

HOUSE BILL 2442

State of Washington

54th Legislature

1996 Regular Session

By Representatives Mulliken, Sheahan, Sterk, Pelesky, McMahan, McMorris, Thompson, Smith, Honeyford, Goldsmith, Beeksma, Pennington, Sherstad, Koster, Hargrove, D. Sommers, D. Schmidt, Campbell, Benton, Johnson, Fuhrman, Stevens, Boldt and Backlund

Read first time 01/10/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting and promoting the rights of parents;
2 amending RCW 70.96A.095, 71.34.030, 46.20.292, 70.24.105, and
3 49.12.121; adding new sections to chapter 13.32A RCW; adding a new
4 section to chapter 13.40 RCW; adding a new section to chapter 4.24 RCW;
5 adding a new section to chapter 13.04 RCW; adding a new section to
6 chapter 28A.150 RCW; adding a new section to chapter 28A.320 RCW;
7 adding a new section to chapter 28A.600 RCW; adding new sections to
8 chapter 26.28 RCW; creating new sections; repealing RCW 49.12.123 and
9 70.24.110; prescribing penalties; and declaring an emergency.

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

PART I

LEGISLATIVE INTENT

RESTORATION OF PARENTS' RIGHTS AND RESPONSIBILITIES

14 **NEW SECTION.** **Sec. 1.** The legislature finds that wrongful intrusion
15 by the state into the fundamental rights of parents to exercise
16 legitimate care, responsibility, and control over the upbringing of
17 their children and the failure of government to adequately support the
18 reasonable attempts of parents to train, discipline, and prepare their

1 children to be productive, law-abiding citizens is destructive to the
2 family unit and harmful to society.

3 The result of such interference and neglect is a breakdown in the
4 traditional role of the family as the primary provider, protector, and
5 promoter of the health, safety, and well-being of children and of the
6 basic values and character traits essential for attaining individual
7 liberty, fulfillment, and happiness.

8 This act is intended to ensure the rights of parents to rightfully
9 manage and direct the affairs of their minor or dependent children, to
10 ensure that government appropriately respects and reinforces those
11 rights, and to ensure that parents meet the responsibilities inherent
12 in bearing and raising young children. The legislature recognizes that
13 upholding the rights of parents is in the best interest of families and
14 minor or dependent children of Washington state.

15 This act is also intended to assist parents in furthering the
16 following important values: (1) Honesty, integrity, and trust; (2)
17 respect for self and others; (3) responsibility for personal actions
18 and commitments; (4) self-discipline and moderation; (5) diligence and
19 a positive work ethic; (6) respect for law and authority; (7) healthy
20 and constructive behavior; and (8) family as the basis of society.

21 Neither the state of Washington, nor its political subdivisions,
22 should by any means, enact or enforce any policy that supersedes or
23 infringes upon the rights of parents as recognized and protected by
24 this act.

25 **PART II**
26 **FAMILY**

27 **A. PARENT'S RIGHT TO APPROVE OUTPATIENT DRUG OR**
28 **ALCOHOL TREATMENT PROVIDED TO A MINOR OR DEPENDENT CHILD**

29 **Sec. 2.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to
30 read as follows:

31 (1) Any person ((thirteen)) eighteen years of age or older may give
32 consent for himself or herself to the furnishing of counseling, care,
33 treatment, or rehabilitation by a treatment program or by any person.
34 Consent of the parent, parents, or legal guardian of a person less than
35 eighteen years of age is ((not)) necessary to authorize the care((,-
36 except that the person shall not become a resident of the treatment
37 program without such permission except as provided in RCW 70.96A.120 or

1 70.96A.140. The parent, parents, or legal guardian of a person less
2 than eighteen years of age are not liable for payment of care for such
3 persons pursuant to this chapter, unless they have joined in the
4 consent to the counseling, care, treatment, or rehabilitation)). In
5 the event that a minor son or daughter seeks outpatient substance abuse
6 or alcohol abuse treatment and a parent is unable or unavailable to
7 give parental consent for the treatment, the minor may petition any
8 superior court for a waiver of the consent requirement and may
9 participate in proceedings on his or her own behalf.

10 (2) The parent of any minor child may apply to an approved
11 treatment program for the admission of his or her minor child for
12 purposes authorized in this chapter. The consent of the minor child
13 shall not be required for the application or admission. The approved
14 treatment program shall accept the application and evaluate the child
15 for admission. The ability of a parent to apply to an approved
16 treatment program for the involuntary admission of his or her minor
17 child does not create a right to obtain or benefit from any funds or
18 resources of the state. However, the state may provide services for
19 indigent minors to the extent that funds are available therefor.

20 **B. PARENT'S RIGHT TO APPROVE OUTPATIENT MENTAL HEALTH**
21 **TREATMENT PROVIDED TO A MINOR OR DEPENDENT CHILD**

22 **Sec. 3.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to read
23 as follows:

24 (1) ((Any minor thirteen years or older may request and receive
25 outpatient treatment without the consent of the minor's parent.)) Parental authorization is required for outpatient treatment of a minor
26 under the age of ((thirteen)) eighteen. In the event that a minor son
27 or daughter seeks outpatient mental health treatment and a parent is
28 unable or unavailable to give parental consent for the treatment, the
29 minor may petition any superior court for a waiver of the consent
30 requirement and may participate in proceedings on his or her own
31 behalf.

32 (2) When in the judgment of the professional person in charge of an
33 evaluation and treatment facility there is reason to believe that a
34 minor is in need of inpatient treatment because of a mental disorder,
35 and the facility provides the type of evaluation and treatment needed
36 by the minor, and it is not feasible to treat the minor in any less
37 restrictive setting or the minor's home, the minor may be admitted to

1 an evaluation and treatment facility in accordance with the following
2 requirements:

3 (a) A minor may be voluntarily admitted by application of the
4 parent. The consent of the minor is not required for the minor to be
5 evaluated and admitted as appropriate.

6 ((A minor thirteen years or older may, with the concurrence of
7 the professional person in charge of an evaluation and treatment
8 facility, admit himself or herself without parental consent to the
9 evaluation and treatment facility, provided that notice is given by the
10 facility to the minor's parent in accordance with the following
11 requirements:

12 (i) Notice of the minor's admission shall be in the form most
13 likely to reach the parent within twenty four hours of the minor's
14 voluntary admission and shall advise the parent that the minor has been
15 admitted to inpatient treatment; the location and telephone number of
16 the facility providing such treatment; and the name of a professional
17 person on the staff of the facility providing treatment who is
18 designated to discuss the minor's need for inpatient treatment with the
19 parent.

20 (ii) The minor shall be released to the parent at the parent's
21 request for release unless the facility files a petition with the
22 superior court of the county in which treatment is being provided
23 setting forth the basis for the facility's belief that the minor is in
24 need of inpatient treatment and that release would constitute a threat
25 to the minor's health or safety.

26 (iii) The petition shall be signed by the professional person in
27 charge of the facility or that person's designee.

28 (iv) The parent may apply to the court for separate counsel to
29 represent the parent if the parent cannot afford counsel.

30 (v) There shall be a hearing on the petition, which shall be held
31 within three judicial days from the filing of the petition.

32 (vi) The hearing shall be conducted by a judge, court commissioner,
33 or licensed attorney designated by the superior court as a hearing
34 officer for such hearing. The hearing may be held at the treatment
35 facility.

36 (vii) At such hearing, the facility must demonstrate by a
37 preponderance of the evidence presented at the hearing that the minor
38 is in need of inpatient treatment and that release would constitute a
39 threat to the minor's health or safety. The hearing shall not be

1 conducted using the rules of evidence, and the admission or exclusion
2 of evidence sought to be presented shall be within the exercise of
3 sound discretion by the judicial officer conducting the hearing.

4 (c)) Written renewal of voluntary consent must be obtained from
5 the applicant no less than once every twelve months.

6 ((d)) (c) The minor's need for continued inpatient treatments
7 shall be reviewed and documented no less than every one hundred eighty
8 days.

9 (3) A notice of intent to leave shall result in the following:

10 (a) Any minor under the age of ((thirteen)) eighteen must be
11 discharged immediately upon written request of the parent.

12 ((Any minor thirteen years or older voluntarily admitted may
13 give notice of intent to leave at any time. The notice need not follow
14 any specific form so long as it is written and the intent of the minor
15 can be discerned.)

16 (c)) The staff member receiving the notice shall date it
17 immediately, record its existence in the minor's clinical record, and
18 send copies of it to the minor's attorney, if any, the county-
19 designated mental health professional, and the parent.

20 ((d) The professional person in charge of the evaluation and
21 treatment facility shall discharge the minor, thirteen years or older,
22 from the facility within twenty four hours after receipt of the minor's
23 notice of intent to leave, unless the county designated mental health
24 professional or a parent or legal guardian files a petition or an
25 application for initial detention within the time prescribed by this
26 chapter.))

27 (4) The ability of a parent to apply to a certified evaluation and
28 treatment program for the involuntary admission of his or her minor
29 child does not create a right to obtain or benefit from any funds or
30 resources of the state. However, the state may provide services for
31 indigent minors to the extent that funds are available therefor.

32 **C. PARENT'S RIGHT TO BE NOTIFIED OF A RUNAWAY MINOR
33 OR DEPENDENT CHILD**

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A RCW
35 to read as follows:

36 (1) Any person who, without legal authorization, provides shelter
37 to a minor or dependent child and who knows at the time of providing
38 the shelter that the child is away from the home of a parent, legal

1 guardian, or other lawfully prescribed residence without the permission
2 of a parent, legal guardian, or custodian in charge of the lawfully
3 prescribed residence, shall promptly report the location of the child
4 to a parent, legal guardian, custodian in charge of the lawfully
5 prescribed residence, or law enforcement agency of the jurisdiction in
6 which the person lives. The report may be made by telephone or any
7 other reasonable means and shall be made within eight hours after the
8 person has knowledge that the child is away from home without
9 permission.

10 (2) A violation of this section is a misdemeanor.

11 (3) As used in this section, "shelter" means the person's home or
12 any structure over which the person has any control.

13 **D. PARENT'S RIGHT TO BE NOTIFIED OF ANY ACTION AGAINST A MINOR OR**
14 **DEPENDENT CHILD'S DRIVER'S LICENSE**

15 **Sec. 5.** RCW 46.20.292 and 1979 c 61 s 8 are each amended to read
16 as follows:

17 The department may suspend, revoke, restrict, or condition any
18 driver's license upon a showing of its records that the licensee has
19 been found by a juvenile court, chief probation officer, or any other
20 duly authorized officer of a juvenile court to have committed any
21 offense or offenses which under Title 46 RCW constitutes grounds for
22 said action. If the department takes any action to suspend or revoke
the driver's license of a juvenile who is an unemancipated minor, the
department shall give written notice of the action by certified mail,
return receipt requested, to a parent or legal guardian of the
juvenile.

27 **E. PARENT'S RIGHT TO BE NOTIFIED OF ANY LEGAL INFRACTION IMPOSED ON**
28 **A MINOR OR DEPENDENT CHILD**

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40 RCW
30 to read as follows:

31 The state and its political subdivisions shall provide written
32 notice by certified mail, return receipt requested, to a parent or
33 legal guardian of a minor or dependent child of any arrest, detention,
34 or penalty imposed under color of law upon the minor or dependent child
35 by the state or any of its political subdivisions.

36 **F. FINANCIAL RESPONSIBILITIES OF A PARENT**

NEW SECTION. Sec. 7. A new section is added to chapter 13.32A RCW
to read as follows:

3 A parent or legal guardian of a child placed in a crisis
4 residential center shall contribute fifty dollars per day, for not more
5 than five consecutive days, for the expense of the child's placement.
6 However, the secretary may establish a payment schedule that requires
7 a lesser payment based on the ability of a parent or legal guardian to
8 pay. The payment shall be made to the department. No child may be
9 denied placement in, or removed from, a crisis residential center based
10 solely on the ability of a parent or legal guardian to make payment.

11 NEW SECTION. Sec. 8. A new section is added to chapter 4.24 RCW
12 to read as follows:

13 A parent or legal guardian is liable for any monetary damages or
14 penalties awarded or approved by a court in any civil or criminal
15 matter that are incurred by or result from the conduct of an
16 unemancipated minor or dependent child. Liability may include actual
17 damages and reasonable attorneys' fees and court costs unless otherwise
18 restricted by law.

19 G. JUVENILE DIVERSION PARTICIPATION RESPONSIBILITIES OF A PARENT

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.04 RCW
21 to read as follows:

22 Any parent, legal guardian, or custodian who has custody of a
23 juvenile alleged or found to have committed any offense, traffic
24 infraction, or violation as provided in RCW 13.40.020 through
25 13.40.230, is subject to the jurisdiction of the court for purposes of
26 participating in diversion agreements under RCW 13.40.080.

PART III EDUCATION

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.150
32 RCW to read as follows:

33 A school may not counsel a student regarding the student's social,
34 emotional, mental, or personal problems after an initial assessment

1 consultation without first consulting with a parent or legal guardian
2 of the student and obtaining the written consent of the parent or legal
3 guardian. Consent is not to be construed as continuing beyond the
4 specific subject of discussion during consultation, unless the parent
5 or legal guardian gives written permission to expand the scope of the
6 counseling.

7 **B. PARENT'S RIGHT TO DETERMINE WHAT A MINOR OR DEPENDENT CHILD**
8 **IS LEARNING**

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.320
10 RCW to read as follows:

11 Upon request by the parent or legal guardian of a student, the
12 board of directors of a school district shall make available for
13 inspection by the parent or legal guardian any materials, including all
14 educational or instructional related classes, courses, programs,
15 textbooks, teacher manuals, films, video tapes, audio tapes, computer
16 programs, supplementary materials, or any other materials associated
17 with the education or instruction of the student by the district.

18 Before any school district may make available to a student any such
19 materials associated with the following, the district shall notify the
20 parent or legal guardian of the student that all such materials are
21 available for public inspection and upon written consent by the parent
22 or legal guardian the district may make such materials available to the
23 student: Human sexuality education; education regarding sexually
24 transmitted diseases, including HIV or AIDS education; anger, stress,
25 or conflict management or resolution education; suicide education; and
26 death education.

27 Employees of a school district shall not direct, instruct, or
28 encourage a student to withhold instructional materials or other
29 information concerning classroom activities, tests, discussions, or
30 programs from their parent.

31 All records kept on a student shall be provided to the parent upon
32 request for the parent's observation, and copies thereof provided to
33 the parent upon request at cost at the expense of the parent. Records
34 may not be maintained on a student that are not relevant to academic
35 achievement, except that records regarding disciplinary action shall be
36 separately maintained.

37 **C. PARENT'S AND STUDENT'S RIGHTS TO PRIVACY**

NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.600
RCW to read as follows:

3 Before a school district employee or other individual under the
4 auspices of a school district may request or require a student to
5 submit to the following, the district shall obtain the prior written
6 consent of the parent or legal guardian of the student: Any
7 instruction involving psychotherapeutic techniques, group therapy or
8 sensitivity training processes. No survey, test, questionnaire, or
9 examination that elicits the personal beliefs or practices of a student
10 or the student's parent or legal guardian as to sex, religion,
11 political affiliations, or mental or psychological treatment may be
12 administered without prior consent of the student's parent or legal
13 guardian.

PART IV

HEALTH CARE

**A. PARENT'S RIGHT TO BE PRESENT DURING MEDICAL PROCEDURES
INVOLVING A MINOR OR DEPENDENT CHILD**

18 NEW SECTION. Sec. 13. A new section is added to chapter 26.28 RCW
19 to read as follows:

20 A parent or legal guardian of an unemancipated minor or dependent
21 child has a right to be notified and present whenever the child is
22 receiving medical care.

23 This right does not extend to a parent or legal guardian if a
24 restraining order or other court order has been issued prohibiting the
25 parent or legal guardian from having contact with the child.

26 Medical care may not be provided to an unemancipated minor or
27 dependent child unless the medical provider has first obtained the
28 signed consent of the child's parent or legal guardian.

29 The prior written consent requirement in this section does not
30 apply if, on the basis of a provider's good-faith clinical judgment, a
31 medical emergency exists that necessitates the immediate provision of
32 medical care in order to avert the death of the child or for which a
33 delay will create a serious risk of substantial and irreversible
34 impairment of a major bodily function.

35 As used in this section, "medical care" means any medical
36 procedure, treatment, diagnosis, or examination that involves the

1 physical touching of the child, or any consultation, that is performed
2 by a person licensed in this state to provide health care.

3 **B. PARENT'S RIGHT TO APPROVE OF INVASIVE MEDICAL PROCEDURES**
4 **INVOLVING A MINOR OR DEPENDENT CHILD**

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.28 RCW
6 to read as follows:

7 An invasive medical procedure may not be performed upon an
8 unemancipated minor or dependent child unless the physician has first
9 obtained the signed consent of the child's parent or legal guardian.

10 This prior written consent requirement does not apply if, on the
11 basis of a physician's good-faith clinical judgment, a medical
12 emergency exists that necessitates the immediate performance of an
13 invasive medical procedure so as to avert the death of the child or for
14 which a delay will create a serious risk of substantial and
15 irreversible impairment of a major bodily function.

16 If an invasive medical procedure is being performed under chapter
17 9.02 RCW, an unemancipated minor or dependent child may petition any
18 superior court for a waiver of the consent requirement and may
19 participate in proceedings on her own behalf. The petition shall
20 include a statement that the petitioner is pregnant and is an
21 unemancipated minor or dependent child. The court shall appoint a
22 guardian ad litem for the petitioner. Any guardian ad litem appointed
23 under this section shall act to maintain the confidentiality of the
24 proceedings.

25 The court shall advise the petitioner that she has a right to
26 court-appointed counsel and shall provide such counsel upon request.

27 Court proceedings under this section shall be confidential and
28 shall ensure the anonymity of the petitioner. All court proceedings
29 under this section shall be sealed. The petitioner has the right to
30 file her petition in the court using a pseudonym or using solely her
31 initials. All documents related to this petition shall be confidential
32 and shall not be available to the public. These proceedings shall be
33 given precedence over other pending matters to the extent necessary to
34 ensure that the court reaches a decision promptly. The court shall
35 rule, and issue written findings of fact and conclusions of law, within
36 forty-eight hours of the time that the petition was filed, except that
37 the forty-eight hour limitation may be extended at the request of the
38 petitioner. If the court fails to rule within the forty-eight hour

1 period and an extension was not requested, the petition shall be deemed
2 to have been granted, and the consent requirement shall be waived.

3 In the case of a petition by a petitioner, if the court finds, by
4 clear and convincing evidence, that the petitioner is sufficiently
5 mature or able to decide whether to have an abortion, the court shall
6 issue an order authorizing the petitioner to consent to the performance
7 or inducement of an abortion without the consent of a parent or
8 guardian. If the court does not make the finding that the petitioner
9 is sufficiently mature or able to decide whether to have an abortion,
10 it shall dismiss the petition.

11 In the case of a petition by a petitioner, if the court finds, by
12 clear and convincing evidence, that there is evidence of a pattern of
13 physical or sexual abuse by a parent or guardian of the petitioner, or
14 that the notification of a parent or guardian is not in the best
15 interest of the petitioner, the court shall issue an order authorizing
16 the petitioner to consent to the performance or inducement of an
17 abortion without the consent of a parent or guardian. If the court
18 does not make the finding that there is evidence of a pattern of
19 physical or sexual abuse by a parent or guardian of the petitioner, or
20 that the consent of a parent or guardian is not in the best interest of
21 the petitioner, it shall dismiss the petition.

22 A court that conducts proceedings under this section shall issue
23 written and specific factual findings and legal conclusions supporting
24 its decision and shall order that a confidential record of the evidence
25 and the judge's findings and conclusions be maintained.

26 An expedited confidential appeal shall be available, as the supreme
27 court provides by rule, to a petitioner to whom the court denies a
28 waiver of notice. An order authorizing an abortion without notice
29 shall not be subject to appeal.

30 Filing fees shall not be required of a petitioner who petitions a
31 court for a waiver of parental consent under this section at either the
32 trial or the appellate level.

33 The supreme court is respectfully requested to establish rules to
34 ensure that proceedings under this section are handled in an
35 expeditious and confidential manner and to satisfy any requirements of
36 federal courts binding on this jurisdiction.

37 **C. PARENT'S RIGHT TO APPROVE TESTING OF A MINOR OR DEPENDENT CHILD**
38 **FOR SEXUALLY TRANSMITTED DISEASE AND TO ACCESS TEST RESULTS**

1 **Sec. 15.** RCW 70.24.105 and 1994 c 72 s 1 are each amended to read
2 as follows:

3 (1) No person may disclose or be compelled to disclose the identity
4 of any person who has investigated, considered, or requested a test or
5 treatment for a sexually transmitted disease, except as authorized by
6 this chapter.

7 (2) No person may disclose or be compelled to disclose the identity
8 of any person upon whom an HIV antibody test is performed, or the
9 results of such a test, nor may the result of a test for any other
10 sexually transmitted disease when it is positive be disclosed. This
11 protection against disclosure of test subject, diagnosis, or treatment
12 also applies to any information relating to diagnosis of or treatment
13 for HIV infection and for any other confirmed sexually transmitted
14 disease. The following persons, however, may receive such information:

15 (a) The subject of the test or the subject's legal representative
16 for health care decisions in accordance with RCW 7.70.065((, with the
17 exception of such a representative of a minor child over fourteen years
18 of age and otherwise competent));

19 (b) Any person who secures a specific release of test results or
20 information relating to HIV or confirmed diagnosis of or treatment for
21 any other sexually transmitted disease executed by the subject or the
22 subject's legal representative for health care decisions in accordance
23 with RCW 7.70.065((, with the exception of such a representative of a
24 minor child over fourteen years of age and otherwise competent));

25 (c) The state public health officer, a local public health officer,
26 or the centers for disease control of the United States public health
27 service in accordance with reporting requirements for a diagnosed case
28 of a sexually transmitted disease;

29 (d) A health facility or health care provider that procures,
30 processes, distributes, or uses: (i) A human body part, tissue, or
31 blood from a deceased person with respect to medical information
32 regarding that person; (ii) semen, including that provided prior to
33 March 23, 1988, for the purpose of artificial insemination; or (iii)
34 blood specimens;

35 (e) Any state or local public health officer conducting an
36 investigation pursuant to RCW 70.24.024, provided that such record was
37 obtained by means of court ordered HIV testing pursuant to RCW
38 70.24.340 or 70.24.024;

1 (f) A person allowed access to the record by a court order granted
2 after application showing good cause therefor. In assessing good
3 cause, the court shall weigh the public interest and the need for
4 disclosure against the injury to the patient, to the physician-patient
5 relationship, and to the treatment services. Upon the granting of the
6 order, the court, in determining the extent to which any disclosure of
7 all or any part of the record of any such test is necessary, shall
8 impose appropriate safeguards against unauthorized disclosure. An
9 order authorizing disclosure shall: (i) Limit disclosure to those
10 parts of the patient's record deemed essential to fulfill the objective
11 for which the order was granted; (ii) limit disclosure to those persons
12 whose need for information is the basis for the order; and (iii)
13 include any other appropriate measures to keep disclosure to a minimum
14 for the protection of the patient, the physician-patient relationship,
15 and the treatment services, including but not limited to the written
16 statement set forth in subsection (5) of this section;

17 (g) Persons who, because of their behavioral interaction with the
18 infected individual, have been placed at risk for acquisition of a
19 sexually transmitted disease, as provided in RCW 70.24.022, if the
20 health officer or authorized representative believes that the exposed
21 person was unaware that a risk of disease exposure existed and that the
22 disclosure of the identity of the infected person is necessary;

23 (h) A law enforcement officer, fire fighter, health care provider,
24 health care facility staff person, or other persons as defined by the
25 board in rule pursuant to RCW 70.24.340(4), who has requested a test of
26 a person whose bodily fluids he or she has been substantially exposed
27 to, pursuant to RCW 70.24.340(4), if a state or local public health
28 officer performs the test;

29 (i) Claims management personnel employed by or associated with an
30 insurer, health care service contractor, health maintenance
31 organization, self-funded health plan, state-administered health care
32 claims payer, or any other payer of health care claims where such
33 disclosure is to be used solely for the prompt and accurate evaluation
34 and payment of medical or related claims. Information released under
35 this subsection shall be confidential and shall not be released or
36 available to persons who are not involved in handling or determining
37 medical claims payment; and

38 (j) A department of social and health services worker, a child
39 placing agency worker, or a guardian ad litem who is responsible for

1 making or reviewing placement or case-planning decisions or
2 recommendations to the court regarding a child, who is less than
3 fourteen years of age, has a sexually transmitted disease, and is in
4 the custody of the department of social and health services or a
5 licensed child placing agency; this information may also be received by
6 a person responsible for providing residential care for such a child
7 when the department of social and health services or a licensed child
8 placing agency determines that it is necessary for the provision of
9 child care services.

10 (3) No person to whom the results of a test for a sexually
11 transmitted disease have been disclosed pursuant to subsection (2) of
12 this section may disclose the test results to another person except as
13 authorized by that subsection.

14 (4) The release of sexually transmitted disease information
15 regarding an offender, except as provided in subsection (2)(e) of this
16 section, shall be governed as follows:

17 (a) The sexually transmitted disease status of a department of
18 corrections offender shall be made available by department of
19 corrections health care providers to a department of corrections
20 superintendent or administrator as necessary for disease prevention or
21 control and for protection of the safety and security of the staff,
22 offenders, and the public. The information may be submitted to
23 transporting officers and receiving facilities, including facilities
24 that are not under the department of correction's jurisdiction.

25 (b) The sexually transmitted disease status of a person detained in
26 a jail shall be made available by the local public health officer to a
27 jail administrator as necessary for disease prevention or control and
28 for protection of the safety and security of the staff, offenders, and
29 the public. The information may be submitted to transporting officers
30 and receiving facilities.

31 (c) Information regarding a department of corrections offender's
32 sexually transmitted disease status is confidential and may be
33 disclosed by a correctional superintendent or administrator or local
34 jail administrator only as necessary for disease prevention or control
35 and for protection of the safety and security of the staff, offenders,
36 and the public. Unauthorized disclosure of this information to any
37 person may result in disciplinary action, in addition to any other
38 penalties as may be prescribed by law.

1 (5) Whenever disclosure is made pursuant to this section, except
2 for subsections (2)(a) and (6) of this section, it shall be accompanied
3 by a statement in writing which includes the following or substantially
4 similar language: "This information has been disclosed to you from
5 records whose confidentiality is protected by state law. State law
6 prohibits you from making any further disclosure of it without the
7 specific written consent of the person to whom it pertains, or as
8 otherwise permitted by state law. A general authorization for the
9 release of medical or other information is NOT sufficient for this
10 purpose." An oral disclosure shall be accompanied or followed by such
11 a notice within ten days.

12 (6) The requirements of this section shall not apply to the
13 customary methods utilized for the exchange of medical information
14 among health care providers in order to provide health care services to
15 the patient, nor shall they apply within health care facilities where
16 there is a need for access to confidential medical information to
17 fulfill professional duties.

18 (7) Upon request of the victim, disclosure of test results under
19 this section to victims of sexual offenses under chapter 9A.44 RCW
20 shall be made if the result is negative or positive. The county
21 prosecuting attorney shall notify the victim of the right to such
22 disclosure. Such disclosure shall be accompanied by appropriate
23 counseling, including information regarding follow-up testing.

PART V

EMPLOYMENT

PARENT'S RIGHT TO DETERMINE THE HOURS A MINOR
OR DEPENDENT CHILD MAY WORK

28 **Sec. 16.** RCW 49.12.121 and 1993 c 294 s 9 are each amended to read
29 as follows:

30 ((1) The department may at any time inquire into wages, hours, and
31 conditions of labor of minors employed in any trade, business, or
32 occupation in the state of Washington and may adopt special rules for
33 the protection of the safety, health, and welfare of minor employees.
34 However, the rules may not limit the hours per day or per week, or
35 other specified work period, that may be worked by minors who are
36 emancipated by court order.

1 ((2))) The department shall issue work permits to employers for the
2 employment of minors, after being assured the proposed employment of a
3 minor meets the standards ((for the health, safety, and welfare of
4 minors as set forth in the rules adopted by the department)) under
5 chapter 49.17 RCW. No minor person shall be employed in any
6 occupation, trade, or industry subject to chapter 16, Laws of 1973 2nd
7 ex. sess., unless a work permit has been properly issued, with the
8 consent of the parent, guardian, or other person having legal custody
9 of the minor and with the approval of the school which such minor may
10 then be attending. However, the consent of a parent, guardian, or
11 other person, or the approval of the school which the minor may then be
12 attending, is unnecessary if the minor is emancipated by court order.
13 ((+3))) The minimum wage for minors shall be as prescribed in RCW
14 49.46.020.

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

17 (1) RCW 49.12.123 and 1991 c 303 s 8, 1983 c 3 s 156, & 1973 c 51
18 s 3; and

19 (2) RCW 70.24.110 and 1988 c 206 s 912 & 1969 ex.s. c 164 s 1.

20 NEW SECTION. **Sec. 18.** Part and subpart headings used in this act
21 do not constitute any part of the law.

22 NEW SECTION. **Sec. 19.** This act shall be known and cited as the
23 restoration of parents' rights and responsibilities act of 1996.

24 NEW SECTION. **Sec. 20.** The provisions of this act shall be
25 liberally construed to effectuate the policies and purposes of this
26 act. In the event of conflict between this act and any other provision
27 of law, the provisions of this act shall govern.

28 NEW SECTION. **Sec. 21.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

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