended to shorten the time that children remain in out-of-home
5 care.

6 (2) A parent with a child who is dependent pursuant to chapter
7 13.34 RCW and whose primary remaining barrier to reunification is the
8 lack of appropriate housing or due to experiencing homelessness is
9 eligible for the child welfare housing assistance pilot program.

10 (3) The department shall contract with an outside entity or
11 entities to operate the child welfare housing assistance pilot
12 program. If no outside entity or entities are available to operate
13 the program or specific parts of the program, the department may
14 operate the program or the specific parts that are not operated by an
15 outside entity.

16 (4) Families may be referred to the child welfare housing
17 assistance pilot program by a caseworker, an attorney, a guardian ad
18 litem as defined in chapter 13.34 RCW, a child welfare parent mentor
19 as defined in RCW 2.70.060, an office of public defense social
20 worker, or the court.

21 (5) The department shall consult with a stakeholder group that
22 must include, but is not limited to, the following:

23 (a) Parent allies;

24 (b) Parent attorneys and social workers managed by the office of
25 public defense parent representation program;

26 (c) The department of commerce;

27 (d) Housing experts;

28 (e) Community-based organizations;

29 (f) Advocates; and

30 (g) Behavioral health providers.

31 (6) The stakeholder group established in subsection (5) of this
32 section shall begin meeting after July 28, 2019, and assist the
33 department in design of the child welfare housing assistance pilot
34 program in areas including, but not limited to:

35 (a) Equitable racial, geographic, ethnic, and gender distribution
36 of program support;

37 (b) Eligibility criteria; and

38 (c) ~~((Creating a definition of homeless for purposes of~~
39 ~~eligibility for the program; and~~

1 ~~(d)~~) Options for program design that include outside entities
2 operating the entire program or specific parts of the program.

3 (7) By December 1, 2021, the department shall report outcomes for
4 the child welfare housing assistance pilot program to the oversight
5 board for children, youth, and families established pursuant to RCW
6 43.216.015. The report must include racial, geographic, ethnic, and
7 gender distribution of program support.

8 (8) The child welfare housing assistance pilot program
9 established in this section is subject to the availability of funds
10 appropriated for this purpose.

11 (9) For the purposes of this section, "experiencing homelessness"
12 means an individual who is: (a) Living outside or in a building not
13 meant for human habitation or which they have no legal right to
14 occupy, in an emergency shelter, or in a temporary housing program
15 that may include a transitional housing program if habitation time
16 limits exist; or (b) lacking a fixed, regular, and adequate nighttime
17 residence, including circumstances such as sharing the housing of
18 other persons due to loss of housing, economic hardship, fleeing
19 domestic violence, or a similar reason.

20 (10) This section expires June 30, 2022.

21 **Sec. 6.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
26 or injury of a child by any person under circumstances which cause
27 harm to the child's health, welfare, or safety, excluding conduct
28 permitted under RCW 9A.16.100; or the negligent treatment or
29 maltreatment of a child by a person responsible for or providing care
30 to the child. An abused child is a child who has been subjected to
31 child abuse or neglect as defined in this section.

32 (2) "Child" or "children" means any person under the age of
33 eighteen years of age.

34 (3) "Child forensic interview" means a developmentally sensitive
35 and legally sound method of gathering factual information regarding
36 allegations of child abuse, child neglect, or exposure to violence.
37 This interview is conducted by a competently trained, neutral
38 professional utilizing techniques informed by research and best
39 practice as part of a larger investigative process.

1 (4) "Child protective services" means those services provided by
2 the department designed to protect children from child abuse and
3 neglect and safeguard such children from future abuse and neglect,
4 and conduct investigations of child abuse and neglect reports.
5 Investigations may be conducted regardless of the location of the
6 alleged abuse or neglect. Child protective services includes referral
7 to services to ameliorate conditions that endanger the welfare of
8 children, the coordination of necessary programs and services
9 relevant to the prevention, intervention, and treatment of child
10 abuse and neglect, and services to children to ensure that each child
11 has a permanent home. In determining whether protective services
12 should be provided, the department shall not decline to provide such
13 services solely because of the child's unwillingness or developmental
14 inability to describe the nature and severity of the abuse or
15 neglect.

16 (5) "Child protective services section" means the child
17 protective services section of the department.

18 (6) "Child who is a candidate for foster care" means a child who
19 the department identifies as being at imminent risk of entering
20 foster care but who can remain safely in the child's home or in a
21 kinship placement as long as services or programs that are necessary
22 to prevent entry of the child into foster care are provided, and
23 includes but is not limited to a child whose adoption or guardianship
24 arrangement is at risk of a disruption or dissolution that would
25 result in a foster care placement. The term includes a child for whom
26 there is reasonable cause to believe that any of the following
27 circumstances exist:

28 (a) The child has been abandoned by the parent as defined in RCW
29 13.34.030 and the child's health, safety, and welfare is seriously
30 endangered as a result;

31 (b) The child has been abused or neglected as defined in this
32 chapter ((26.44-RCW)) and the child's health, safety, and welfare is
33 seriously endangered as a result;

34 (c) There is no parent capable of meeting the child's needs such
35 that the child is in circumstances that constitute a serious danger
36 to the child's development;

37 (d) The child is otherwise at imminent risk of harm.

38 (7) "Children's advocacy center" means a child-focused facility
39 in good standing with the state chapter for children's advocacy
40 centers and that coordinates a multidisciplinary process for the

1 investigation, prosecution, and treatment of sexual and other types
2 of child abuse. Children's advocacy centers provide a location for
3 forensic interviews and coordinate access to services such as, but
4 not limited to, medical evaluations, advocacy, therapy, and case
5 review by multidisciplinary teams within the context of county
6 protocols as defined in RCW 26.44.180 and 26.44.185.

7 (8) "Clergy" means any regularly licensed or ordained minister,
8 priest, or rabbi of any church or religious denomination, whether
9 acting in an individual capacity or as an employee or agent of any
10 public or private organization or institution.

11 (9) "Court" means the superior court of the state of Washington,
12 juvenile department.

13 (10) "Department" means the department of children, youth, and
14 families.

15 (11) "Experiencing homelessness" means an individual who is: (a)
16 Living outside or in a building not meant for human habitation or
17 which they have no legal right to occupy, in an emergency shelter, or
18 in a temporary housing program that may include a transitional
19 housing program if habitation time limits exist; or (b) lacking a
20 fixed, regular, and adequate nighttime residence, including
21 circumstances such as sharing the housing of other persons due to
22 loss of housing, economic hardship, fleeing domestic violence, or a
23 similar reason.

24 (12) "Family assessment" means a comprehensive assessment of
25 child safety, risk of subsequent child abuse or neglect, and family
26 strengths and needs that is applied to a child abuse or neglect
27 report. Family assessment does not include a determination as to
28 whether child abuse or neglect occurred, but does determine the need
29 for services to address the safety of the child and the risk of
30 subsequent maltreatment.

31 (~~(12)~~) (13) "Family assessment response" means a way of
32 responding to certain reports of child abuse or neglect made under
33 this chapter using a differential response approach to child
34 protective services. The family assessment response shall focus on
35 the safety of the child, the integrity and preservation of the
36 family, and shall assess the status of the child and the family in
37 terms of risk of abuse and neglect including the parent's or
38 guardian's or other caretaker's capacity and willingness to protect
39 the child and, if necessary, plan and arrange the provision of
40 services to reduce the risk and otherwise support the family. No one

1 is named as a perpetrator, and no investigative finding is entered in
2 the record as a result of a family assessment.

3 ~~((13))~~ (14) "Founded" means the determination following an
4 investigation by the department that, based on available information,
5 it is more likely than not that child abuse or neglect did occur.

6 ~~((14))~~ (15) "Inconclusive" means the determination following an
7 investigation by the department of social and health services, prior
8 to October 1, 2008, that based on available information a decision
9 cannot be made that more likely than not, child abuse or neglect did
10 or did not occur.

11 ~~((15))~~ (16) "Institution" means a private or public hospital or
12 any other facility providing medical diagnosis, treatment, or care.

13 ~~((16))~~ (17) "Law enforcement agency" means the police
14 department, the prosecuting attorney, the state patrol, the director
15 of public safety, or the office of the sheriff.

16 ~~((17))~~ (18) "Malice" or "maliciously" means an intent, wish, or
17 design to intimidate, annoy, or injure another person. Such malice
18 may be inferred from an act done in willful disregard of the rights
19 of another, or an act wrongfully done without just cause or excuse,
20 or an act or omission of duty betraying a willful disregard of social
21 duty.

22 ~~((18))~~ (19) "Negligent treatment or maltreatment" means an act
23 or a failure to act, or the cumulative effects of a pattern of
24 conduct, behavior, or inaction, that evidences a serious disregard of
25 consequences of such magnitude as to constitute a clear and present
26 danger to a child's health, welfare, or safety, including but not
27 limited to conduct prohibited under RCW 9A.42.100. When considering
28 whether a clear and present danger exists, evidence of a parent's
29 substance abuse as a contributing factor to negligent treatment or
30 maltreatment shall be given great weight. The fact that siblings
31 share a bedroom is not, in and of itself, negligent treatment or
32 maltreatment. Poverty, experiencing homelessness, or exposure to
33 domestic violence as defined in RCW 26.50.010 that is perpetrated
34 against someone other than the child does not constitute negligent
35 treatment or maltreatment in and of itself.

36 ~~((19))~~ (20) "Pharmacist" means any registered pharmacist under
37 chapter 18.64 RCW, whether acting in an individual capacity or as an
38 employee or agent of any public or private organization or
39 institution.

1 ~~((20))~~ (21) "Practitioner of the healing arts" or
2 "practitioner" means a person licensed by this state to practice
3 podiatric medicine and surgery, optometry, chiropractic, nursing,
4 dentistry, osteopathic medicine and surgery, or medicine and surgery
5 or to provide other health services. The term "practitioner" includes
6 a duly accredited Christian Science practitioner. A person who is
7 being furnished Christian Science treatment by a duly accredited
8 Christian Science practitioner will not be considered, for that
9 reason alone, a neglected person for the purposes of this chapter.

10 ~~((21))~~ (22) "Prevention and family services and programs" means
11 specific mental health prevention and treatment services, substance
12 abuse prevention and treatment services, and in-home parent skill-
13 based programs that qualify for federal funding under the federal
14 family first prevention services act, P.L. 115-123. For purposes of
15 this chapter, prevention and family services and programs are not
16 remedial services or family reunification services as described in
17 RCW 13.34.025(2).

18 ~~((22))~~ (23) "Professional school personnel" include, but are
19 not limited to, teachers, counselors, administrators, child care
20 facility personnel, and school nurses.

21 ~~((23))~~ (24) "Psychologist" means any person licensed to
22 practice psychology under chapter 18.83 RCW, whether acting in an
23 individual capacity or as an employee or agent of any public or
24 private organization or institution.

25 ~~((24))~~ (25) "Screened-out report" means a report of alleged
26 child abuse or neglect that the department has determined does not
27 rise to the level of a credible report of abuse or neglect and is not
28 referred for investigation.

29 ~~((25))~~ (26) "Sexual exploitation" includes: (a) Allowing,
30 permitting, or encouraging a child to engage in prostitution by any
31 person; or (b) allowing, permitting, encouraging, or engaging in the
32 obscene or pornographic photographing, filming, or depicting of a
33 child by any person.

34 ~~((26))~~ (27) "Sexually aggressive youth" means a child who is
35 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

36 ~~((27))~~ (28) "Social service counselor" means anyone engaged in
37 a professional capacity during the regular course of employment in
38 encouraging or promoting the health, welfare, support, or education
39 of children, or providing social services to adults or families,
40 including mental health, drug and alcohol treatment, and domestic

1 violence programs, whether in an individual capacity, or as an
2 employee or agent of any public or private organization or
3 institution.

4 ~~((28))~~ (29) "Unfounded" means the determination following an
5 investigation by the department that available information indicates
6 that, more likely than not, child abuse or neglect did not occur, or
7 that there is insufficient evidence for the department to determine
8 whether the alleged child abuse did or did not occur.

9 **Identicards**

10 **Sec. 7.** RCW 46.20.117 and 2018 c 157 s 2 are each amended to
11 read as follows:

12 (1) **Issuance.** The department shall issue an identicard,
13 containing a picture, if the applicant:

- 14 (a) Does not hold a valid Washington driver's license;
- 15 (b) Proves his or her identity as required by RCW 46.20.035; and
- 16 (c) Pays the required fee. Except as provided in subsection (5)
17 of this section, the fee is fifty-four dollars, unless an applicant
18 is:

19 (i) A recipient of continuing public assistance grants under
20 Title 74 RCW, who is referred in writing by the secretary of social
21 and health services;

22 (ii) Under the age of eighteen and does not have a permanent
23 residence address (~~as determined by the department by rule~~) or is
24 experiencing homelessness; or

25 (iii) An individual who is scheduled to be released from an
26 institution as defined in RCW 13.40.020, a community facility as
27 defined in RCW 72.05.020, or other juvenile rehabilitation facility
28 operated by the department of social and health services or the
29 department of children, youth, and families; or an individual who has
30 been released from such an institution or facility within thirty
31 calendar days before the date of the application.

32 For those persons under (c)(i) through (iii) of this subsection,
33 the fee must be the actual cost of production of the identicard.

34 (2)(a) **Design and term.** The identicard must:

35 (i) Be distinctly designed so that it will not be confused with
36 the official driver's license; and

37 (ii) Except as provided in subsection (5) of this section, expire
38 on the sixth anniversary of the applicant's birthdate after issuance.

1 (b) The identicard may include the person's status as a veteran,
2 consistent with RCW 46.20.161(2).

3 (3) **Renewal.** An application for identicard renewal may be
4 submitted by means of:

5 (a) Personal appearance before the department; or

6 (b) Mail or electronic commerce, if permitted by rule of the
7 department and if the applicant did not renew his or her identicard
8 by mail or by electronic commerce when it last expired.

9 An identicard may not be renewed by mail or by electronic
10 commerce unless the renewal issued by the department includes a
11 photograph of the identicard holder.

12 (4) **Cancellation.** The department may cancel an identicard if the
13 holder of the identicard used the card or allowed others to use the
14 card in violation of RCW 46.20.0921.

15 (5) **Alternative issuance/renewal/extension.** The department may
16 issue or renew an identicard for a period other than six years, or
17 may extend by mail or electronic commerce an identicard that has
18 already been issued, in order to evenly distribute, as nearly as
19 possible, the yearly renewal rate of identicard holders. The fee for
20 an identicard issued or renewed for a period other than six years, or
21 that has been extended by mail or electronic commerce, is nine
22 dollars for each year that the identicard is issued, renewed, or
23 extended. The department may adopt any rules as are necessary to
24 carry out this subsection.

25 (6) For the purposes of this section, "experiencing homelessness"
26 means an individual who is: (a) Living outside or in a building not
27 meant for human habitation or which they have no legal right to
28 occupy, in an emergency shelter, or in a temporary housing program
29 that may include a transitional housing program if habitation time
30 limits exist; or (b) lacking a fixed, regular, and adequate nighttime
31 residence, including circumstances such as sharing the housing of
32 other persons due to loss of housing, economic hardship, fleeing
33 domestic violence, or a similar reason.

34 **Miscellaneous Provisions**

35 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
36 conflict with federal requirements that are a prescribed condition to
37 the allocation of federal funds to the state, the conflicting part of
38 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application
3 to the agencies concerned. Rules adopted under this act must meet
4 federal requirements that are a necessary condition to the receipt of
5 federal funds by the state.

--- **END** ---