
HOUSE BILL 2725

State of Washington **66th Legislature** **2020 Regular Session**

By Representatives Ortiz-Self, Morgan, Frame, Kilduff, Lovick, Callan, and Leavitt

Read first time 01/20/20. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to foster resource parents; amending RCW
2 4.24.230, 4.92.060, 4.92.070, 4.92.150, 9A.44.093, 9A.44.096,
3 13.34.045, 13.34.145, 13.34.215, 13.34.234, 13.34.260, 13.34.385,
4 13.34.820, 13.36.090, 13.38.130, 26.44.031, 26.44.190, 28A.150.510,
5 41.04.674, 43.06A.085, 43.216.015, 43.216.035, 46.18.245, 48.18.565,
6 49.46.210, 50A.05.010, 74.13.250, 74.13.270, 74.13.285, 74.13.310,
7 74.13.315, 74.13.333, 74.13.335, 74.13.650, 74.13.660, 74.13.700,
8 74.14B.020, and 74.14B.080; reenacting and amending RCW 70.47.020 and
9 74.13.031; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** The legislature reaffirms that the goal of
12 any child welfare involvement, including placement with caregivers
13 other than birth parents, is to support family reunification.
14 Reunifying a child with a parent minimizes trauma to the family,
15 benefits children, and is cost-effective. For those reasons, the
16 legislature is replacing the term "foster parent" with the term
17 "foster resource parent" to highlight that these foster resource
18 parents should also aid in the reunification process and act as a
19 resource to families.

1 **Sec. 2.** RCW 4.24.230 and 2009 c 431 s 3 are each amended to read
2 as follows:

3 (1) An adult or emancipated minor who takes possession of any
4 goods, wares, or merchandise displayed or offered for sale by any
5 wholesale or retail store or other mercantile establishment without
6 the consent of the owner or seller, and with the intention of
7 converting such goods, wares, or merchandise to his or her own use
8 without having paid the purchase price thereof is liable in addition
9 to actual damages, for a penalty to the owner or seller in the amount
10 of the retail value thereof not to exceed two thousand eight hundred
11 fifty dollars, plus an additional penalty of not less than one
12 hundred dollars nor more than six hundred fifty dollars, plus all
13 reasonable attorney's fees and court costs expended by the owner or
14 seller. A customer who orders a meal in a restaurant or other eating
15 establishment, receives at least a portion thereof, and then leaves
16 without paying, is subject to liability under this section. A person
17 who shall receive any food, money, credit, lodging, or accommodation
18 at any hotel, motel, boarding house, or lodging house, and then
19 leaves without paying the proprietor, manager, or authorized employee
20 thereof, is subject to liability under this section.

21 (2) The parent or legal guardian having the custody of an
22 unemancipated minor who takes possession of any goods, wares, or
23 merchandise displayed or offered for sale by any wholesale or retail
24 store or other mercantile establishment without the consent of the
25 owner or seller and with the intention of converting such goods,
26 wares, or merchandise to his or her own use without having paid the
27 purchase price thereof, is liable as a penalty to the owner or seller
28 for the retail value of such goods, wares, or merchandise not to
29 exceed one thousand four hundred twenty-five dollars plus an
30 additional penalty of not less than one hundred dollars nor more than
31 six hundred fifty dollars, plus all reasonable attorney's fees and
32 court costs expended by the owner or seller. The parent or legal
33 guardian having the custody of an unemancipated minor, who orders a
34 meal in a restaurant or other eating establishment, receives at least
35 a portion thereof, and then leaves without paying, is subject to
36 liability under this section. The parent or legal guardian having the
37 custody of an unemancipated minor, who receives any food, money,
38 credit, lodging, or accommodation at any hotel, motel, boarding
39 house, or lodging house, and then leaves without paying the
40 proprietor, manager, or authorized employee thereof, is subject to

1 liability under this section. For the purposes of this subsection,
2 liability shall not be imposed upon any governmental entity, private
3 agency, or foster resource parent assigned responsibility for the
4 minor child pursuant to court order or action of the department of
5 social and health services.

6 (3) Judgments and claims arising under this section may be
7 assigned.

8 (4) A conviction for violation of chapter 9A.56 RCW shall not be
9 a condition precedent to maintenance of a civil action authorized by
10 this section.

11 (5) An owner or seller demanding payment of a penalty under
12 subsection (1) or (2) of this section shall give written notice to
13 the person or persons from whom the penalty is sought. The notice
14 shall state:

15 "IMPORTANT NOTICE: The payment of any penalty demanded of you
16 does not prevent criminal prosecution under a related criminal
17 provision."

18 This notice shall be boldly and conspicuously displayed, in at
19 least the same size type as is used in the demand, and shall be sent
20 with the demand for payment of a penalty described in subsection (1)
21 or (2) of this section.

22 **Sec. 3.** RCW 4.92.060 and 1989 c 403 s 2 are each amended to read
23 as follows:

24 Whenever an action or proceeding for damages shall be instituted
25 against any state officer, including state elected officials,
26 employee, volunteer, or foster resource parent licensed in accordance
27 with chapter 74.15 RCW, arising from acts or omissions while
28 performing, or in good faith purporting to perform, official duties,
29 or, in the case of a foster resource parent, arising from the good
30 faith provision of foster care services, such officer, employee,
31 volunteer, or foster resource parent may request the attorney general
32 to authorize the defense of said action or proceeding at the expense
33 of the state.

34 **Sec. 4.** RCW 4.92.070 and 1999 c 163 s 5 are each amended to read
35 as follows:

36 If the attorney general shall find that said officer, employee,
37 or volunteer's acts or omissions were, or were purported to be in
38 good faith, within the scope of that person's official duties, or, in

1 the case of a foster resource parent, that the occurrence arose from
2 the good faith provision of foster care services, said request shall
3 be granted, in which event the necessary expenses of the defense of
4 said action or proceeding relating to a state officer, employee, or
5 volunteer shall be paid as provided in RCW 4.92.130. In the case of a
6 foster resource parent, necessary expenses of the defense shall be
7 paid from the appropriations made for the support of the department
8 to which such foster resource parent is attached. In such cases the
9 attorney general shall appear and defend such officer, employee,
10 volunteer, or foster resource parent, who shall assist and cooperate
11 in the defense of such suit. However, the attorney general may not
12 represent or provide private representation for a foster resource
13 parent in an action or proceeding brought by the department of social
14 and health services against that foster resource parent.

15 **Sec. 5.** RCW 4.92.150 and 2011 1st sp.s. c 43 s 514 are each
16 amended to read as follows:

17 After commencement of an action in a court of competent
18 jurisdiction upon a claim against the state, or any of its officers,
19 employees, or volunteers arising out of tortious conduct or pursuant
20 to 42 U.S.C. Sec. 1981 et seq., or against a foster resource parent
21 that the attorney general is defending pursuant to RCW 4.92.070, or
22 upon petition by the state, the attorney general, with the prior
23 approval of the office of risk management and with the approval of
24 the court, following such testimony as the court may require, may
25 compromise and settle the same and stipulate for judgment against the
26 state, the affected officer, employee, volunteer, or foster resource
27 parent.

28 **Sec. 6.** RCW 9A.44.093 and 2009 c 324 s 1 are each amended to
29 read as follows:

30 (1) A person is guilty of sexual misconduct with a minor in the
31 first degree when: (a) The person has, or knowingly causes another
32 person under the age of eighteen to have, sexual intercourse with
33 another person who is at least sixteen years old but less than
34 eighteen years old and not married to the perpetrator, if the
35 perpetrator is at least sixty months older than the victim, is in a
36 significant relationship to the victim, and abuses a supervisory
37 position within that relationship in order to engage in or cause
38 another person under the age of eighteen to engage in sexual

1 intercourse with the victim; (b) the person is a school employee who
2 has, or knowingly causes another person under the age of eighteen to
3 have, sexual intercourse with an enrolled student of the school who
4 is at least sixteen years old and not more than twenty-one years old
5 and not married to the employee, if the employee is at least sixty
6 months older than the student; or (c) the person is a foster resource
7 parent who has, or knowingly causes another person under the age of
8 eighteen to have, sexual intercourse with his or her foster child who
9 is at least sixteen.

10 (2) Sexual misconduct with a minor in the first degree is a class
11 C felony.

12 (3) For the purposes of this section:

13 (a) "Enrolled student" means any student enrolled at or attending
14 a program hosted or sponsored by a common school as defined in RCW
15 28A.150.020, or a student enrolled at or attending a program hosted
16 or sponsored by a private school under chapter 28A.195 RCW, or any
17 person who receives home-based instruction under chapter 28A.200 RCW.

18 (b) "School employee" means an employee of a common school
19 defined in RCW 28A.150.020, or a grade kindergarten through twelve
20 employee of a private school under chapter 28A.195 RCW, who is not
21 enrolled as a student of the common school or private school.

22 **Sec. 7.** RCW 9A.44.096 and 2009 c 324 s 2 are each amended to
23 read as follows:

24 (1) A person is guilty of sexual misconduct with a minor in the
25 second degree when: (a) The person has, or knowingly causes another
26 person under the age of eighteen to have, sexual contact with another
27 person who is at least sixteen years old but less than eighteen years
28 old and not married to the perpetrator, if the perpetrator is at
29 least sixty months older than the victim, is in a significant
30 relationship to the victim, and abuses a supervisory position within
31 that relationship in order to engage in or cause another person under
32 the age of eighteen to engage in sexual contact with the victim; (b)
33 the person is a school employee who has, or knowingly causes another
34 person under the age of eighteen to have, sexual contact with an
35 enrolled student of the school who is at least sixteen years old and
36 not more than twenty-one years old and not married to the employee,
37 if the employee is at least sixty months older than the student; or
38 (c) the person is a foster resource parent who has, or knowingly

1 causes another person under the age of eighteen to have, sexual
2 contact with his or her foster child who is at least sixteen.

3 (2) Sexual misconduct with a minor in the second degree is a
4 gross misdemeanor.

5 (3) For the purposes of this section:

6 (a) "Enrolled student" means any student enrolled at or attending
7 a program hosted or sponsored by a common school as defined in RCW
8 28A.150.020, or a student enrolled at or attending a program hosted
9 or sponsored by a private school under chapter 28A.195 RCW, or any
10 person who receives home-based instruction under chapter 28A.200 RCW.

11 (b) "School employee" means an employee of a common school
12 defined in RCW 28A.150.020, or a grade kindergarten through twelve
13 employee of a private school under chapter 28A.195 RCW, who is not
14 enrolled as a student of the common school or private school.

15 **Sec. 8.** RCW 13.34.045 and 2013 c 182 s 3 are each amended to
16 read as follows:

17 (1) The department must identify an educational liaison for youth
18 in grades six through twelve who are subject to a proceeding under
19 this chapter and who meet one of the following requirements:

20 (a) All parental rights have been terminated;

21 (b) Parents are unavailable because of incarceration or other
22 limitations;

23 (c) The court has restricted contact between the youth and
24 parents; or

25 (d) The youth is placed in a behavioral rehabilitative setting
26 and the court has limited the educational rights of parents.

27 (2) If a child is placed in the custody of the department at the
28 shelter care hearing, the department shall recommend the identified
29 educational liaison at the shelter care hearing and all subsequent
30 review hearings for the given case. The purpose of identifying the
31 educational liaison at each hearing during the dependency case is to
32 determine if the identified educational liaison remains appropriate
33 for the case as youth change placements.

34 (3) It is presumed that the educational liaison is the youth's
35 parent. If a youth's parent is not able to serve as the educational
36 liaison, the department must identify another person to act as the
37 educational liaison. It is preferred that the educational liaison be
38 known to the youth and be a relative, other suitable person as
39 described in RCW 13.34.130(1)(b), or the youth's foster resource

1 parent. Birth parents with a primary plan of family reunification may
2 serve as the educational liaison. The identified educational liaison
3 should be a person committed to providing enduring educational
4 support to the youth. If the department is not able to identify an
5 adult with an existing relationship to the youth who is able to serve
6 as the educational liaison, the court may appoint another adult as
7 the educational liaison, such as the court-appointed special advocate
8 if applicable, but may not appoint the youth's caseworker. In the
9 event that any party disagrees with the department's recommendation,
10 the court shall determine who will serve as the educational liaison
11 based on who is most appropriate and available to act in the youth's
12 educational interest.

13 **Sec. 9.** RCW 13.34.145 and 2019 c 172 s 15 are each amended to
14 read as follows:

15 (1) The purpose of a permanency planning hearing is to review the
16 permanency plan for the child, inquire into the welfare of the child
17 and progress of the case, and reach decisions regarding the permanent
18 placement of the child.

19 (a) A permanency planning hearing shall be held in all cases
20 where the child has remained in out-of-home care for at least nine
21 months and an adoption decree, guardianship order, or permanent
22 custody order has not previously been entered. The hearing shall take
23 place no later than twelve months following commencement of the
24 current placement episode.

25 (b) Whenever a child is removed from the home of a dependency
26 guardian or long-term relative or foster care provider, and the child
27 is not returned to the home of the parent, guardian, or legal
28 custodian but is placed in out-of-home care, a permanency planning
29 hearing shall take place no later than twelve months, as provided in
30 this section, following the date of removal unless, prior to the
31 hearing, the child returns to the home of the dependency guardian or
32 long-term care provider, the child is placed in the home of the
33 parent, guardian, or legal custodian, an adoption decree,
34 guardianship order, or a permanent custody order is entered, or the
35 dependency is dismissed. Every effort shall be made to provide
36 stability in long-term placement, and to avoid disruption of
37 placement, unless the child is being returned home or it is in the
38 best interest of the child.

1 (c) Permanency planning goals should be achieved at the earliest
2 possible date, preferably before the child has been in out-of-home
3 care for fifteen months. In cases where parental rights have been
4 terminated, the child is legally free for adoption, and adoption has
5 been identified as the primary permanency planning goal, it shall be
6 a goal to complete the adoption within six months following entry of
7 the termination order.

8 (2) No later than ten working days prior to the permanency
9 planning hearing, the agency having custody of the child shall submit
10 a written permanency plan to the court and shall mail a copy of the
11 plan to all parties and their legal counsel, if any.

12 (3) When the youth is at least age seventeen years but not older
13 than seventeen years and six months, the department shall provide the
14 youth with written documentation which explains the availability of
15 extended foster care services and detailed instructions regarding how
16 the youth may access such services after he or she reaches age
17 eighteen years.

18 (4) At the permanency planning hearing, the court shall conduct
19 the following inquiry:

20 (a) If a goal of long-term foster or relative care has been
21 achieved prior to the permanency planning hearing, the court shall
22 review the child's status to determine whether the placement and the
23 plan for the child's care remain appropriate. The court shall find,
24 as of the date of the hearing, that the child's placement and plan of
25 care is the best permanency plan for the child and provide compelling
26 reasons why it continues to not be in the child's best interest to
27 (i) return home; (ii) be placed for adoption; (iii) be placed with a
28 legal guardian; or (iv) be placed with a fit and willing relative. If
29 the child is present at the hearing, the court should ask the child
30 about his or her desired permanency outcome.

31 (b) In cases where the primary permanency planning goal has not
32 been achieved, the court shall inquire regarding the reasons why the
33 primary goal has not been achieved and determine what needs to be
34 done to make it possible to achieve the primary goal. The court shall
35 review the permanency plan prepared by the agency and make explicit
36 findings regarding each of the following:

37 (i) The continuing necessity for, and the safety and
38 appropriateness of, the placement;

1 (ii) The extent of compliance with the permanency plan by the
2 department and any other service providers, the child's parents, the
3 child, and the child's guardian, if any;

4 (iii) The extent of any efforts to involve appropriate service
5 providers in addition to department staff in planning to meet the
6 special needs of the child and the child's parents;

7 (iv) The progress toward eliminating the causes for the child's
8 placement outside of his or her home and toward returning the child
9 safely to his or her home or obtaining a permanent placement for the
10 child;

11 (v) The date by which it is likely that the child will be
12 returned to his or her home or placed for adoption, with a guardian
13 or in some other alternative permanent placement; and

14 (vi) If the child has been placed outside of his or her home for
15 fifteen of the most recent twenty-two months, not including any
16 period during which the child was a runaway from the out-of-home
17 placement or the first six months of any period during which the
18 child was returned to his or her home for a trial home visit, the
19 appropriateness of the permanency plan, whether reasonable efforts
20 were made by the department to achieve the goal of the permanency
21 plan, and the circumstances which prevent the child from any of the
22 following:

23 (A) Being returned safely to his or her home;

24 (B) Having a petition for the involuntary termination of parental
25 rights filed on behalf of the child;

26 (C) Being placed for adoption;

27 (D) Being placed with a guardian;

28 (E) Being placed in the home of a fit and willing relative of the
29 child; or

30 (F) Being placed in some other alternative permanent placement,
31 including independent living or long-term foster care.

32 (c) Regardless of whether the primary permanency planning goal
33 has been achieved, for a child who remains placed in a qualified
34 residential treatment program as defined in this chapter for at least
35 sixty days, and remains placed there at subsequent permanency
36 planning hearings, the court shall establish in writing:

37 (i) Whether ongoing assessment of the child's strengths and needs
38 continues to support the determination that the child's needs cannot
39 be met through placement in a foster family home;

1 (ii) Whether the child's placement provides the most effective
2 and appropriate level of care in the least restrictive environment;

3 (iii) Whether the placement is consistent with the child's short
4 and long-term goals as stated in the child's permanency plan;

5 (iv) What specific treatment or service needs will be met in the
6 placement, and how long the child is expected to need the treatment
7 or services; and

8 (v) What efforts the department has made to prepare the child to
9 return home or be placed with a fit and willing relative as defined
10 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
11 or in a foster family home.

12 (5) Following this inquiry, at the permanency planning hearing,
13 the court shall order the department to file a petition seeking
14 termination of parental rights if the child has been in out-of-home
15 care for fifteen of the last twenty-two months since the date the
16 dependency petition was filed unless the court makes a good cause
17 exception as to why the filing of a termination of parental rights
18 petition is not appropriate. Any good cause finding shall be reviewed
19 at all subsequent hearings pertaining to the child.

20 (a) For purposes of this subsection, "good cause exception"
21 includes but is not limited to the following:

22 (i) The child is being cared for by a relative;

23 (ii) The department has not provided to the child's family such
24 services as the court and the department have deemed necessary for
25 the child's safe return home;

26 (iii) The department has documented in the case plan a compelling
27 reason for determining that filing a petition to terminate parental
28 rights would not be in the child's best interests;

29 (iv) The parent is incarcerated, or the parent's prior
30 incarceration is a significant factor in why the child has been in
31 foster care for fifteen of the last twenty-two months, the parent
32 maintains a meaningful role in the child's life, and the department
33 has not documented another reason why it would be otherwise
34 appropriate to file a petition pursuant to this section;

35 (v) Where a parent has been accepted into a dependency treatment
36 court program or long-term substance abuse or dual diagnoses
37 treatment program and is demonstrating compliance with treatment
38 goals; or

39 (vi) Where a parent who has been court ordered to complete
40 services necessary for the child's safe return home files a

1 declaration under penalty of perjury stating the parent's financial
2 inability to pay for the same court-ordered services, and also
3 declares the department was unwilling or unable to pay for the same
4 services necessary for the child's safe return home.

5 (b) The court's assessment of whether a parent who is
6 incarcerated maintains a meaningful role in the child's life may
7 include consideration of the following:

8 (i) The parent's expressions or acts of manifesting concern for
9 the child, such as letters, telephone calls, visits, and other forms
10 of communication with the child;

11 (ii) The parent's efforts to communicate and work with the
12 department or other individuals for the purpose of complying with the
13 service plan and repairing, maintaining, or building the parent-child
14 relationship;

15 (iii) A positive response by the parent to the reasonable efforts
16 of the department;

17 (iv) Information provided by individuals or agencies in a
18 reasonable position to assist the court in making this assessment,
19 including but not limited to the parent's attorney, correctional and
20 mental health personnel, or other individuals providing services to
21 the parent;

22 (v) Limitations in the parent's access to family support
23 programs, therapeutic services, and visiting opportunities,
24 restrictions to telephone and mail services, inability to participate
25 in foster care planning meetings, and difficulty accessing lawyers
26 and participating meaningfully in court proceedings; and

27 (vi) Whether the continued involvement of the parent in the
28 child's life is in the child's best interest.

29 (c) The constraints of a parent's current or prior incarceration
30 and associated delays or barriers to accessing court-mandated
31 services may be considered in rebuttal to a claim of aggravated
32 circumstances under RCW 13.34.132(4)(h) for a parent's failure to
33 complete available treatment.

34 (6)(a) If the permanency plan identifies independent living as a
35 goal, the court at the permanency planning hearing shall make a
36 finding that the provision of services to assist the child in making
37 a transition from foster care to independent living will allow the
38 child to manage his or her financial, personal, social, educational,
39 and nonfinancial affairs prior to approving independent living as a

1 permanency plan of care. The court will inquire whether the child has
2 been provided information about extended foster care services.

3 (b) The permanency plan shall also specifically identify the
4 services, including extended foster care services, where appropriate,
5 that will be provided to assist the child to make a successful
6 transition from foster care to independent living.

7 (c) The department shall not discharge a child to an independent
8 living situation before the child is eighteen years of age unless the
9 child becomes emancipated pursuant to chapter 13.64 RCW.

10 (7) If the child has resided in the home of a foster resource
11 parent or relative for more than six months prior to the permanency
12 planning hearing, the court shall:

13 (a) Enter a finding regarding whether the foster resource parent
14 or relative was informed of the hearing as required in RCW 74.13.280,
15 13.34.215(6), and 13.34.096; and

16 (b) If the department is recommending a placement other than the
17 child's current placement with a foster resource parent, relative, or
18 other suitable person, enter a finding as to the reasons for the
19 recommendation for a change in placement.

20 (8) In all cases, at the permanency planning hearing, the court
21 shall:

22 (a)(i) Order the permanency plan prepared by the department to be
23 implemented; or

24 (ii) Modify the permanency plan, and order implementation of the
25 modified plan; and

26 (b)(i) Order the child returned home only if the court finds that
27 a reason for removal as set forth in RCW 13.34.130 no longer exists;
28 or

29 (ii) Order the child to remain in out-of-home care for a limited
30 specified time period while efforts are made to implement the
31 permanency plan.

32 (9) Following the first permanency planning hearing, the court
33 shall hold a further permanency planning hearing in accordance with
34 this section at least once every twelve months until a permanency
35 planning goal is achieved or the dependency is dismissed, whichever
36 occurs first.

37 (10) Prior to the second permanency planning hearing, the agency
38 that has custody of the child shall consider whether to file a
39 petition for termination of parental rights.

1 (11) If the court orders the child returned home, casework
2 supervision by the department shall continue for at least six months,
3 at which time a review hearing shall be held pursuant to RCW
4 13.34.138, and the court shall determine the need for continued
5 intervention.

6 (12) The juvenile court may hear a petition for permanent legal
7 custody when: (a) The court has ordered implementation of a
8 permanency plan that includes permanent legal custody; and (b) the
9 party pursuing the permanent legal custody is the party identified in
10 the permanency plan as the prospective legal custodian. During the
11 pendency of such proceeding, the court shall conduct review hearings
12 and further permanency planning hearings as provided in this chapter.
13 At the conclusion of the legal guardianship or permanent legal
14 custody proceeding, a juvenile court hearing shall be held for the
15 purpose of determining whether dependency should be dismissed. If a
16 guardianship or permanent custody order has been entered, the
17 dependency shall be dismissed.

18 (13) Continued juvenile court jurisdiction under this chapter
19 shall not be a barrier to the entry of an order establishing a legal
20 guardianship or permanent legal custody when the requirements of
21 subsection (12) of this section are met.

22 (14) Nothing in this chapter may be construed to limit the
23 ability of the agency that has custody of the child to file a
24 petition for termination of parental rights or a guardianship
25 petition at any time following the establishment of dependency. Upon
26 the filing of such a petition, a fact-finding hearing shall be
27 scheduled and held in accordance with this chapter unless the
28 department requests dismissal of the petition prior to the hearing or
29 unless the parties enter an agreed order terminating parental rights,
30 establishing guardianship, or otherwise resolving the matter.

31 (15) The approval of a permanency plan that does not contemplate
32 return of the child to the parent does not relieve the department of
33 its obligation to provide reasonable services, under this chapter,
34 intended to effectuate the return of the child to the parent,
35 including but not limited to, visitation rights. The court shall
36 consider the child's relationships with siblings in accordance with
37 RCW 13.34.130.

38 (16) Nothing in this chapter may be construed to limit the
39 procedural due process rights of any party in a termination or
40 guardianship proceeding filed under this chapter.

1 **Sec. 10.** RCW 13.34.215 and 2018 c 284 s 22 are each amended to
2 read as follows:

3 (1) A child may petition the juvenile court to reinstate the
4 previously terminated parental rights of his or her parent under the
5 following circumstances:

6 (a) The child was previously found to be a dependent child under
7 this chapter;

8 (b) The child's parent's rights were terminated in a proceeding
9 under this chapter;

10 (c) (i) The child has not achieved his or her permanency plan; or

11 (ii) While the child achieved a permanency plan, it has not since
12 been sustained;

13 (d) Three years have passed since the final order of termination
14 was entered; and

15 (e) The child must be at least twelve years old at the time the
16 petition is filed. Upon the child's motion for good cause shown, or
17 on its own motion, the court may hear a petition filed by a child
18 younger than twelve years old.

19 (2) If the child is eligible to petition the juvenile court under
20 subsection (1) of this section and a parent whose rights have been
21 previously terminated contacts the department or the child's guardian
22 ad litem regarding reinstatement, the department or the guardian ad
23 litem must notify the eligible child about his or her right to
24 petition for reinstatement of parental rights.

25 (3) A child seeking to petition under this section shall be
26 provided counsel at no cost to the child.

27 (4) The petition must be signed by the child in the absence of a
28 showing of good cause as to why the child could not do so.

29 (5) If, after a threshold hearing to consider the parent's
30 apparent fitness and interest in reinstatement of parental rights,
31 the court finds by a preponderance of the evidence that the best
32 interests of the child may be served by reinstatement of parental
33 rights, the juvenile court shall order that a hearing on the merits
34 of the petition be held.

35 (6) The court shall give prior notice for any proceeding under
36 this section, or cause prior notice to be given, to the department,
37 the child's attorney, and the child. The court shall also order the
38 department to give prior notice of any hearing to the child's former
39 parent whose parental rights are the subject of the petition, any
40 parent whose rights have not been terminated, the child's current

1 foster resource parent, relative caregiver, guardian or custodian,
2 and the child's tribe, if applicable.

3 (7) The juvenile court shall conditionally grant the petition if
4 it finds by clear and convincing evidence that the child has not
5 achieved his or her permanency plan and is not likely to imminently
6 achieve his or her permanency plan and that reinstatement of parental
7 rights is in the child's best interest. In determining whether
8 reinstatement is in the child's best interest the court shall
9 consider, but is not limited to, the following:

10 (a) Whether the parent whose rights are to be reinstated is a fit
11 parent and has remedied his or her deficits as provided in the record
12 of the prior termination proceedings and prior termination order;

13 (b) The age and maturity of the child, and the ability of the
14 child to express his or her preference;

15 (c) Whether the reinstatement of parental rights will present a
16 risk to the child's health, welfare, or safety; and

17 (d) Other material changes in circumstances, if any, that may
18 have occurred which warrant the granting of the petition.

19 (8) In determining whether the child has or has not achieved his
20 or her permanency plan or whether the child is likely to achieve his
21 or her permanency plan, the department shall provide the court, and
22 the court shall review, information related to any efforts to achieve
23 the permanency plan including efforts to achieve adoption or a
24 permanent guardianship.

25 (9)(a) If the court conditionally grants the petition under
26 subsection (7) of this section, the case will be continued for six
27 months and a temporary order of reinstatement entered. During this
28 period, the child shall be placed in the custody of the parent. The
29 department shall develop a permanency plan for the child reflecting
30 the plan to be reunification and shall provide transition services to
31 the family as appropriate.

32 (b) If the child must be removed from the parent due to abuse or
33 neglect allegations prior to the expiration of the conditional six-
34 month period, the court shall dismiss the petition for reinstatement
35 of parental rights if the court finds the allegations have been
36 proven by a preponderance of the evidence.

37 (c) If the child has been successfully placed with the parent for
38 six months, the court order reinstating parental rights remains in
39 effect and the court shall dismiss the dependency.

1 (10) After the child has been placed with the parent for six
2 months, the court shall hold a hearing. If the placement with the
3 parent has been successful, the court shall enter a final order of
4 reinstatement of parental rights, which shall restore all rights,
5 powers, privileges, immunities, duties, and obligations of the parent
6 as to the child, including those relating to custody, control, and
7 support of the child. The court shall dismiss the dependency and
8 direct the clerk's office to provide a certified copy of the final
9 order of reinstatement of parental rights to the parent at no cost.

10 (11) The granting of the petition under this section does not
11 vacate or otherwise affect the validity of the original termination
12 order.

13 (12) Any parent whose rights are reinstated under this section
14 shall not be liable for any child support owed to the department
15 pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services
16 provided to a child for the time period from the date of termination
17 of parental rights to the date parental rights are reinstated.

18 (13) A proceeding to reinstate parental rights is a separate
19 action from the termination of parental rights proceeding and does
20 not vacate the original termination of parental rights. An order
21 granted under this section reinstates the parental rights to the
22 child. This reinstatement is a recognition that the situation of the
23 parent and child have changed since the time of the termination of
24 parental rights and reunification is now appropriate.

25 (14) This section is retroactive and applies to any child who is
26 under the jurisdiction of the juvenile court at the time of the
27 hearing regardless of the date parental rights were terminated.

28 (15) The state, the department, and its employees are not liable
29 for civil damages resulting from any act or omission in the provision
30 of services under this section, unless the act or omission
31 constitutes gross negligence. This section does not create any duty
32 and shall not be construed to create a duty where none exists. This
33 section does not create a cause of action against the state, the
34 department, or its employees concerning the original termination.

35 **Sec. 11.** RCW 13.34.234 and 2010 c 272 s 15 are each amended to
36 read as follows:

37 A dependency guardian who is a licensed foster resource parent at
38 the time the guardianship is established under this chapter and who
39 has been the child's foster resource parent for a minimum of six

1 consecutive months preceding entry of the guardianship order may be
2 eligible for a guardianship subsidy on behalf of the child.

3 **Sec. 12.** RCW 13.34.260 and 2011 c 89 s 5 are each amended to
4 read as follows:

5 (1) In an attempt to minimize the inherent intrusion in the lives
6 of families involved in the foster care system and to maintain
7 parental authority where appropriate, the department, absent good
8 cause, shall follow the wishes of the natural parent regarding the
9 placement of the child with a relative or other suitable person
10 pursuant to RCW 13.34.130. Preferences such as family constellation,
11 sibling relationships, ethnicity, and religion shall be considered
12 when matching children to foster homes. Parental authority is
13 appropriate in areas that are not connected with the abuse or neglect
14 that resulted in the dependency and shall be integrated through the
15 foster care team.

16 (2) When a child is placed in out-of-home care, relatives, other
17 suitable persons, and foster resource parents are encouraged to:

18 (a) Provide consultation to the foster care team based upon their
19 experience with the child placed in their care;

20 (b) Assist the birth parents by helping them understand their
21 child's needs and correlating appropriate parenting responses;

22 (c) Participate in educational activities, and enter into
23 community-building activities with birth families and other foster
24 families;

25 (d) Transport children to family time visits with birth families
26 and assist children and their families in maximizing the
27 purposefulness of family time.

28 (3) For purposes of this section:

29 (a) "Foster care team" means the relative, other suitable person,
30 or foster resource parent currently providing care, the currently
31 assigned department employee, and the parent or parents; and

32 (b) "Birth family" means the persons described in RCW
33 74.15.020(2)(a).

34 **Sec. 13.** RCW 13.34.385 and 2018 c 284 s 30 are each amended to
35 read as follows:

36 (1) A relative of a dependent child may petition the juvenile
37 court for reasonable visitation with the child if:

1 (a) The child has been found to be a dependent child under this
2 chapter;

3 (b) The parental rights of both of the child's parents have been
4 terminated;

5 (c) The child is in the custody of the department or another
6 public agency; and

7 (d) The child has not been adopted and is not in a preadoptive
8 home or other permanent placement at the time the petition for
9 visitation is filed.

10 (2) The court shall give prior notice for any proceeding under
11 this section, or cause prior notice to be given, to the department,
12 other public agency, or agency having custody of the child, the
13 child's attorney or guardian ad litem if applicable, and the child.
14 The court shall also order the custodial agency to give prior notice
15 of any hearing to the child's current foster resource parent,
16 relative caregiver, guardian or custodian, and the child's tribe, if
17 applicable.

18 (3) The juvenile court may grant the petition for visitation if
19 it finds that the requirements of subsection (1) of this section have
20 been met, and that unsupervised visitation between the child and the
21 relative does not present a risk to the child's safety or well-being
22 and that the visitation is in the best interests of the child. In
23 determining the best interests of the child the court shall consider,
24 but is not limited to, the following:

25 (a) The love, affection, and strength of the relationship between
26 the child and the relative;

27 (b) The length and quality of the prior relationship between the
28 child and the relative;

29 (c) Any criminal convictions for or founded history of abuse or
30 neglect of a child by the relative;

31 (d) Whether the visitation will present a risk to the child's
32 health, welfare, or safety;

33 (e) The child's reasonable preference, if the court considers the
34 child to be of sufficient age to express a preference;

35 (f) Any other factor relevant to the child's best interest.

36 (4) The visitation order may be modified at any time upon a
37 showing that the visitation poses a risk to the child's safety or
38 well-being. The visitation order shall state that visitation will
39 automatically terminate upon the child's placement in a preadoptive

1 home, if the child is adopted, or if there is a subsequent founded
2 abuse or neglect allegation against the relative.

3 (5) The granting of the petition under this section does not
4 grant the relative the right to participate in the dependency action
5 and does not grant any rights to the relative not otherwise specified
6 in the visitation order.

7 (6) This section is retroactive and applies to any eligible
8 dependent child at the time of the filing of the petition for
9 visitation, regardless of the date parental rights were terminated.

10 (7) For the purpose of this section, "relative" means a relative
11 as defined in RCW 74.15.020(2)(a), except parents.

12 (8) This section is intended to provide an additional procedure
13 by which a relative may request visitation with a dependent child. It
14 is not intended to impair or alter the ability a court currently has
15 to order visitation with a relative under the dependency statutes.

16 **Sec. 14.** RCW 13.34.820 and 2017 3rd sp.s. c 6 s 309 are each
17 amended to read as follows:

18 (1) The administrative office of the courts, in consultation with
19 the attorney general's office and the department, shall compile an
20 annual report, providing information about cases that fail to meet
21 statutory guidelines to achieve permanency for dependent children.

22 (2) The administrative office of the courts shall submit the
23 annual report required by this section to appropriate committees of
24 the legislature by December 1st of each year, beginning on December
25 1, 2007. The administrative office of the courts shall also submit
26 the annual report to a representative of the statewide organization
27 representing foster resource parents (~~(association of Washington~~
28 ~~state)~~).

29 (3) The annual report shall include information regarding whether
30 foster resource parents received timely notification of dependency
31 hearings as required by RCW 13.34.096 and 13.34.145 and whether
32 caregivers submitted reports to the court.

33 **Sec. 15.** RCW 13.36.090 and 2010 c 272 s 9 are each amended to
34 read as follows:

35 (1) A relative guardian who is a licensed foster resource parent
36 at the time a guardianship is established under this chapter and who
37 has been the child's foster resource parent for a minimum of six
38 consecutive months preceding entry of the guardianship order is

1 eligible for a relative guardianship subsidy on behalf of the child.
2 The department may establish rules setting eligibility, application,
3 and program standards consistent with applicable federal guidelines
4 for expenditure of federal funds.

5 (2) Within amounts appropriated for this specific purpose, a
6 guardian who is a licensed foster resource parent at the time a
7 guardianship is established under this chapter and who has been the
8 child's foster resource parent for a minimum of six consecutive
9 months preceding entry of the guardianship order is eligible for a
10 guardianship subsidy on behalf of the child.

11 **Sec. 16.** RCW 13.38.130 and 2011 c 309 s 13 are each amended to
12 read as follows:

13 (1) A party seeking to effect an involuntary foster care
14 placement of or the involuntary termination of parental rights to an
15 Indian child shall satisfy the court that active efforts have been
16 made to provide remedial services and rehabilitative programs
17 designed to prevent the breakup of the Indian family and that these
18 efforts have proved unsuccessful.

19 (2) No involuntary foster care placement may be ordered in a
20 child custody proceeding in the absence of a determination, supported
21 by clear and convincing evidence, including testimony of qualified
22 expert witnesses, that the continued custody of the child by the
23 parent or Indian custodian is likely to result in serious emotional
24 or physical damage to the child. For purposes of this subsection, any
25 harm that may result from interfering with the bond or attachment
26 between the foster resource parent and the child shall not be the
27 sole basis or primary reason for continuing the child in foster care.

28 (3) No involuntary termination of parental rights may be ordered
29 in a child custody proceeding in the absence of a determination,
30 supported by evidence beyond a reasonable doubt, including testimony
31 of qualified expert witnesses, that the continued custody of the
32 child by the parent or Indian custodian is likely to result in
33 serious emotional or physical damage to the child. For the purposes
34 of this subsection, any harm that may result from interfering with
35 the bond or attachment that may have formed between the child and a
36 foster care provider shall not be the sole basis or primary reason
37 for termination of parental rights over an Indian child.

38 (4)(a) For purposes of this section, "qualified expert witness"
39 means a person who provides testimony in a proceeding under this

1 chapter to assist a court in the determination of whether the
2 continued custody of the child by, or return of the child to, the
3 parent, parents, or Indian custodian, is likely to result in serious
4 emotional or physical damage to the child. In any proceeding in which
5 the child's Indian tribe has intervened pursuant to RCW 13.38.090 or,
6 if the department is the petitioner and the Indian child's tribe has
7 entered into a local agreement with the department for the provision
8 of child welfare services, the petitioner shall contact the tribe and
9 ask the tribe to identify a tribal member or other person of the
10 tribe's choice who is recognized by the tribe as knowledgeable
11 regarding tribal customs as they pertain to family organization or
12 child rearing practices. The petitioner shall notify the child's
13 Indian tribe of the need to provide a "qualified expert witness" at
14 least twenty days prior to any evidentiary hearing in which the
15 testimony of the witness will be required. If the child's Indian
16 tribe does not identify a "qualified expert witness" for the
17 proceeding on a timely basis, the petitioner may proceed to identify
18 such a witness pursuant to (b) of this subsection.

19 (b) In any proceeding in which the child's Indian tribe has not
20 intervened or entered into a local agreement with the department for
21 the provision of child welfare services, or a child's Indian tribe
22 has not responded to a request to identify a "qualified expert
23 witness" for the proceeding on a timely basis, the petitioner shall
24 provide a "qualified expert witness" who meets one or more of the
25 following requirements in descending order of preference:

26 (i) A member of the child's Indian tribe or other person of the
27 tribe's choice who is recognized by the tribe as knowledgeable
28 regarding tribal customs as they pertain to family organization or
29 child rearing practices for this purpose;

30 (ii) Any person having substantial experience in the delivery of
31 child and family services to Indians, and extensive knowledge of
32 prevailing social and cultural standards and child rearing practices
33 within the Indian child's tribe;

34 (iii) Any person having substantial experience in the delivery of
35 child and family services to Indians, and knowledge of prevailing
36 social and cultural standards and child rearing practices in Indian
37 tribes with cultural similarities to the Indian child's tribe; or

38 (iv) A professional person having substantial education and
39 experience in the area of his or her specialty.

1 (c) When the petitioner is the department or a supervising
2 agency, the currently assigned department or agency caseworker or the
3 caseworker's supervisor may not testify as a "qualified expert
4 witness" for purposes of this section. Nothing in this section shall
5 bar the assigned department or agency caseworker or the caseworker's
6 supervisor from testifying as an expert witness for other purposes in
7 a proceeding under this chapter. Nothing in this section shall bar
8 other department or supervising agency employees with appropriate
9 expert qualifications or experience from testifying as a "qualified
10 expert witness" in a proceeding under this chapter. Nothing in this
11 section shall bar the petitioner or any other party in a proceeding
12 under this chapter from providing additional witnesses or expert
13 testimony, subject to the approval of the court, on any issue before
14 the court including the determination of whether the continued
15 custody of the child by, or return of the child to, the parent,
16 parents, or Indian custodian, is likely to result in serious
17 emotional or physical damage to the child.

18 **Sec. 17.** RCW 26.44.031 and 2012 c 259 s 4 are each amended to
19 read as follows:

20 (1) To protect the privacy in reporting and the maintenance of
21 reports of nonaccidental injury, neglect, death, sexual abuse, and
22 cruelty to children by their parents, and to safeguard against
23 arbitrary, malicious, or erroneous information or actions, the
24 department shall not disclose or maintain information related to
25 reports of child abuse or neglect except as provided in this section
26 or as otherwise required by state and federal law.

27 (2) The department shall destroy all of its records concerning:

28 (a) A screened-out report, within three years from the receipt of
29 the report; and

30 (b) An unfounded or inconclusive report, within six years of
31 completion of the investigation, unless a prior or subsequent founded
32 report has been received regarding the child who is the subject of
33 the report, a sibling or half-sibling of the child, or a parent,
34 guardian, or legal custodian of the child, before the records are
35 destroyed.

36 (3) The department may keep records concerning founded reports of
37 child abuse or neglect as the department determines by rule.

38 (4) No unfounded, screened-out, or inconclusive report or
39 information about a family's participation or nonparticipation in the

1 family assessment response may be disclosed to a child-placing
2 agency, private adoption agency, or any other provider licensed under
3 chapter 74.15 RCW without the consent of the individual who is the
4 subject of the report or family assessment, unless:

5 (a) The individual seeks to become a licensed foster resource
6 parent or adoptive parent; or

7 (b) The individual is the parent or legal custodian of a child
8 being served by one of the agencies referenced in this subsection.

9 (5) (a) If the department fails to comply with this section, an
10 individual who is the subject of a report may institute proceedings
11 for injunctive or other appropriate relief for enforcement of the
12 requirement to purge information. These proceedings may be instituted
13 in the superior court for the county in which the person resides or,
14 if the person is not then a resident of this state, in the superior
15 court for Thurston county.

16 (b) If the department fails to comply with subsection (4) of this
17 section and an individual who is the subject of the report or family
18 assessment response information is harmed by the disclosure of
19 information, in addition to the relief provided in (a) of this
20 subsection, the court may award a penalty of up to one thousand
21 dollars and reasonable attorneys' fees and court costs to the
22 petitioner.

23 (c) A proceeding under this subsection does not preclude other
24 methods of enforcement provided for by law.

25 (6) Nothing in this section shall prevent the department from
26 retaining general, nonidentifying information which is required for
27 state and federal reporting and management purposes.

28 **Sec. 18.** RCW 26.44.190 and 1999 c 389 s 9 are each amended to
29 read as follows:

30 A law enforcement agency shall not allow a law enforcement
31 officer to participate as an investigator in the investigation of
32 alleged abuse or neglect concerning a child for whom the law
33 enforcement officer is, or has been, a parent, guardian, or foster
34 resource parent. This section is not intended to limit the authority
35 or duty of a law enforcement officer to report, testify, or be
36 examined as authorized or required by this chapter, or to perform
37 other official duties as a law enforcement officer.

1 **Sec. 19.** RCW 28A.150.510 and 2017 3rd sp.s. c 6 s 336 are each
2 amended to read as follows:

3 (1) In order to effectively serve students who are dependent
4 pursuant to chapter 13.34 RCW, education records shall be transmitted
5 to the department of children, youth, and families within two school
6 days after receiving the request from the department provided that
7 the department certifies that it will not disclose to any other party
8 the education records without prior written consent of the parent or
9 student unless authorized to disclose the records under state law.
10 The department of children, youth, and families is authorized to
11 disclose education records it obtains pursuant to this section to a
12 foster resource parent, guardian, or other entity authorized by the
13 department to provide residential care to the student. The department
14 is also authorized to disclose educational records it obtains
15 pursuant to this section to those entities with which it has
16 contracted, or with which it is formally collaborating, having
17 responsibility for educational support services and educational
18 outcomes of students who are dependent pursuant to chapter 13.34 RCW.
19 The department is encouraged to put in place data-sharing agreements
20 to assure accountability.

21 (2)(a) The K-12 data governance group established under RCW
22 28A.300.507 shall create a comprehensive needs requirement document
23 detailing the specific information, technical capacity, and any
24 federal and state statutory and regulatory changes needed by school
25 districts, the office of the superintendent of public instruction,
26 the department of children, youth, and families, or the higher
27 education coordinating board or its successor, to enable the
28 provision, on at least a quarterly basis, of:

29 (i) Current education records of students who are dependent
30 pursuant to chapter 13.34 RCW to the department of children, youth,
31 and families and, from the department, to those entities with which
32 the department has contracted, or with which it is formally
33 collaborating, having responsibility for educational support services
34 and educational outcomes; and

35 (ii) The names and contact information of students who are
36 dependent pursuant to chapter 13.34 RCW and are thirteen years or
37 older to the higher education coordinating board or its successor and
38 the private agency with which it has contracted to perform outreach
39 for the passport to (~~college promise~~) careers program under chapter

1 28B.117 RCW or the college bound scholarship program under chapter
2 28B.118 RCW.

3 (b) In complying with (a) of this subsection, the K-12 data
4 governance group shall consult with: Educational support service
5 organizations, with which the department of children, youth, and
6 families contracts or collaborates, having responsibility for
7 educational support services and educational outcomes of dependent
8 students; the passport to college advisory committee; the education
9 support service organizations under contract to perform outreach for
10 the passport to ((college—promise)) careers program under chapter
11 28B.117 RCW; the department of children, youth, and families; the
12 office of the attorney general; the higher education coordinating
13 board or its successor; and the office of the administrator for the
14 courts.

15 **Sec. 20.** RCW 41.04.674 and 2019 c 470 s 6 are each amended to
16 read as follows:

17 (1) The foster resource parent shared leave pool is created to
18 allow employees to donate leave to be used as shared leave for any
19 employee who is a foster resource parent needing to care for or
20 preparing to accept a foster child in their home. Participation in
21 the pool shall, at all times, be voluntary on the part of the
22 employee. The department of children, youth, and families, in
23 consultation with the office of financial management, shall
24 administer the foster resource parent shared leave pool.

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

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

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

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

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

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

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

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

- 6 (a) Overtime pay;
- 7 (b) Call back pay;
- 8 (c) Standby pay; or
- 9 (d) Performance bonuses.

10 (10) The office of financial management, in consultation with the
11 department of children, youth, and families, shall adopt rules and
12 policies governing the donation and use of shared leave from the
13 foster resource parent shared leave pool, including definitions of
14 pay and allowances and guidelines for agencies to use in
15 recordkeeping concerning shared leave.

16 (11) Agencies must investigate any alleged abuse of the foster
17 resource parent shared leave pool and on a finding of wrongdoing, the
18 employee may be required to repay all of the shared leave received
19 from the foster resource parent shared leave pool.

20 (12) Higher education institutions shall adopt policies
21 consistent with the needs of the employees under their respective
22 jurisdictions.

23 **Sec. 21.** RCW 43.06A.085 and 2013 c 23 s 78 are each amended to
24 read as follows:

25 (1) An employee of the office of the family and children's ombuds
26 is not liable for good faith performance of responsibilities under
27 this chapter.

28 (2) No discriminatory, disciplinary, or retaliatory action may be
29 taken against an employee of the department, an employee of a
30 contracting agency of the department, a foster resource parent, or a
31 recipient of family and children's services for any communication
32 made, or information given or disclosed, to aid the office of the
33 family and children's ombuds in carrying out its responsibilities,
34 unless the communication or information is made, given, or disclosed
35 maliciously or without good faith. This subsection is not intended to
36 infringe on the rights of the employer to supervise, discipline, or
37 terminate an employee for other reasons.

38 (3) All communications by an ombuds, if reasonably related to the
39 requirements of that individual's responsibilities under this chapter

1 and done in good faith, are privileged and that privilege shall serve
2 as a defense in any action in libel or slander.

3 **Sec. 22.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to
4 read as follows:

5 (1)(a) The department of children, youth, and families is created
6 as an executive branch agency. The department is vested with all
7 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
8 sp. sess. and such other powers and duties as may be authorized by
9 law. The vision for the department is that Washington state's
10 children and youth grow up safe and healthy—thriving physically,
11 emotionally, and academically, nurtured by family and community.

12 (b) The department, in partnership with state and local agencies,
13 tribes, and communities, shall protect children and youth from harm
14 and promote healthy development with effective, high quality
15 prevention, intervention, and early education services delivered in
16 an equitable manner. An important role for the department shall be to
17 provide preventative services to help secure and preserve families in
18 crisis. The department shall partner with the federally recognized
19 Indian tribes to develop effective services for youth and families
20 while respecting the sovereignty of those tribes and the government-
21 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
22 sp. sess. alters the duties, requirements, and policies of the
23 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
24 as amended, or the Indian child welfare act, chapter 13.38 RCW.

25 (2) Beginning July 1, 2018, the department must develop
26 definitions for, work plans to address, and metrics to measure the
27 outcomes for children, youth, and families served by the department
28 and must work with state agencies to ensure services for children,
29 youth, and families are science-based, outcome-driven, data-informed,
30 and collaborative.

31 (3)(a) Beginning July 1, 2018, the department must establish
32 short and long-term population level outcome measure goals, including
33 metrics regarding reducing disparities by family income, race, and
34 ethnicity in each outcome.

35 (b) The department must report to the legislature on outcome
36 measures, actions taken, progress toward these goals, and plans for
37 the future year, no less than annually, beginning December 1, 2018.

38 (c) The outcome measures must include, but are not limited to:

1 (i) Improving child development and school readiness through
2 voluntary, high quality early learning opportunities as measured by:
3 (A) Increasing the number and proportion of children kindergarten-
4 ready as measured by the Washington kindergarten inventory of
5 developing skills (WAKids) assessment including mathematics; (B)
6 increasing the proportion of children in early learning programs that
7 have achieved the level 3 or higher early achievers quality standard;
8 and (C) increasing the available supply of licensed child care in
9 both child care centers and family homes, including providers not
10 receiving state subsidy;

11 (ii) Preventing child abuse and neglect;

12 (iii) Improving child and youth safety, permanency, and well-
13 being as measured by: (A) Reducing the number of children entering
14 out-of-home care; (B) reducing a child's length of stay in out-of-
15 home care; (C) reducing maltreatment of youth while in out-of-home
16 care; (D) licensing more foster homes than there are children in
17 foster care; (E) reducing the number of children that reenter out-of-
18 home care within twelve months; (F) increasing the stability of
19 placements for children in out-of-home care; and (G) developing
20 strategies to demonstrate to foster families that their service and
21 involvement is highly valued by the department, as demonstrated by
22 the development of strategies to consult with foster families
23 regarding future placement of a foster child currently placed with a
24 foster family;

25 (iv) Improving reconciliation of children and youth with their
26 families as measured by: (A) Increasing family reunification; and (B)
27 increasing the number of youth who are reunified with their family of
28 origin;

29 (v) In collaboration with county juvenile justice programs,
30 improving adolescent outcomes including reducing multisystem
31 involvement and homelessness; and increasing school graduation rates
32 and successful transitions to adulthood for youth involved in the
33 child welfare and juvenile justice systems;

34 (vi) Reducing future demand for mental health and substance use
35 disorder treatment for youth involved in the child welfare and
36 juvenile justice systems;

37 (vii) In collaboration with county juvenile justice programs,
38 reducing criminal justice involvement and recidivism as measured by:
39 (A) An increase in the number of youth who successfully complete the
40 terms of diversion or alternative sentencing options; (B) a decrease

1 in the number of youth who commit subsequent crimes; and (C)
2 eliminating the discharge of youth from institutional settings into
3 homelessness; and

4 (viii) Reducing racial and ethnic disproportionality and
5 disparities in system involvement and across child and youth outcomes
6 in collaboration with other state agencies.

7 (4) Beginning July 1, 2018, the department must:

8 (a) Lead ongoing collaborative work to minimize or eliminate
9 systemic barriers to effective, integrated services in collaboration
10 with state agencies serving children, youth, and families;

11 (b) Identify necessary improvements and updates to statutes
12 relevant to their responsibilities and proposing legislative changes
13 to the governor no less than biennially;

14 (c) Help create a data-focused environment in which there are
15 aligned outcomes and shared accountability for achieving those
16 outcomes, with shared, real-time data that is accessible to
17 authorized persons interacting with the family, child, or youth to
18 identify what is needed and which services would be effective;

19 (d) Lead the provision of state services to adolescents, focusing
20 on key transition points for youth, including exiting foster care and
21 institutions, and coordinating with the office of homeless youth
22 prevention and protection programs to address the unique needs of
23 homeless youth; and

24 (e) Create and annually update a list of the rights and
25 responsibilities of foster resource parents in partnership with
26 foster resource parent representatives. The list of foster resource
27 parent rights and responsibilities must be posted on the department's
28 web site, provided to individuals participating in a foster resource
29 parent orientation before licensure, provided to foster resource
30 parents in writing at the time of licensure, and provided to foster
31 resource parents applying for license renewal.

32 (5) The department is accountable to the public. To ensure
33 transparency, beginning December 30, 2018, agency performance data
34 for the services provided by the department, including outcome data
35 for contracted services, must be available to the public, consistent
36 with confidentiality laws, federal protections, and individual rights
37 to privacy. Publicly available data must include budget and funding
38 decisions, performance-based contracting data, including data for
39 contracted services, and performance data on metrics identified in
40 this section. The board must work with the secretary and director to

1 develop the most effective and cost-efficient ways to make department
2 data available to the public, including making this data readily
3 available on the department's web site.

4 (6) The department shall ensure that all new and renewed
5 contracts for services are performance-based.

6 (7) The department must execute all new and renewed contracts for
7 services in accordance with this section and consistent with RCW
8 74.13B.020. When contracted services are managed through a network
9 administrator or other third party, the department must execute data-
10 sharing agreements with the entities managing the contracts to track
11 provider performance measures. Contracts with network administrators
12 or other third parties must provide the contract administrator the
13 ability to shift resources from one provider to another, to evaluate
14 individual provider performance, to add or delete services in
15 consultation with the department, and to reinvest savings from
16 increased efficiencies into new or improved services in their
17 catchment area. Whenever possible, contractor performance data must
18 be made available to the public, consistent with confidentiality laws
19 and individual rights to privacy.

20 (8) (a) The board shall begin its work and call the first meeting
21 of the board on or after July 1, 2018. The board shall immediately
22 assume the duties of the legislative children's oversight committee,
23 as provided for in RCW 74.13.570 and assume the full functions of the
24 board as provided for in this section by July 1, 2019. The office of
25 innovation, alignment, and accountability shall provide quarterly
26 updates regarding the implementation of the department to the board
27 between July 1, 2018, and July 1, 2019.

28 (b) The office of the family and children's ombuds shall
29 establish the board. The board is authorized for the purpose of
30 monitoring and ensuring that the department achieves the stated
31 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
32 administrative acts, relevant statutes, rules, and policies
33 pertaining to early learning, juvenile rehabilitation, juvenile
34 justice, and children and family services.

35 (9) (a) The board shall consist of the following members:

36 (i) Two senators and two representatives from the legislature
37 with one member from each major caucus;

38 (ii) One nonvoting representative from the governor's office;

39 (iii) One subject matter expert in early learning;

40 (iv) One subject matter expert in child welfare;

1 (v) One subject matter expert in juvenile rehabilitation and
2 justice;

3 (vi) One subject matter expert in reducing disparities in child
4 outcomes by family income and race and ethnicity;

5 (vii) One tribal representative from west of the crest of the
6 Cascade mountains;

7 (viii) One tribal representative from east of the crest of the
8 Cascade mountains;

9 (ix) One current or former foster resource parent representative;

10 (x) One representative of an organization that advocates for the
11 best interest of the child;

12 (xi) One parent stakeholder group representative;

13 (xii) One law enforcement representative;

14 (xiii) One child welfare caseworker representative;

15 (xiv) One early childhood learning program implementation
16 practitioner;

17 (xv) One current or former foster youth under age twenty-five;

18 (xvi) One individual under age twenty-five with current or
19 previous experience with the juvenile justice system;

20 (xvii) One physician with experience working with children or
21 youth; and

22 (xviii) One judicial representative presiding over child welfare
23 court proceedings or other children's matters.

24 (b) The senate members of the board shall be appointed by the
25 leaders of the two major caucuses of the senate. The house of
26 representatives members of the board shall be appointed by the
27 leaders of the two major caucuses of the house of representatives.
28 Members shall be appointed before the close of each regular session
29 of the legislature during an odd-numbered year.

30 (c) The remaining board members shall be nominated by the
31 governor, subject to the approval of the appointed legislators by
32 majority vote, and serve four-year terms. When nominating and
33 approving members after July 28, 2019, the governor and appointed
34 legislators must ensure that at least five of the board members
35 reside east of the crest of the Cascade mountains.

36 (10) The board has the following powers, which may be exercised
37 by majority vote of the board:

38 (a) To receive reports of the office of the family and children's
39 ombuds;

1 (b) To obtain access to all relevant records in the possession of
2 the office of the family and children's ombuds, except as prohibited
3 by law;

4 (c) To select its officers and adoption of rules for orderly
5 procedure;

6 (d) To request investigations by the office of the family and
7 children's ombuds of administrative acts;

8 (e) To request and receive information, outcome data, documents,
9 materials, and records from the department relating to children and
10 family welfare, juvenile rehabilitation, juvenile justice, and early
11 learning;

12 (f) To determine whether the department is achieving the
13 performance measures;

14 (g) If final review is requested by a licensee, to review whether
15 department licensors appropriately and consistently applied agency
16 rules in child care facility licensing compliance agreements as
17 defined in RCW 43.216.395 that do not involve a violation of health
18 and safety standards as defined in RCW 43.216.395 in cases that have
19 already been reviewed by the internal review process described in RCW
20 43.216.395 with the authority to overturn, change, or uphold such
21 decisions;

22 (h) To conduct annual reviews of a sample of department contracts
23 for services from a variety of program and service areas to ensure
24 that those contracts are performance-based and to assess the measures
25 included in each contract; and

26 (i) Upon receipt of records or data from the office of the family
27 and children's ombuds or the department, the board is subject to the
28 same confidentiality restrictions as the office of the family and
29 children's ombuds is under RCW 43.06A.050. The provisions of RCW
30 43.06A.060 also apply to the board.

31 (11) The board has general oversight over the performance and
32 policies of the department and shall provide advice and input to the
33 department and the governor.

34 (12) The board must no less than twice per year convene
35 stakeholder meetings to allow feedback to the board regarding
36 contracting with the department, departmental use of local, state,
37 private, and federal funds, and other matters as relating to carrying
38 out the duties of the department.

39 (13) The board shall review existing surveys of providers,
40 customers, parent groups, and external services to assess whether the

1 department is effectively delivering services, and shall conduct
2 additional surveys as needed to assess whether the department is
3 effectively delivering services.

4 (14) The board is subject to the open public meetings act,
5 chapter 42.30 RCW, except to the extent disclosure of records or
6 information is otherwise confidential under state or federal law.

7 (15) Records or information received by the board is confidential
8 to the extent permitted by state or federal law. This subsection does
9 not create an exception for records covered by RCW 13.50.100.

10 (16) The board members shall receive no compensation for their
11 service on the board, but shall be reimbursed for travel expenses
12 incurred while conducting business of the board when authorized by
13 the board and within resources allocated for this purpose, except
14 appointed legislators who shall be reimbursed for travel expenses in
15 accordance with RCW 43.03.050 and 43.03.060.

16 (17) The board shall select, by majority vote, an executive
17 director who shall be the chief administrative officer of the board
18 and shall be responsible for carrying out the policies adopted by the
19 board. The executive director is exempt from the provisions of the
20 state civil service law, chapter 41.06 RCW, and shall serve at the
21 pleasure of the board established in this section.

22 (18) The board shall maintain a staff not to exceed one full-time
23 equivalent employee. The board-selected executive director of the
24 board is responsible for coordinating staff appointments.

25 (19) The board shall issue an annual report to the governor and
26 legislature by December 1st of each year with an initial report
27 delivered by December 1, 2019. The report must review the
28 department's progress towards meeting stated performance measures and
29 desired performance outcomes, and must also include a review of the
30 department's strategic plan, policies, and rules.

31 (20) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Board" means the oversight board for children, youth, and
34 families established in subsection (8) of this section.

35 (b) "Director" means the director of the office of innovation,
36 alignment, and accountability.

37 (c) "Performance-based contract" means results-oriented
38 contracting that focuses on the quality or outcomes that tie at least
39 a portion of the contractor's payment, contract extensions, or

1 contract renewals to the achievement of specific measurable
2 performance standards and requirements.

3 **Sec. 23.** RCW 43.216.035 and 2017 3rd sp.s. c 6 s 104 are each
4 amended to read as follows:

5 (1) Beginning July 1, 2018, the office of innovation, alignment,
6 and accountability shall have a director, appointed by the secretary,
7 who shall set the agenda and oversee the office, who reports to the
8 secretary. The secretary shall ensure that the leadership and staff
9 of the office do not have responsibility for service delivery but are
10 wholly dedicated to directing and implementing the innovation,
11 alignment, integration, collaboration, systemic reform work, and
12 building external partnerships for which the office is responsible.

13 (2) The primary duties and focus of the office are on continuous
14 improvement and includes the functions in this subsection:

15 (a) To review and recommend implementation of advancements in
16 research;

17 (b) To work with other state government agencies and tribal
18 governments to align and measure outcomes across state agencies and
19 state-funded agencies serving children, youth, and families
20 including, but not limited to, the use of evidence-based and
21 research-based practices and contracting;

22 (c) To work with other state government agencies, tribal
23 governments, partner agencies, and state-funded organizations on the
24 use of data-driven, research-based interventions that effectively
25 intervene in the lives of at-risk young people and align systems that
26 serve children, youth, and their families;

27 (d) To develop approaches for integrated real-time data sharing,
28 aligned outcomes, and collective accountability across state
29 government agencies to the public;

30 (e) To conduct quality assurance and evaluation of programs and
31 services within the department;

32 (f) To lead partnerships with the community, research and
33 teaching institutions, philanthropic organizations, and nonprofit
34 organizations;

35 (g) To lead collaboration with courts, tribal courts and tribal
36 attorneys, attorneys, court-appointed special advocates, and
37 guardians ad litem to align and integrate the work of the department
38 with those involved in decision making in child welfare and juvenile
39 justice cases;

1 (h) To produce, in collaboration with key stakeholders, an annual
2 work plan that includes priorities for ongoing policy, practice, and
3 system reform, tracking, and reporting out on the performance of
4 department reforms;

5 (i) To appoint members of an external stakeholder committee who
6 value racial and ethnic diversity and that includes representatives
7 from a philanthropic organization, research entity representatives,
8 representatives from the business community, one or more parent
9 representatives, youth representatives, tribal representatives,
10 representatives from communities of color, foster resource parent
11 representatives, representatives from an organization that advocates
12 for the best interest of the child, and community-based providers,
13 who will advise the office on priorities for practice, policy, and
14 system reform and on effective management policies, development of
15 appropriate organizational culture, external partnerships, knowledge
16 of best practices, and leveraging additional resources to carry out
17 the duties of the department;

18 (j) To provide a report to the governor and the appropriate
19 committees of the legislature by November 1, 2018, that includes
20 recommendations regarding whether the juvenile rehabilitation
21 division of the department of social and health services should be
22 integrated into the department of children, youth, and families, and
23 if so, what the appropriate timing and process is for integration of
24 the juvenile rehabilitation division into the department of children,
25 youth, and families;

26 (k) To provide a report to the governor and the appropriate
27 committees of the legislature by November 1, 2018, that includes:

28 (i) A review of the current process for addressing foster
29 resource parent complaints and concerns through the department and
30 through the office of the family and children's ombuds established in
31 chapter 43.06A RCW that includes an examination of any deficiencies
32 of the current system; and

33 (ii) Recommendations for expanding, modifying, and enhancing the
34 current system for addressing individual foster resource parent
35 complaints to improve child welfare, the experience of foster
36 resource parents, and the overall functioning of the child welfare
37 system; and

38 (l) To provide a report to the governor and the appropriate
39 committees of the legislature by November 1, 2018, that includes
40 recommendations regarding whether the office of homeless youth

1 prevention and protection programs in the department of commerce
2 should be integrated into the department, and the process for that
3 integration if recommended.

4 **Sec. 24.** RCW 46.18.245 and 2019 c 210 s 1 are each amended to
5 read as follows:

6 (1) A registered owner who is an eligible family member of a
7 member of the United States armed forces who died while in service to
8 his or her country, or as a result of his or her service, may apply
9 to the department for special gold star license plates for use on a
10 motor vehicle. The registered owner must:

11 (a) Be a resident of this state;

12 (b) Provide proof to the satisfaction of the department that the
13 registered owner is an eligible family member, which includes:

14 (i) A widow;

15 (ii) A widower;

16 (iii) A biological parent;

17 (iv) An adoptive parent;

18 (v) A stepparent;

19 (vi) An adult in loco parentis or foster resource parent;

20 (vii) A biological child;

21 (viii) An adopted child; or

22 (ix) A sibling;

23 (c) Provide certification from the Washington state department of
24 veterans affairs that the registered owner qualifies for the special
25 license plate under this section; and

26 (d) Be recorded as the registered owner of the motor vehicle on
27 which the gold star license plates will be displayed.

28 (2) In lieu of applying for a gold star license plate under this
29 section, an eligible widow or widower under subsection (1)(b) of this
30 section may apply for a standard issue license plate or any
31 qualifying special license plate for one personal use motor vehicle
32 and be exempt from payment of annual vehicle registration fees, motor
33 vehicle excise taxes, and license plate fees for that vehicle.

34 (3)(a) For a widow, a widower, a biological parent, an adoptive
35 parent, a stepparent, or an adult in loco parentis or foster resource
36 parent applicant, a gold star license plate must be issued:

37 (i) Only for motor vehicles owned by qualifying applicants; and

38 (ii) Without payment of any vehicle license fees, license plate
39 fees, and motor vehicle excise taxes for one motor vehicle. For other

1 motor vehicles, a qualified widow, a widower, a biological parent, an
2 adoptive parent, a stepparent, or an adult in loco parentis or foster
3 resource parent applicant may purchase gold star license plates
4 without payment of any license plate fees, but the applicant must pay
5 all other fees and taxes required by law for registering the motor
6 vehicle.

7 (b) For a biological child, an adopted child, or a sibling
8 applicant, a gold star license plate must be issued:

9 (i) Only for motor vehicles owned by qualifying applicants; and

10 (ii) Without payment of any license plate fees but the applicant
11 must pay all other fees and taxes required by law for registering the
12 motor vehicle.

13 (4) Gold star license plates must be replaced, free of charge, if
14 the license plates become lost, stolen, damaged, defaced, or
15 destroyed.

16 (5) Gold star license plates may be transferred from one motor
17 vehicle to another motor vehicle owned by the eligible family member,
18 as described in subsection (1) of this section, upon application to
19 the department, county auditor or other agent, or subagent appointed
20 by the director.

21 **Sec. 25.** RCW 48.18.565 and 2004 c 84 s 1 are each amended to
22 read as follows:

23 An insurer licensed to write homeowner's insurance in this state
24 shall not deny an application for a homeowner's insurance policy, or
25 cancel, refuse to renew, or modify an existing homeowner's insurance
26 policy for the principal reason that the applicant or insured is a
27 foster resource parent licensed under chapter 74.15 RCW.

28 **Sec. 26.** RCW 49.46.210 and 2019 c 236 s 3 are each amended to
29 read as follows:

30 (1) Beginning January 1, 2018, except as provided in RCW
31 49.46.180, every employer shall provide each of its employees paid
32 sick leave as follows:

33 (a) An employee shall accrue at least one hour of paid sick leave
34 for every forty hours worked as an employee. An employer may provide
35 paid sick leave in advance of accrual provided that such front-
36 loading meets or exceeds the requirements of this section for
37 accrual, use, and carryover of paid sick leave.

1 (b) An employee is authorized to use paid sick leave for the
2 following reasons:

3 (i) An absence resulting from an employee's mental or physical
4 illness, injury, or health condition; to accommodate the employee's
5 need for medical diagnosis, care, or treatment of a mental or
6 physical illness, injury, or health condition; or an employee's need
7 for preventive medical care;

8 (ii) To allow the employee to provide care for a family member
9 with a mental or physical illness, injury, or health condition; care
10 of a family member who needs medical diagnosis, care, or treatment of
11 a mental or physical illness, injury, or health condition; or care
12 for a family member who needs preventive medical care; and

13 (iii) When the employee's place of business has been closed by
14 order of a public official for any health-related reason, or when an
15 employee's child's school or place of care has been closed for such a
16 reason.

17 (c) An employee is authorized to use paid sick leave for absences
18 that qualify for leave under the domestic violence leave act, chapter
19 49.76 RCW.

20 (d) An employee is entitled to use accrued paid sick leave
21 beginning on the ninetieth calendar day after the commencement of his
22 or her employment.

23 (e) Employers are not prevented from providing more generous paid
24 sick leave policies or permitting use of paid sick leave for
25 additional purposes.

26 (f) An employer may require employees to give reasonable notice
27 of an absence from work, so long as such notice does not interfere
28 with an employee's lawful use of paid sick leave.

29 (g) For absences exceeding three days, an employer may require
30 verification that an employee's use of paid sick leave is for an
31 authorized purpose. If an employer requires verification,
32 verification must be provided to the employer within a reasonable
33 time period during or after the leave. An employer's requirements for
34 verification may not result in an unreasonable burden or expense on
35 the employee and may not exceed privacy or verification requirements
36 otherwise established by law.

37 (h) An employer may not require, as a condition of an employee
38 taking paid sick leave, that the employee search for or find a
39 replacement worker to cover the hours during which the employee is on
40 paid sick leave.

1 (i) For each hour of paid sick leave used, an employee shall be
2 paid the greater of the minimum hourly wage rate established in this
3 chapter or his or her normal hourly compensation. The employer is
4 responsible for providing regular notification to employees about the
5 amount of paid sick leave available to the employee.

6 (j) Unused paid sick leave carries over to the following year,
7 except that an employer is not required to allow an employee to carry
8 over paid sick leave in excess of forty hours.

9 (k) This section does not require an employer to provide
10 financial or other reimbursement for accrued and unused paid sick
11 leave to any employee upon the employee's termination, resignation,
12 retirement, or other separation from employment. When there is a
13 separation from employment and the employee is rehired within twelve
14 months of separation by the same employer, whether at the same or a
15 different business location of the employer, previously accrued
16 unused paid sick leave shall be reinstated and the previous period of
17 employment shall be counted for purposes of determining the
18 employee's eligibility to use paid sick leave under subsection (1)(d)
19 of this section.

20 (2) For purposes of this section, "family member" means any of
21 the following:

22 (a) A child, including a biological, adopted, or foster child,
23 stepchild, or a child to whom the employee stands in loco parentis,
24 is a legal guardian, or is a de facto parent, regardless of age or
25 dependency status;

26 (b) A biological, adoptive, de facto, or foster resource parent,
27 stepparent, or legal guardian of an employee or the employee's spouse
28 or registered domestic partner, or a person who stood in loco
29 parentis when the employee was a minor child;

30 (c) A spouse;

31 (d) A registered domestic partner;

32 (e) A grandparent;

33 (f) A grandchild; or

34 (g) A sibling.

35 (3) An employer may not adopt or enforce any policy that counts
36 the use of paid sick leave time as an absence that may lead to or
37 result in discipline against the employee.

38 (4) An employer may not discriminate or retaliate against an
39 employee for his or her exercise of any rights under this chapter
40 including the use of paid sick leave.

1 **Sec. 27.** RCW 50A.05.010 and 2019 c 13 s 1 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this title.

5 (1) "Child" includes a biological, adopted, or foster child, a
6 stepchild, or a child to whom the employee stands in loco parentis,
7 is a legal guardian, or is a de facto parent, regardless of age or
8 dependency status.

9 (2) "Commissioner" means the commissioner of the department or
10 the commissioner's designee.

11 (3) "Department" means the employment security department.

12 (4) (a) "Employee" means an individual who is in the employment of
13 an employer.

14 (b) "Employee" does not include employees of the United States of
15 America.

16 (5) "Employee's average weekly wage" means the quotient derived
17 by dividing the employee's total wages during the two quarters of the
18 employee's qualifying period in which total wages were highest by
19 twenty-six. If the result is not a multiple of one dollar, the
20 department must round the result to the next lower multiple of one
21 dollar.

22 (6) (a) "Employer" means: (i) Any individual or type of
23 organization, including any partnership, association, trust, estate,
24 joint stock company, insurance company, limited liability company, or
25 corporation, whether domestic or foreign, or the receiver, trustee in
26 bankruptcy, trustee, or the legal representative of a deceased
27 person, having any person in employment or, having become an
28 employer, has not ceased to be an employer as provided in this title;
29 (ii) the state, state institutions, and state agencies; and (iii) any
30 unit of local government including, but not limited to, a county,
31 city, town, municipal corporation, quasi-municipal corporation, or
32 political subdivision.

33 (b) "Employer" does not include the United States of America.

34 (7) (a) "Employment" means personal service, of whatever nature,
35 unlimited by the relationship of master and servant as known to the
36 common law or any other legal relationship performed for wages or
37 under any contract calling for the performance of personal services,
38 written or oral, express or implied. The term "employment" includes
39 an individual's entire service performed within or without or both
40 within and without this state, if:

1 (i) The service is localized in this state; or
2 (ii) The service is not localized in any state, but some of the
3 service is performed in this state; and
4 (A) The base of operations of the employee is in the state, or if
5 there is no base of operations, then the place from which such
6 service is directed or controlled is in this state; or
7 (B) The base of operations or place from which such service is
8 directed or controlled is not in any state in which some part of the
9 service is performed, but the individual's residence is in this
10 state.
11 (b) "Employment" does not include:
12 (i) Self-employed individuals;
13 (ii) Services for remuneration when it is shown to the
14 satisfaction of the commissioner that:
15 (A) (I) Such individual has been and will continue to be free from
16 control or direction over the performance of such service, both under
17 his or her contract of service and in fact; and
18 (II) Such service is either outside the usual course of business
19 for which such service is performed, or that such service is
20 performed outside of all the places of business of the enterprises
21 for which such service is performed; and
22 (III) Such individual is customarily engaged in an independently
23 established trade, occupation, profession, or business, of the same
24 nature as that involved in the contract of service; or
25 (B) As a separate alternative:
26 (I) Such individual has been and will continue to be free from
27 control or direction over the performance of such service, both under
28 his or her contract of service and in fact; and
29 (II) Such service is either outside the usual course of business
30 for which such service is performed, or that such service is
31 performed outside of all the places of business of the enterprises
32 for which such service is performed, or the individual is
33 responsible, both under the contract and in fact, for the costs of
34 the principal place of business from which the service is performed;
35 and
36 (III) Such individual is customarily engaged in an independently
37 established trade, occupation, profession, or business, of the same
38 nature as that involved in the contract of service, or such
39 individual has a principal place of business for the work the

1 individual is conducting that is eligible for a business deduction
2 for federal income tax purposes; and

3 (IV) On the effective date of the contract of service, such
4 individual is responsible for filing at the next applicable filing
5 period, both under the contract of service and in fact, a schedule of
6 expenses with the internal revenue service for the type of business
7 the individual is conducting; and

8 (V) On the effective date of the contract of service, or within a
9 reasonable period after the effective date of the contract, such
10 individual has established an account with the department of revenue,
11 and other state agencies as required by the particular case, for the
12 business the individual is conducting for the payment of all state
13 taxes normally paid by employers and businesses and has registered
14 for and received a unified business identifier number from the state
15 of Washington; and

16 (VI) On the effective date of the contract of service, such
17 individual is maintaining a separate set of books or records that
18 reflect all items of income and expenses of the business which the
19 individual is conducting; or

20 (iii) Services that require registration under chapter 18.27 RCW
21 or licensing under chapter 19.28 RCW rendered by an individual when:

22 (A) The individual has been and will continue to be free from
23 control or direction over the performance of the service, both under
24 the contract of service and in fact;

25 (B) The service is either outside the usual course of business
26 for which the service is performed, or the service is performed
27 outside of all the places of business of the enterprise for which the
28 service is performed, or the individual is responsible, both under
29 the contract and in fact, for the costs of the principal place of
30 business from which the service is performed;

31 (C) The individual is customarily engaged in an independently
32 established trade, occupation, profession, or business, of the same
33 nature as that involved in the contract of service, or the individual
34 has a principal place of business for the business the individual is
35 conducting that is eligible for a business deduction for federal
36 income tax purposes, other than that furnished by the employer for
37 which the business has contracted to furnish services;

38 (D) On the effective date of the contract of service, the
39 individual is responsible for filing at the next applicable filing
40 period, both under the contract of service and in fact, a schedule of

1 expenses with the internal revenue service for the type of business
2 the individual is conducting;

3 (E) On the effective date of the contract of service, or within a
4 reasonable period after the effective date of the contract, the
5 individual has an active and valid certificate of registration with
6 the department of revenue, and an active and valid account with any
7 other state agencies as required by the particular case, for the
8 business the individual is conducting for the payment of all state
9 taxes normally paid by employers and businesses and has registered
10 for and received a unified business identifier number from the state
11 of Washington;

12 (F) On the effective date of the contract of service, the
13 individual is maintaining a separate set of books or records that
14 reflect all items of income and expenses of the business that the
15 individual is conducting; and

16 (G) On the effective date of the contract of service, the
17 individual has a valid contractor registration pursuant to chapter
18 18.27 RCW or an electrical contractor license pursuant to chapter
19 19.28 RCW.

20 (8) "Employment benefits" means all benefits provided or made
21 available to employees by an employer, including group life
22 insurance, health insurance, disability insurance, sick leave, annual
23 leave, educational benefits, and pensions.

24 (9) "Family leave" means any leave taken by an employee from
25 work:

26 (a) To participate in providing care, including physical or
27 psychological care, for a family member of the employee made
28 necessary by a serious health condition of the family member;

29 (b) To bond with the employee's child during the first twelve
30 months after the child's birth, or the first twelve months after the
31 placement of a child under the age of eighteen with the employee; or

32 (c) Because of any qualifying exigency as permitted under the
33 federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E)
34 and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on
35 October 19, 2017, for family members as defined in subsection (10) of
36 this section.

37 (10) "Family member" means a child, grandchild, grandparent,
38 parent, sibling, or spouse of an employee.

39 (11) "Grandchild" means a child of the employee's child.

40 (12) "Grandparent" means a parent of the employee's parent.

1 (13) "Health care provider" means: (a) A person licensed as a
2 physician under chapter 18.71 RCW or an osteopathic physician and
3 surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced
4 registered nurse practitioner under chapter 18.79 RCW; or (c) any
5 other person determined by the commissioner to be capable of
6 providing health care services.

7 (14) "Medical leave" means any leave taken by an employee from
8 work made necessary by the employee's own serious health condition.

9 (15) "Parent" means the biological, adoptive, de facto, or foster
10 resource parent, stepparent, or legal guardian of an employee or the
11 employee's spouse, or an individual who stood in loco parentis to an
12 employee when the employee was a child.

13 (16) "Period of incapacity" means an inability to work, attend
14 school, or perform other regular daily activities because of a
15 serious health condition, treatment of that condition or recovery
16 from it, or subsequent treatment in connection with such inpatient
17 care.

18 (17) "Premium" or "premiums" means the payments required by RCW
19 50A.10.030 and paid to the department for deposit in the family and
20 medical leave insurance account under RCW 50A.05.070.

21 (18) "Qualifying period" means the first four of the last five
22 completed calendar quarters or, if eligibility is not established,
23 the last four completed calendar quarters immediately preceding the
24 application for leave.

25 (19)(a) "Remuneration" means all compensation paid for personal
26 services including commissions and bonuses and the cash value of all
27 compensation paid in any medium other than cash.

28 (b) Previously accrued compensation, other than severance pay or
29 payments received pursuant to plant closure agreements, when assigned
30 to a specific period of time by virtue of a collective bargaining
31 agreement, individual employment contract, customary trade practice,
32 or request of the individual compensated, is considered remuneration
33 for the period to which it is assigned. Assignment clearly occurs
34 when the compensation serves to make the individual eligible for all
35 regular fringe benefits for the period to which the compensation is
36 assigned.

37 (c) Remuneration also includes settlements or other proceeds
38 received by an individual as a result of a negotiated settlement for
39 termination of an individual written employment contract prior to its
40 expiration date. The proceeds are deemed assigned in the same

1 intervals and in the same amount for each interval as compensation
2 was allocated under the contract.

3 (d) Remuneration does not include:

4 (i) The payment of tips;

5 (ii) Supplemental benefit payments made by an employer to an
6 employee in addition to any paid family or medical leave benefits
7 received by the employee; or

8 (iii) Payments to members of the armed forces of the United
9 States, including the organized militia of the state of Washington,
10 for the performance of duty for periods not exceeding seventy-two
11 hours at a time.

12 (20)(a) "Serious health condition" means an illness, injury,
13 impairment, or physical or mental condition that involves:

14 (i) Inpatient care in a hospital, hospice, or residential medical
15 care facility, including any period of incapacity; or

16 (ii) Continuing treatment by a health care provider. A serious
17 health condition involving continuing treatment by a health care
18 provider includes any one or more of the following:

19 (A) A period of incapacity of more than three consecutive, full
20 calendar days, and any subsequent treatment or period of incapacity
21 relating to the same condition, that also involves:

22 (I) Treatment two or more times, within thirty days of the first
23 day of incapacity, unless extenuating circumstances exist, by a
24 health care provider, by a nurse or physician's assistant under
25 direct supervision of a health care provider, or by a provider of
26 health care services, such as a physical therapist, under orders of,
27 or on referral by, a health care provider; or

28 (II) Treatment by a health care provider on at least one occasion
29 which results in a regimen of continuing treatment under the
30 supervision of the health care provider;

31 (B) Any period of incapacity due to pregnancy, or for prenatal
32 care;

33 (C) Any period of incapacity or treatment for such incapacity due
34 to a chronic serious health condition. A chronic serious health
35 condition is one which:

36 (I) Requires periodic visits, defined as at least twice a year,
37 for treatment by a health care provider, or by a nurse under direct
38 supervision of a health care provider;

39 (II) Continues over an extended period of time, including
40 recurring episodes of a single underlying condition; and

1 (III) May cause episodic rather than a continuing period of
2 incapacity, including asthma, diabetes, and epilepsy;

3 (D) A period of incapacity which is permanent or long term due to
4 a condition for which treatment may not be effective. The employee or
5 family member must be under the continuing supervision of, but need
6 not be receiving active treatment by, a health care provider,
7 including Alzheimer's, a severe stroke, or the terminal stages of a
8 disease; or

9 (E) Any period of absence to receive multiple treatments,
10 including any period of recovery from the treatments, by a health
11 care provider or by a provider of health care services under orders
12 of, or on referral by, a health care provider, either for: (I)
13 Restorative surgery after an accident or other injury; or (II) a
14 condition that would likely result in a period of incapacity of more
15 than three consecutive, full calendar days in the absence of medical
16 intervention or treatment, such as cancer, severe arthritis, or
17 kidney disease.

18 (b) The requirement in (a)(i) and (ii) of this subsection for
19 treatment by a health care provider means an in-person visit to a
20 health care provider. The first, or only, in-person treatment visit
21 must take place within seven days of the first day of incapacity.

22 (c) Whether additional treatment visits or a regimen of
23 continuing treatment is necessary within the thirty-day period shall
24 be determined by the health care provider.

25 (d) The term extenuating circumstances in (a)(ii)(A)(I) of this
26 subsection means circumstances beyond the employee's control that
27 prevent the follow-up visit from occurring as planned by the health
28 care provider. Whether a given set of circumstances are extenuating
29 depends on the facts. For example, extenuating circumstances exist if
30 a health care provider determines that a second in-person visit is
31 needed within the thirty-day period, but the health care provider
32 does not have any available appointments during that time period.

33 (e) Treatment for purposes of (a) of this subsection includes,
34 but is not limited to, examinations to determine if a serious health
35 condition exists and evaluations of the condition. Treatment does not
36 include routine physical examinations, eye examinations, or dental
37 examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of
38 continuing treatment includes, but is not limited to, a course of
39 prescription medication, such as an antibiotic, or therapy requiring
40 special equipment to resolve or alleviate the health condition, such

1 as oxygen. A regimen of continuing treatment that includes taking
2 over-the-counter medications, such as aspirin, antihistamines, or
3 salves, or bed rest, drinking fluids, exercise, and other similar
4 activities that can be initiated without a visit to a health care
5 provider, is not, by itself, sufficient to constitute a regimen of
6 continuing treatment for purposes of this title.

7 (f) Conditions for which cosmetic treatments are administered,
8 such as most treatments for acne or plastic surgery, are not serious
9 health conditions unless inpatient hospital care is required or
10 unless complications develop. Ordinarily, unless complications arise,
11 the common cold, the flu, ear aches, upset stomach, minor ulcers,
12 headaches other than migraines, routine dental or orthodontia
13 problems, and periodontal disease are examples of conditions that are
14 not serious health conditions and do not qualify for leave under this
15 title. Restorative dental or plastic surgery after an injury or
16 removal of cancerous growths are serious health conditions provided
17 all the other conditions of this section are met. Mental illness
18 resulting from stress or allergies may be serious health conditions,
19 but only if all the conditions of this section are met.

20 (g)(i) Substance abuse may be a serious health condition if the
21 conditions of this section are met. However, leave may only be taken
22 for treatment for substance abuse by a health care provider or by a
23 licensed substance abuse treatment provider. Absence because of the
24 employee's use of the substance, rather than for treatment, does not
25 qualify for leave under this title.

26 (ii) Treatment for substance abuse does not prevent an employer
27 from taking employment action against an employee. The employer may
28 not take action against the employee because the employee has
29 exercised his or her right to take medical leave for treatment.
30 However, if the employer has an established policy, applied in a
31 nondiscriminatory manner that has been communicated to all employees,
32 that provides under certain circumstances an employee may be
33 terminated for substance abuse, pursuant to that policy the employee
34 may be terminated whether or not the employee is presently taking
35 medical leave. An employee may also take family leave to care for a
36 covered family member who is receiving treatment for substance abuse.
37 The employer may not take action against an employee who is providing
38 care for a covered family member receiving treatment for substance
39 abuse.

1 (h) Absences attributable to incapacity under (a)(ii)(B) or (C)
2 of this subsection qualify for leave under this title even though the
3 employee or the family member does not receive treatment from a
4 health care provider during the absence, and even if the absence does
5 not last more than three consecutive, full calendar days. For
6 example, an employee with asthma may be unable to report for work due
7 to the onset of an asthma attack or because the employee's health
8 care provider has advised the employee to stay home when the pollen
9 count exceeds a certain level. An employee who is pregnant may be
10 unable to report to work because of severe morning sickness.

11 (21) "Service is localized in this state" has the same meaning as
12 described in RCW 50.04.120.

13 (22) "Spouse" means a husband or wife, as the case may be, or
14 state registered domestic partner.

15 (23) "State average weekly wage" means the most recent average
16 weekly wage calculated under RCW 50.04.355 and available on January
17 1st of each year.

18 (24) "Typical workweek hours" means:

19 (a) For an hourly employee, the average number of hours worked
20 per week by an employee since the beginning of the qualifying period;
21 and

22 (b) Forty hours for a salaried employee, regardless of the number
23 of hours the salaried employee typically works.

24 (25) "Wage" or "wages" means:

25 (a) For the purpose of premium assessment, the remuneration paid
26 by an employer to an employee. The maximum wages subject to a premium
27 assessment are those wages as set by the commissioner under RCW
28 50A.10.030;

29 (b) For the purpose of payment of benefits, the remuneration paid
30 by one or more employers to an employee for employment during the
31 employee's qualifying period. At the request of an employee, wages
32 may be calculated on the basis of remuneration payable. The
33 department shall notify each employee that wages are calculated on
34 the basis of remuneration paid, but at the employee's request a
35 redetermination may be performed and based on remuneration payable;
36 and

37 (c) For the purpose of a self-employed person electing coverage
38 under RCW 50A.10.010, the meaning is defined by rule.

1 **Sec. 28.** RCW 70.47.020 and 2011 1st sp.s. c 15 s 83, 2011 1st
2 sp.s. c 9 s 3, and 2011 c 284 s 1 are each reenacted and amended to
3 read as follows:

4 As used in this chapter:

5 (1) "Director" means the director of the Washington state health
6 care authority.

7 (2) "Health coverage tax credit eligible enrollee" means
8 individual workers and their qualified family members who lose their
9 jobs due to the effects of international trade and are eligible for
10 certain trade adjustment assistance benefits; or are eligible for
11 benefits under the alternative trade adjustment assistance program;
12 or are people who receive benefits from the pension benefit guaranty
13 corporation and are at least fifty-five years old.

14 (3) "Health coverage tax credit program" means the program
15 created by the Trade Act of 2002 (P.L. 107-210) that provides a
16 federal tax credit that subsidizes private health insurance coverage
17 for displaced workers certified to receive certain trade adjustment
18 assistance benefits and for individuals receiving benefits from the
19 pension benefit guaranty corporation.

20 (4) "Managed health care system" means: (a) Any health care
21 organization, including health care providers, insurers, health care
22 service contractors, health maintenance organizations, or any
23 combination thereof, that provides directly or by contract basic
24 health care services, as defined by the director and rendered by duly
25 licensed providers, to a defined patient population enrolled in the
26 plan and in the managed health care system; or (b) a self-funded or
27 self-insured method of providing insurance coverage to subsidized
28 enrollees provided under RCW 41.05.140 and subject to the limitations
29 under RCW 70.47.100(9).

30 (5) "Nonparticipating provider" means a person, health care
31 provider, practitioner, facility, or entity, acting within their
32 authorized scope of practice or licensure, that does not have a
33 written contract to participate in a managed health care system's
34 provider network, but provides services to plan enrollees who receive
35 coverage through the managed health care system.

36 (6) "Nonsubsidized enrollee" means an individual, or an
37 individual plus the individual's spouse or dependent children: (a)
38 Who is not eligible for medicare; (b) who is not confined or residing
39 in a government-operated institution, unless he or she meets
40 eligibility criteria adopted by the director; (c) who is accepted for

1 enrollment by the director as provided in RCW 48.43.018, either
2 because the potential enrollee cannot be required to complete the
3 standard health questionnaire under RCW 48.43.018, or, based upon the
4 results of the standard health questionnaire, the potential enrollee
5 would not qualify for coverage under the Washington state health
6 insurance pool; (d) who resides in an area of the state served by a
7 managed health care system participating in the plan; (e) who chooses
8 to obtain basic health care coverage from a particular managed health
9 care system; and (f) who pays or on whose behalf is paid the full
10 costs for participation in the plan, without any subsidy from the
11 plan.

12 (7) "Premium" means a periodic payment, which an individual,
13 their employer or another financial sponsor makes to the plan as
14 consideration for enrollment in the plan as a subsidized enrollee, a
15 nonsubsidized enrollee, or a health coverage tax credit eligible
16 enrollee.

17 (8) "Rate" means the amount, negotiated by the director with and
18 paid to a participating managed health care system, that is based
19 upon the enrollment of subsidized, nonsubsidized, and health coverage
20 tax credit eligible enrollees in the plan and in that system.

21 (9) "Subsidy" means the difference between the amount of periodic
22 payment the director makes to a managed health care system on behalf
23 of a subsidized enrollee plus the administrative cost to the plan of
24 providing the plan to that subsidized enrollee, and the amount
25 determined to be the subsidized enrollee's responsibility under RCW
26 70.47.060(2).

27 (10) "Subsidized enrollee" means:

28 (a) An individual, or an individual plus the individual's spouse
29 or dependent children:

30 (i) Who is not eligible for medicare;

31 (ii) Who is not confined or residing in a government-operated
32 institution, unless he or she meets eligibility criteria adopted by
33 the director;

34 (iii) Who is not a full-time student who has received a temporary
35 visa to study in the United States;

36 (iv) Who resides in an area of the state served by a managed
37 health care system participating in the plan;

38 (v) Until March 1, 2011, whose gross family income at the time of
39 enrollment does not exceed two hundred percent of the federal poverty

1 level as adjusted for family size and determined annually by the
2 federal department of health and human services;

3 (vi) Who chooses to obtain basic health care coverage from a
4 particular managed health care system in return for periodic payments
5 to the plan;

6 (vii) Who is not receiving or has not been determined to be
7 currently eligible for federally financed categorically needy or
8 medically needy programs under chapter 74.09 RCW, except as provided
9 under RCW 70.47.110; and

10 (viii) After February 28, 2011, who is in the basic health
11 transition eligibles population under 1115 medicaid demonstration
12 project number 11-W-00254/10;

13 (b) An individual who meets the requirements in (a)(i) through
14 (iv), (vi), and (vii) of this subsection and who is a foster resource
15 parent licensed under chapter 74.15 RCW and whose gross family income
16 at the time of enrollment does not exceed three hundred percent of
17 the federal poverty level as adjusted for family size and determined
18 annually by the federal department of health and human services; and

19 (c) To the extent that state funds are specifically appropriated
20 for this purpose, with a corresponding federal match, an individual,
21 or an individual's spouse or dependent children, who meets the
22 requirements in (a)(i) through (iv), (vi), and (vii) of this
23 subsection and whose gross family income at the time of enrollment is
24 more than two hundred percent, but less than two hundred fifty-one
25 percent, of the federal poverty level as adjusted for family size and
26 determined annually by the federal department of health and human
27 services.

28 (11) "Washington basic health plan" or "plan" means the system of
29 enrollment and payment for basic health care services, administered
30 by the plan director through participating managed health care
31 systems, created by this chapter.

32 **Sec. 29.** RCW 74.13.031 and 2019 c 172 s 8 and 2019 c 46 s 5045
33 are each reenacted and amended to read as follows:

34 (1) The department shall develop, administer, supervise, and
35 monitor a coordinated and comprehensive plan that establishes, aids,
36 and strengthens services for the protection and care of runaway,
37 dependent, or neglected children.

38 (2) Within available resources, the department shall recruit an
39 adequate number of prospective adoptive and foster homes, both

1 regular and specialized, i.e. homes for children of ethnic minority,
2 including Indian homes for Indian children, sibling groups,
3 handicapped and emotionally disturbed, teens, pregnant and parenting
4 teens, and the department shall annually report to the governor and
5 the legislature concerning the department's success in: (a) Meeting
6 the need for adoptive and foster home placements; (b) reducing the
7 foster resource parent turnover rate; (c) completing home studies for
8 legally free children; and (d) implementing and operating the
9 passport program required by RCW 74.13.285. The report shall include
10 a section entitled "Foster Home Turn-Over, Causes and
11 Recommendations."

12 (3) The department shall investigate complaints of any recent act
13 or failure to act on the part of a parent or caretaker that results
14 in death, serious physical or emotional harm, or sexual abuse or
15 exploitation, or that presents an imminent risk of serious harm, and
16 on the basis of the findings of such investigation, offer child
17 welfare services in relation to the problem to such parents, legal
18 custodians, or persons serving in loco parentis, and/or bring the
19 situation to the attention of an appropriate court, or another
20 community agency. An investigation is not required of nonaccidental
21 injuries which are clearly not the result of a lack of care or
22 supervision by the child's parents, legal custodians, or persons
23 serving in loco parentis. If the investigation reveals that a crime
24 against a child may have been committed, the department shall notify
25 the appropriate law enforcement agency.

26 (4) As provided in RCW 26.44.030(~~((11))~~) (12), the department may
27 respond to a report of child abuse or neglect by using the family
28 assessment response.

29 (5) The department shall offer, on a voluntary basis, family
30 reconciliation services to families who are in conflict.

31 (6) The department shall monitor placements of children in out-
32 of-home care and in-home dependencies to assure the safety, well-
33 being, and quality of care being provided is within the scope of the
34 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
35 Under this section children in out-of-home care and in-home
36 dependencies and their caregivers shall receive a private and
37 individual face-to-face visit each month. The department shall
38 randomly select no less than ten percent of the caregivers currently
39 providing care to receive one unannounced face-to-face visit in the
40 caregiver's home per year. No caregiver will receive an unannounced

1 visit through the random selection process for two consecutive years.
2 If the caseworker makes a good faith effort to conduct the
3 unannounced visit to a caregiver and is unable to do so, that month's
4 visit to that caregiver need not be unannounced. The department is
5 encouraged to group monthly visits to caregivers by geographic area
6 so that in the event an unannounced visit cannot be completed, the
7 caseworker may complete other required monthly visits. The department
8 shall use a method of random selection that does not cause a fiscal
9 impact to the department.

10 The department shall conduct the monthly visits with children and
11 caregivers to whom it is providing child welfare services.

12 (7) The department shall have authority to accept custody of
13 children from parents and to accept custody of children from juvenile
14 courts, where authorized to do so under law, to provide child welfare
15 services including placement for adoption, to provide for the routine
16 and necessary medical, dental, and mental health care, or necessary
17 emergency care of the children, and to provide for the physical care
18 of such children and make payment of maintenance costs if needed.
19 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
20 private adoption agency which receives children for adoption from the
21 department shall discriminate on the basis of race, creed, or color
22 when considering applications in their placement for adoption.

23 (8) The department shall have authority to provide temporary
24 shelter to children who have run away from home and who are admitted
25 to crisis residential centers.

26 (9) The department shall have authority to purchase care for
27 children.

28 (10) The department shall establish a children's services
29 advisory committee which shall assist the secretary in the
30 development of a partnership plan for utilizing resources of the
31 public and private sectors, and advise on all matters pertaining to
32 child welfare, licensing of child care agencies, adoption, and
33 services related thereto. At least one member shall represent the
34 adoption community.

35 (11)(a) The department shall provide continued extended foster
36 care services to nonminor dependents who are:

37 (i) Enrolled in a secondary education program or a secondary
38 education equivalency program;

39 (ii) Enrolled and participating in a postsecondary academic or
40 postsecondary vocational education program;

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

3 (iv) Engaged in employment for eighty hours or more per month; or

4 (v) Not able to engage in any of the activities described in
5 (a)(i) through (iv) of this subsection due to a documented medical
6 condition.

7 (b) To be eligible for extended foster care services, the
8 nonminor dependent must have been dependent at the time that he or
9 she reached age eighteen years. If the dependency case of the
10 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
11 may receive extended foster care services pursuant to a voluntary
12 placement agreement under RCW 74.13.336 or pursuant to an order of
13 dependency issued by the court under RCW 13.34.268. A nonminor
14 dependent whose dependency case was dismissed by the court may
15 request extended foster care services before reaching age twenty-one
16 years. Eligible nonminor dependents may unenroll and reenroll in
17 extended foster care through a voluntary placement agreement an
18 unlimited number of times between ages eighteen and twenty-one.

19 (c) The department shall develop and implement rules regarding
20 youth eligibility requirements.

21 (d) The department shall make efforts to ensure that extended
22 foster care services maximize medicaid reimbursements. This must
23 include the department ensuring that health and mental health
24 extended foster care providers participate in medicaid, unless the
25 condition of the extended foster care youth requires specialty care
26 that is not available among participating medicaid providers or there
27 are no participating medicaid providers in the area. The department
28 shall coordinate other services to maximize federal resources and the
29 most cost-efficient delivery of services to extended foster care
30 youth.

31 (e) The department shall allow a youth who has received extended
32 foster care services, but lost his or her eligibility, to reenter the
33 extended foster care program an unlimited number of times through a
34 voluntary placement agreement when he or she meets the eligibility
35 criteria again.

36 (12) The department shall have authority to provide adoption
37 support benefits, or relative guardianship subsidies on behalf of
38 youth ages eighteen to twenty-one years who achieved permanency
39 through adoption or a relative guardianship at age sixteen or older

1 and who meet the criteria described in subsection (11) of this
2 section.

3 (13) The department shall refer cases to the division of child
4 support whenever state or federal funds are expended for the care and
5 maintenance of a child, including a child with a developmental
6 disability who is placed as a result of an action under chapter 13.34
7 RCW, unless the department finds that there is good cause not to
8 pursue collection of child support against the parent or parents of
9 the child. Cases involving individuals age eighteen through twenty
10 shall not be referred to the division of child support unless
11 required by federal law.

12 (14) The department shall have authority within funds
13 appropriated for foster care services to purchase care for Indian
14 children who are in the custody of a federally recognized Indian
15 tribe or tribally licensed child-placing agency pursuant to parental
16 consent, tribal court order, or state juvenile court order. The
17 purchase of such care is exempt from the requirements of chapter
18 74.13B RCW and may be purchased from the federally recognized Indian
19 tribe or tribally licensed child-placing agency, and shall be subject
20 to the same eligibility standards and rates of support applicable to
21 other children for whom the department purchases care.

22 Notwithstanding any other provision of RCW 13.32A.170 through
23 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
24 all services to be provided by the department under subsections (4),
25 (7), and (8) of this section, subject to the limitations of these
26 subsections, may be provided by any program offering such services
27 funded pursuant to Titles II and III of the federal juvenile justice
28 and delinquency prevention act of 1974.

29 (15) Within amounts appropriated for this specific purpose, the
30 department shall provide preventive services to families with
31 children that prevent or shorten the duration of an out-of-home
32 placement.

33 (16) The department shall have authority to provide independent
34 living services to youths, including individuals who have attained
35 eighteen years of age, and have not attained twenty-three years of
36 age, who are or have been in the department's care and custody, or
37 who are or were nonminor dependents.

38 (17) The department shall consult at least quarterly with foster
39 resource parents, including members of the statewide organization
40 representing foster resource parents (~~(association of Washington~~

1 state)), for the purpose of receiving information and comment
2 regarding how the department is performing the duties and meeting the
3 obligations specified in this section and RCW 74.13.250 regarding the
4 recruitment of foster homes, reducing foster resource parent turnover
5 rates, providing effective training for foster resource parents, and
6 administering a coordinated and comprehensive plan that strengthens
7 services for the protection of children. Consultation shall occur at
8 the regional and statewide levels.

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

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

15 (ii) Sibling visits subject to the restrictions in RCW
16 13.34.136(2)(b)(ii);

17 (iii) Parent-child visits;

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

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

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

25 (19)(a) The department shall have the authority to purchase legal
26 representation for parents or kinship caregivers, or both, of
27 children who are at risk of being dependent, or who are dependent, to
28 establish or modify a parenting plan under RCW 13.34.155 or chapter
29 26.09, 26.26A, or 26.26B RCW or secure orders establishing other
30 relevant civil legal relationships authorized by law, when it is
31 necessary for the child's safety, permanence, or well-being. The
32 department's purchase of legal representation for kinship caregivers
33 must be within the department's appropriations. This subsection does
34 not create an entitlement to legal representation purchased by the
35 department and does not create judicial authority to order the
36 department to purchase legal representation for a parent or kinship
37 caregiver. Such determinations are solely within the department's
38 discretion. The term "kinship caregiver" as used in this section
39 means a caregiver who meets the definition of "kin" in RCW
40 74.13.600(1), unless the child is an Indian child as defined in RCW

1 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in
2 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"
3 as used in this section means a caregiver who is an "extended family
4 member" as defined in RCW 13.38.040(8).

5 (b) The department is encouraged to work with the office of
6 public defense parent representation program and the office of civil
7 legal aid to develop a cost-effective system for providing effective
8 civil legal representation for parents and kinship caregivers if it
9 exercises its authority under this subsection.

10 **Sec. 30.** RCW 74.13.250 and 2018 c 20 s 1 are each amended to
11 read as follows:

12 (1) Preservice training is recognized as a valuable tool to
13 reduce placement disruptions, the length of time children are in
14 care, and foster resource parent turnover rates. Preservice training
15 also assists potential foster resource parents in making their final
16 decisions about foster resource parenting and assists social service
17 agencies in obtaining information about whether to approve potential
18 foster resource parents.

19 (2) (a) Foster resource parent preservice training shall include
20 ~~((information))~~:

21 (i) Information about the potential impact of placement on foster
22 children; ~~((social))~~

23 (ii) Social service agency administrative processes; ~~((the))~~

24 (iii) The requirements, responsibilities, expectations, and
25 skills needed to be a foster resource parent; ~~((attachment))~~

26 (iv) Attachment, separation, and loss issues faced by birth
27 parents, foster children, and foster resource parents; ~~((child))~~

28 (v) Child management and discipline; ~~((birth))~~

29 (vi) Birth family relationships; ~~((information on the limits of
30 the adoption support program as provided in RCW 74.13A.020(4);))~~ and
31 ~~((helping))~~

32 (vii) Helping children leave foster care.

33 (b) Preservice training shall assist applicants in making
34 informed decisions about whether they want to be foster resource
35 parents. Preservice training shall be designed to enable the agency
36 to assess the ability, readiness, and appropriateness of families to
37 be foster resource parents. As a decision tool, effective preservice
38 training provides potential foster resource parents with enough
39 information to make an appropriate decision, affords potential foster

1 resource parents an opportunity to discuss their decision with others
2 and consider its implications for their family, clarifies foster
3 family expectations, presents a realistic picture of what foster
4 resource parenting involves, and allows potential foster resource
5 parents to consider and explore the different types of children they
6 might serve.

7 (c) The preservice training must not include any formal training
8 regarding foster resource parenting as a process that could lead to
9 the adoption of the foster child. The preservice training must
10 demonstrate that foster resource parenting is temporary in nature
11 with the following two goals:

12 (i) Maintaining the safety of the foster child; and

13 (ii) Promoting reunification with the foster child's birth parent
14 or parents.

15 (3) Foster resource parents shall complete preservice training
16 before the issuance of a foster care license, except that the
17 department may, on a case by case basis, issue a written waiver that
18 allows the foster resource parent to complete the training after
19 licensure, so long as the training is completed within ninety days
20 following licensure.

21 (4) All components of the foster resource parent preservice
22 training shall be made available online. The department shall allow
23 individuals to complete as much online preservice training as is
24 practicable while requiring that some preservice training be
25 completed in person.

26 **Sec. 31.** RCW 74.13.270 and 2019 c 470 s 29 are each amended to
27 read as follows:

28 (1) The legislature recognizes the need for temporary short-term
29 relief for foster resource parents who care for children with
30 emotional, mental, or physical disabilities. For purposes of this
31 section, respite care means appropriate, temporary, short-term care
32 for these foster children placed with licensed foster resource
33 parents. The purpose of this care is to give the foster resource
34 parents temporary relief from the stresses associated with the care
35 of these foster children. The department shall design a program of
36 respite care that will minimize disruptions to the child and will
37 serve foster resource parents within these priorities, based on input
38 from foster resource parents, foster resource parent associations,
39 and reliable research if available.

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

25 (b) Subject to funding appropriated specifically for this
26 purpose, the Washington state institute for public policy shall
27 prepare an outcome evaluation of the short-term support described in
28 this subsection. The evaluation will, to the maximum extent possible,
29 assess the impact of the short-term support services described in
30 this subsection on the retention of foster homes and the number of
31 placements a foster child receives while in out-of-home care as well
32 as the return on investment to the state. The institute shall submit
33 a preliminary report to the appropriate committees of the legislature
34 and the governor by December 1, 2018, that describes the initial
35 implementation of these services and descriptive statistics of the
36 families utilizing these services. A final report shall be submitted
37 to the appropriate committees of the legislature by June 30, 2021. At
38 no cost to the institute, the department shall provide all data
39 necessary to discharge this duty.

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

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

7 **Sec. 32.** RCW 74.13.285 and 2018 c 284 s 47 are each amended to
8 read as follows:

9 (1) Within available resources, the department shall prepare a
10 passport containing all known and available information concerning
11 the mental, physical, health, and educational status of the child for
12 any child who has been in a foster home for ninety consecutive days
13 or more. The passport shall contain education records obtained
14 pursuant to RCW 28A.150.510. The passport shall be provided to a
15 foster resource parent at any placement of a child covered by this
16 section. The department shall update the passport during the
17 regularly scheduled court reviews required under chapter 13.34 RCW.

18 New placements shall have first priority in the preparation of
19 passports.

20 (2) In addition to the requirements of subsection (1) of this
21 section, the department shall, within available resources, notify a
22 foster resource parent before placement of a child of any known
23 health conditions that pose a serious threat to the child and any
24 known behavioral history that presents a serious risk of harm to the
25 child or others.

26 (3) The department shall hold harmless the provider for any
27 unauthorized disclosures caused by the department.

28 (4) Any foster resource parent who receives information about a
29 child or a child's family pursuant to this section shall keep the
30 information confidential and shall not further disclose or
31 disseminate the information, except as authorized by law. Such
32 individuals shall agree in writing to keep the information that they
33 receive confidential and shall affirm that the information will not
34 be further disclosed or disseminated, except as authorized by law.

35 **Sec. 33.** RCW 74.13.310 and 2018 c 284 s 50 are each amended to
36 read as follows:

37 Adequate foster resource parent training has been identified as
38 directly associated with increasing the length of time foster

1 resource parents are willing to provide foster care and reducing the
2 number of placement disruptions for children. Placement disruptions
3 can be harmful to children by denying them consistent and nurturing
4 support. Foster resource parents have expressed the desire to receive
5 training in addition to the foster resource parent training currently
6 offered. Foster resource parents who care for more demanding
7 children, such as children with severe emotional, mental, or physical
8 handicaps, would especially benefit from additional training. The
9 department shall develop additional training for foster resource
10 parents that focuses on skills to assist foster resource parents in
11 caring for emotionally, mentally, or physically handicapped children.

12 **Sec. 34.** RCW 74.13.315 and 2018 c 284 s 51 are each amended to
13 read as follows:

14 The department may provide child care for all foster resource
15 parents who are required to attend department-sponsored meetings or
16 training sessions. If the department does not provide such child
17 care, the department, where feasible, shall conduct the activities
18 covered by this section in the foster resource parent's home or other
19 location acceptable to the foster resource parent.

20 **Sec. 35.** RCW 74.13.333 and 2018 c 284 s 53 are each amended to
21 read as follows:

22 (1) A foster resource parent who believes that a department
23 employee has retaliated against the foster resource parent or in any
24 other manner discriminated against the foster resource parent
25 because:

26 (a) The foster resource parent made a complaint with the office
27 of the family and children's ombuds, the attorney general, law
28 enforcement agencies, or the department provided information, or
29 otherwise cooperated with the investigation of such a complaint;

30 (b) The foster resource parent has caused to be instituted any
31 proceedings under or related to Title 13 RCW;

32 (c) The foster resource parent has testified or is about to
33 testify in any proceedings under or related to Title 13 RCW;

34 (d) The foster resource parent has advocated for services on
35 behalf of the foster child;

36 (e) The foster resource parent has sought to adopt a foster child
37 in the foster resource parent's care; or

1 (f) The foster resource parent has discussed or consulted with
2 anyone concerning the foster resource parent's rights under this
3 chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the
4 office of the family and children's ombuds.

5 (2) The ombuds may investigate the allegations of retaliation.
6 The ombuds shall have access to all relevant information and
7 resources held by or within the department by which to conduct the
8 investigation. Upon the conclusion of its investigation, the ombuds
9 shall provide its findings in written form to the department.

10 (3) The department shall notify the office of the family and
11 children's ombuds in writing, within thirty days of receiving the
12 ombuds's findings, of any personnel action taken or to be taken with
13 regard to the department employee.

14 (4) The office of the family and children's ombuds shall also
15 include its recommendations regarding complaints filed under this
16 section in its annual report pursuant to RCW 43.06A.030. The office
17 of the family and children's ombuds shall identify trends which may
18 indicate a need to improve relations between the department and
19 foster resource parents.

20 **Sec. 36.** RCW 74.13.335 and 2017 3rd sp.s. c 6 s 407 are each
21 amended to read as follows:

22 Within available funds and subject to such conditions and
23 limitations as may be established by the department or by the
24 legislature in the omnibus appropriations act, the department shall
25 reimburse foster resource parents for property damaged or destroyed
26 by foster children placed in their care. The department shall
27 establish by rule a maximum amount that may be reimbursed for each
28 occurrence. The department shall reimburse the foster resource parent
29 for the replacement value of any property covered by this section. If
30 the damaged or destroyed property is covered and reimbursed under an
31 insurance policy, the department shall reimburse foster resource
32 parents for the amount of the deductible associated with the
33 insurance claim, up to the limit per occurrence as established by the
34 department.

35 **Sec. 37.** RCW 74.13.650 and 2018 c 284 s 63 are each amended to
36 read as follows:

37 A foster resource parent critical support and retention program
38 is established to retain foster resource parents who care for

1 sexually reactive children, physically assaultive children, or
2 children with other high-risk behaviors, as defined in RCW 74.13.280.
3 Services shall consist of short-term therapeutic and educational
4 interventions to support the stability of the placement. The
5 department shall enter into performance-based contracts with agencies
6 to provide this program.

7 **Sec. 38.** RCW 74.13.660 and 2018 c 58 s 57 are each amended to
8 read as follows:

9 Under the foster resource parent critical support and retention
10 program, foster resource parents who care for sexually reactive
11 children, physically assaultive children, or children with other
12 high-risk behaviors, as defined in RCW 74.13.280, shall receive:

13 (1) Availability at any time of the day or night to address
14 specific concerns related to the identified child;

15 (2) Assessment of risk and development of a safety and
16 supervision plan;

17 (3) Home-based foster resource parent training utilizing
18 evidence-based models; and

19 (4) Referral to relevant community services and training provided
20 by the local department office or community agencies.

21 **Sec. 39.** RCW 74.13.700 and 2014 c 88 s 4 are each amended to
22 read as follows:

23 (1) In determining the character, suitability, and competence of
24 an individual, the department may not:

25 (a) Deny or delay a license or approval of unsupervised access to
26 children to an individual solely because of a crime or civil
27 infraction involving the individual or entity revealed in the
28 background check process that does not fall within the categories of
29 disqualifying crimes described in the adoption and safe families act
30 of 1997 or does not relate directly to child safety, permanence, or
31 well-being; or

32 (b) Delay the issuance of a license or approval of unsupervised
33 access to children by requiring the individual to obtain records
34 relating to a crime or civil infraction revealed in the background
35 check process that does not fall within the categories of
36 disqualifying crimes described in the adoption and safe families act
37 of 1997 or does not relate directly to child safety, permanence, or
38 well-being.

1 (2) If the department determines that an individual does not
2 possess the character, suitability, or competence to provide care or
3 have unsupervised access to a child, it must provide the reasons for
4 its decision in writing with copies of the records or documents
5 related to its decision to the individual within ten days of making
6 the decision.

7 (3) For purposes of this section, "individual" means a relative
8 as defined in RCW 74.15.020(2)(a), an "other suitable person" under
9 chapter 13.34 RCW, a person pursuing licensing as a foster resource
10 parent, or a person employed or seeking employment by a business or
11 organization licensed by the department or with whom the department
12 has a contract to provide care, supervision, case management, or
13 treatment of children in the care of the department. "Individual"
14 does not include long-term care workers defined in RCW
15 74.39A.009(~~(17)(a)~~) whose background checks are conducted as
16 provided in RCW 74.39A.056.

17 (4) The department or its officers, agents, or employees may not
18 be held civilly liable based upon its decision to grant or deny
19 unsupervised access to children if the background information it
20 relied upon at the time the decision was made did not indicate that
21 child safety, permanence, or well-being would be a concern.

22 **Sec. 40.** RCW 74.14B.020 and 1987 c 503 s 11 are each amended to
23 read as follows:

24 The department of children, youth, and families shall, within
25 funds appropriated for this purpose, provide foster resource parent
26 training as an ongoing part of the foster care program. The
27 department of children, youth, and families shall contract for a
28 variety of support services to foster resource parents to reduce
29 isolation and stress, and to increase skills and confidence.

30 **Sec. 41.** RCW 74.14B.080 and 2017 3rd sp.s. c 6 s 509 are each
31 amended to read as follows:

32 (1) Subject to subsection (2) of this section, the secretary of
33 the department of children, youth, and families shall provide
34 liability insurance to foster resource parents licensed under chapter
35 74.15 RCW. The coverage shall be for personal injury and property
36 damage caused by foster resource parents or foster children that
37 occurred while the children were in foster care. Such insurance shall
38 cover acts of ordinary negligence but shall not cover illegal conduct

1 or bad faith acts taken by foster resource parents in providing
2 foster care. Moneys paid from liability insurance for any claim are
3 limited to the amount by which the claim exceeds the amount available
4 to the claimant from any valid and collectible liability insurance.

5 (2) The secretary of the department of children, youth, and
6 families may purchase the insurance required in subsection (1) of
7 this section or may choose a self-insurance method. The total moneys
8 expended pursuant to this authorization shall not exceed five hundred
9 thousand dollars per biennium. If the secretary elects a method of
10 self-insurance, the expenditure shall include all administrative and
11 staff costs. If the secretary elects a method of self-insurance, he
12 or she may, by rule, place a limit on the maximum amount to be paid
13 on each claim.

14 (3) Nothing in this section or RCW 4.24.590 is intended to modify
15 the foster resource parent reimbursement plan in place on July 1,
16 1991.

17 (4) The liability insurance program shall be available by July 1,
18 1991.

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