

1 1898 AAS 04/05/01 S2529.1

2 HB 1898 - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 04/05/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 74.15.020 and 1999 c 267 s 11 are each amended to
8 read as follows:

9 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
10 otherwise clearly indicated by the context thereof, the following terms
11 shall mean:

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

22 (a) "Child day-care center" means an agency which regularly
23 provides care for a group of children for periods of less than twenty-
24 four hours;

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

27 (c) "Community facility" means a group care facility operated for
28 the care of juveniles committed to the department under RCW 13.40.185.
29 A county detention facility that houses juveniles committed to the
30 department under RCW 13.40.185 pursuant to a contract with the
31 department is not a community facility;

32 (d) "Crisis residential center" means an agency which is a
33 temporary protective residential facility operated to perform the
34 duties specified in chapter 13.32A RCW, in the manner provided in RCW
35 74.13.032 through 74.13.036;

36 (e) "Emergency respite center" is an agency that may be commonly
37 known as a crisis nursery, that provides emergency and crisis care for

1 up to seventy-two hours to children who have been admitted by their
2 parents or guardians to prevent abuse or neglect. Emergency respite
3 centers may operate for up to twenty-four hours a day, and for up to
4 seven days a week. Emergency respite centers may provide care for
5 children ages birth through seventeen, and for persons eighteen through
6 twenty with developmental disabilities who are admitted with a sibling
7 or siblings through age seventeen. Emergency respite centers may not
8 substitute for crisis residential centers or HOPE centers, or any other
9 services defined under this section, and may not substitute for
10 services which are required under chapter 13.32A or 13.34 RCW;

11 (f) "Family day-care provider" means a child day-care provider who
12 regularly provides child day care for not more than twelve children in
13 the provider's home in the family living quarters;

14 ((f)) (g) "Foster-family home" means an agency which regularly
15 provides care on a twenty-four hour basis to one or more children,
16 expectant mothers, or persons with developmental disabilities in the
17 family abode of the person or persons under whose direct care and
18 supervision the child, expectant mother, or person with a developmental
19 disability is placed;

20 ((g)) (h) "Group-care facility" means an agency, other than a
21 foster-family home, which is maintained and operated for the care of a
22 group of children on a twenty-four hour basis;

23 ((h)) (i) "HOPE center" means an agency licensed by the secretary
24 to provide temporary residential placement and other services to street
25 youth. A street youth may remain in a HOPE center for thirty days
26 while services are arranged and permanent placement is coordinated. No
27 street youth may stay longer than thirty days unless approved by the
28 department and any additional days approved by the department must be
29 based on the unavailability of a long-term placement option. A street
30 youth whose parent wants him or her returned to home may remain in a
31 HOPE center until his or her parent arranges return of the youth, not
32 longer. All other street youth must have court approval under chapter
33 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

34 ((i)) (j) "Maternity service" means an agency which provides or
35 arranges for care or services to expectant mothers, before or during
36 confinement, or which provides care as needed to mothers and their
37 infants after confinement;

38 ((j)) (k) "Responsible living skills program" means an agency
39 licensed by the secretary that provides residential and transitional

1 living services to persons ages sixteen to eighteen who are dependent
2 under chapter 13.34 RCW and who have been unable to live in his or her
3 legally authorized residence and, as a result, the minor lived outdoors
4 or in another unsafe location not intended for occupancy by the minor.
5 Dependent minors ages fourteen and fifteen may be eligible if no other
6 placement alternative is available and the department approves the
7 placement;

8 (~~(k)~~) (l) "Service provider" means the entity that operates a
9 community facility.

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

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

13 (i) Any blood relative, including those of half-blood, and
14 including first cousins, nephews or nieces, and persons of preceding
15 generations as denoted by prefixes of grand, great, or great-great;

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

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

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

23 (v) Extended family members, as defined by the law or custom of the
24 Indian child's tribe or, in the absence of such law or custom, a person
25 who has reached the age of eighteen and who is the Indian child's
26 grandparent, aunt or uncle, brother or sister, brother-in-law or
27 sister-in-law, niece or nephew, first or second cousin, or stepparent
28 who provides care in the family abode on a twenty-four-hour basis to an
29 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

32 (c) Persons who care for a neighbor's or friend's child or
33 children, with or without compensation, where: (i) The person
34 providing care for periods of less than twenty-four hours does not
35 conduct such activity on an ongoing, regularly scheduled basis for the
36 purpose of engaging in business, which includes, but is not limited to,
37 advertising such care; or (ii) the parent and person providing care on
38 a twenty-four-hour basis have agreed to the placement in writing and
39 the state is not providing any payment for the care;

1 (d) Parents on a mutually cooperative basis exchange care of one
2 another's children;

3 (e) A person, partnership, corporation, or other entity that
4 provides placement or similar services to exchange students or
5 international student exchange visitors or persons who have the care of
6 an exchange student in their home;

7 (f) Nursery schools or kindergartens which are engaged primarily in
8 educational work with preschool children and in which no child is
9 enrolled on a regular basis for more than four hours per day;

10 (g) Schools, including boarding schools, which are engaged
11 primarily in education, operate on a definite school year schedule,
12 follow a stated academic curriculum, accept only school-age children
13 and do not accept custody of children;

14 (h) Seasonal camps of three months' or less duration engaged
15 primarily in recreational or educational activities;

16 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
17 performing functions defined in chapter 70.41 RCW, nursing homes
18 licensed under chapter 18.51 RCW and boarding homes licensed under
19 chapter 18.20 RCW;

20 (j) Licensed physicians or lawyers;

21 (k) Facilities providing care to children for periods of less than
22 twenty-four hours whose parents remain on the premises to participate
23 in activities other than employment;

24 (l) Facilities approved and certified under chapter 71A.22 RCW;

25 (m) Any agency having been in operation in this state ten years
26 prior to June 8, 1967, and not seeking or accepting moneys or
27 assistance from any state or federal agency, and is supported in part
28 by an endowment or trust fund;

29 (n) Persons who have a child in their home for purposes of
30 adoption, if the child was placed in such home by a licensed child-
31 placing agency, an authorized public or tribal agency or court or if a
32 replacement report has been filed under chapter 26.33 RCW and the
33 placement has been approved by the court;

34 (o) An agency operated by any unit of local, state, or federal
35 government or an agency, located within the boundaries of a federally
36 recognized Indian reservation, licensed by the Indian tribe;

37 (p) An agency located on a federal military reservation, except
38 where the military authorities request that such agency be subject to
39 the licensing requirements of this chapter.

1 (3) "Department" means the state department of social and health
2 services.

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

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

9 (6) "Requirement" means any rule, regulation, or standard of care
10 to be maintained by an agency.

11 (7) "Secretary" means the secretary of social and health services.

12 (8) "Street youth" means a person under the age of eighteen who
13 lives outdoors or in another unsafe location not intended for occupancy
14 by the minor and who is not residing with his or her parent or at his
15 or her legally authorized residence.

16 (9) "Transitional living services" means at a minimum, to the
17 extent funds are available, the following:

18 (a) Educational services, including basic literacy and
19 computational skills training, either in local alternative or public
20 high schools or in a high school equivalency program that leads to
21 obtaining a high school equivalency degree;

22 (b) Assistance and counseling related to obtaining vocational
23 training or higher education, job readiness, job search assistance, and
24 placement programs;

25 (c) Counseling and instruction in life skills such as money
26 management, home management, consumer skills, parenting, health care,
27 access to community resources, and transportation and housing options;

28 (d) Individual and group counseling; and

29 (e) Establishing networks with federal agencies and state and local
30 organizations such as the United States department of labor, employment
31 and training administration programs including the job training
32 partnership act which administers private industry councils and the job
33 corps; vocational rehabilitation; and volunteer programs.

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

36 The secretary is authorized to license emergency respite centers.
37 The department may adopt rules to specify licensing requirements for
38 emergency respite centers.

1 NEW SECTION. **Sec. 3.** The legislature intends to increase the
2 likelihood that pregnant women will obtain adequate prenatal care and
3 will provide their newborns with adequate health care during the first
4 few days of their lives. The legislature recognizes that prenatal and
5 postdelivery health care for newborns and their mothers is especially
6 critical to their survival and well-being. The legislature intends
7 that reasonable steps should be taken to remove any barriers to such
8 care, particularly for those parents who may otherwise encounter
9 emotional and/or psychological barriers to obtaining such care by
10 reducing impediments to obtaining prenatal and postdelivery care to
11 newborns while encouraging pregnant women to act responsibly regarding
12 the health of their newborns. The legislature does not intend to
13 encourage the abandonment of newborn children nor to change existing
14 law relating to notification to parents under chapter 13.34 RCW, but
15 rather to assure that abandonment does not occur and that all newborns
16 have an opportunity for adequate health care and a stable home life.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
18 to read as follows:

19 (1) For purposes of this section:

20 (a) "Appropriate location" means the emergency department of a
21 hospital licensed under chapter 70.41 RCW during the hours the hospital
22 is in operation.

23 (b) "Newborn" means a live human being who is less than seventy-two
24 hours old.

25 (c) "Qualified person" means any person that the parent
26 transferring the newborn reasonably believes is a bona fide employee,
27 volunteer, or medical staff member of the hospital and who represents
28 to the parent transferring the newborn that he or she can and will
29 summon appropriate resources to meet the newborn's immediate needs.

30 (2) A parent of a newborn who transfers the newborn to a qualified
31 person at an appropriate location is not subject to criminal liability
32 under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

33 (3)(a) The qualified person and the hospital shall not require the
34 parent transferring the newborn to provide any identifying information
35 in order to transfer the newborn.

36 (b) The qualified person and the hospital shall attempt to protect
37 the anonymity of the parent who transfers the newborn, while providing
38 an opportunity for the parent to anonymously give the hospital such

1 information as the parent knows about the family medical history of the
2 parents and the newborn. The qualified person and the hospital shall
3 provide referral information about adoption options, counseling,
4 appropriate medical and emotional aftercare services, domestic
5 violence, and legal rights to the parent seeking to transfer the
6 newborn.

7 (c) If a parent of a newborn transfers the newborn to a qualified
8 person at an appropriate location pursuant to this section, the
9 hospital shall cause child protective services to be notified within
10 twenty-four hours after receipt of such a newborn. Child protective
11 services shall assume custody of the newborn within twenty-four hours
12 after receipt of notification and shall arrange for discharge of the
13 newborn from the hospital.

14 (d) A hospital, its employees, volunteers, and medical staff are
15 immune from any criminal or civil liability for accepting or receiving
16 a newborn under this section.

17 **Sec. 5.** RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read
18 as follows:

19 (1) Except as provided in subsection (2) of this section, a person
20 is guilty of the crime of abandonment of a dependent person in the
21 first degree if:

22 (a) The person is the parent of a child, a person entrusted with
23 the physical custody of a child or other dependent person, or a person
24 employed to provide to the child or other dependent person any of the
25 basic necessities of life;

26 (b) The person recklessly abandons the child or other dependent
27 person; and

28 (c) As a result of being abandoned, the child or other dependent
29 person suffers great bodily harm.

30 (2) A parent of a newborn who transfers the newborn to a qualified
31 person at an appropriate location pursuant to section 4 of this act is
32 not subject to criminal liability under this section.

33 (3) Abandonment of a dependent person in the first degree is a
34 class B felony.

35 **Sec. 6.** RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read
36 as follows:

37 (1) Except as provided in subsection (2) of this section, a person

1 is guilty of the crime of abandonment of a dependent person in the
2 second degree if:

3 (a) The person is the parent of a child, a person entrusted with
4 the physical custody of a child or other dependent person, or a person
5 employed to provide to the child or other dependent person any of the
6 basic necessities of life; and

7 (b) The person recklessly abandons the child or other dependent
8 person; and:

9 (i) As a result of being abandoned, the child or other dependent
10 person suffers substantial bodily harm; or

11 (ii) Abandoning the child or other dependent person creates an
12 imminent and substantial risk that the child or other dependent person
13 will die or suffer great bodily harm.

14 (2) A parent of a newborn who transfers the newborn to a qualified
15 person at an appropriate location pursuant to section 4 of this act is
16 not subject to criminal liability under this section.

17 (3) Abandonment of a dependent person in the second degree is a
18 class C felony.

19 **Sec. 7.** RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read
20 as follows:

21 (1) Except as provided in subsection (2) of this section, a person
22 is guilty of the crime of abandonment of a dependent person in the
23 third degree if:

24 (a) The person is the parent of a child, a person entrusted with
25 the physical custody of a child or other dependent person, or a person
26 employed to provide to the child or dependent person any of the basic
27 necessities of life; and

28 (b) The person recklessly abandons the child or other dependent
29 person; and:

30 (i) As a result of being abandoned, the child or other dependent
31 person suffers bodily harm; or

32 (ii) Abandoning the child or other dependent person creates an
33 imminent and substantial risk that the child or other person will
34 suffer substantial bodily harm.

35 (2) A parent of a newborn who transfers the newborn to a qualified
36 person at an appropriate location pursuant to section 4 of this act is
37 not subject to criminal liability under this section.

1 (3) Abandonment of a dependent person in the third degree is a
2 gross misdemeanor.

3 **Sec. 8.** RCW 26.20.030 and 1984 c 260 s 26 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (2) of this section, any
6 person who has a child dependent upon him or her for care, education or
7 support and deserts such child in any manner whatever with intent to
8 abandon it is guilty of the crime of family abandonment.

9 (2) A parent of a newborn who transfers the newborn to a qualified
10 person at an appropriate location pursuant to section 4 of this act is
11 not subject to criminal liability under this section.

12 (3) The crime of family abandonment is a class C felony under
13 chapter 9A.20 RCW.

14 **Sec. 9.** RCW 26.20.035 and 1984 c 260 s 27 are each amended to read
15 as follows:

16 (1) Except as provided in subsection (2) of this section, any
17 person who is able to provide support, or has the ability to earn the
18 means to provide support, and who:

19 (a) Willfully omits to provide necessary food, clothing, shelter,
20 or medical attendance to a child dependent upon him or her; or

21 (b) Willfully omits to provide necessary food, clothing, shelter,
22 or medical attendance to his or her spouse,
23 is guilty of the crime of family nonsupport.

24 (2) A parent of a newborn who transfers the newborn to a qualified
25 person at an appropriate location pursuant to section 4 of this act is
26 not subject to criminal liability under this section.

27 (3) The crime of family nonsupport is a gross misdemeanor under
28 chapter 9A.20 RCW.

29 NEW SECTION. **Sec. 10.** (1) The secretary of the department of
30 social and health services shall convene a task force to recommend
31 methods of implementing sections 3 through 9 of this act, including how
32 private or public funding may be obtained to support a program of
33 public education regarding the provisions of sections 3 through 9 of
34 this act. The task force shall consider all reasonable methods of
35 educating Washington residents about the need for prenatal and
36 postdelivery health care for a newborn whose parents may otherwise not

1 seek such care and place their newborn at risk as a result. The task
2 force shall also consider, and make recommendations regarding: (a)
3 Ways to meet the medical and emotional needs of the mother and to
4 improve the promotion of adoption as an alternative to placing a
5 newborn in situations that create a serious risk to his or her health;
6 and (b) methods of providing access to (i) the medical history of the
7 parents of a newborn who is transferred to a hospital pursuant to
8 section 4 of this act; and (ii) the medical history of the newborn,
9 consistent with the protection of the anonymity of the parents of the
10 newborn. The task force shall develop model forms of policies and
11 procedures for hospitals to use in receiving newborns under section 4
12 of this act.

13 (2) In addition to the secretary, or the secretary's designee, the
14 task force shall include but not be limited to representation from the
15 following: (a) Licensed physicians; (b) public and private agencies
16 which provide adoption services; (c) private attorneys handling
17 adoptions; (d) the licensed nursing community; (e) hospitals; (f)
18 prosecuting attorneys; (g) foster parents; (h) the department of
19 health; (i) the attorney general; (j) advocacy groups concerned with
20 the availability of adoption records; (k) risk managers; and (l) the
21 public. At least three members of the task force shall be public
22 members. The task force may seek input from other experts as needed.

23 (3) Members of the task force shall serve without compensation.

24 (4) The task force shall submit its report and recommendations to
25 the governor and legislature not later than December 1, 2001.

26 (5) This section expires January 1, 2003.

27 NEW SECTION. **Sec. 11.** Sections 3 through 9 of this act are
28 necessary for the immediate preservation of the public peace, health,
29 or safety, or support of the state government and its existing public
30 institutions, and take effect immediately."

31 **HB 1898** - S COMM AMD

32 By Committee on Human Services & Corrections

33 ADOPTED 04/05/01

34 On page 1, line 1 of the title, after "nurseries;" strike the
35 remainder of the title and insert "amending RCW 74.15.020, 9A.42.060,
36 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to

1 chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; creating
2 new sections; prescribing penalties; providing an expiration date; and
3 declaring an emergency."

EFFECT: Defines crisis nurseries as "emergency respite centers" for the purposes of licensing, and provides a more specific program description. Declares that emergency respite centers may not substitute for required services related to juvenile delinquency or child dependency, and existing DSHS licensed facilities.

Makes provisions regarding the health and safety of newborn infants who are abandoned, and exempts from criminal liability persons who abandon them into the custody of a qualified person at a hospital.

--- END ---