

**ESSB 5890 - S AMD 300**

By Senator O'Ban

ADOPTED 06/29/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 74.13.270 and 1990 c 284 s 8 are each amended to  
4 read as follows:

5 (1) The legislature recognizes the need for temporary short-term  
6 relief for foster parents who care for children with emotional,  
7 mental, or physical handicaps. For purposes of this section, respite  
8 care means appropriate, temporary, short-term care for these foster  
9 children placed with licensed foster parents. The purpose of this  
10 care is to give the foster parents temporary relief from the stresses  
11 associated with the care of these foster children. The department  
12 shall design a program of respite care that will minimize disruptions  
13 to the child and will serve foster parents within these priorities,  
14 based on input from foster parents, foster parent associations, and  
15 reliable research if available.

16 (2)(a) For the purposes of this section, and subject to funding  
17 appropriated specifically for this purpose, short-term care shall  
18 include case aides who provide temporary assistance to foster parents  
19 as needed with the overall goal of supporting the parental efforts of  
20 the foster parents except that this assistance shall not include  
21 overnight assistance. The department shall contract with nonprofit  
22 community-based organizations in each region to establish a statewide  
23 pool of individuals to provide the care described in this subsection.  
24 These individuals shall be hired by the nonprofit community-based  
25 organization and shall have the appropriate training, background  
26 checks, and qualifications as determined by the department. Short-  
27 term care as described in this subsection shall be available to all  
28 licensed foster parents in the state as funding is available and  
29 shall be phased in by geographic region. To obtain the assistance of  
30 a case aide for this purpose, the foster parent may request the  
31 services from the nonprofit community-based organization and the  
32 nonprofit community-based organization may offer assistance to

1 licensed foster families. If the requests for the short-term care  
2 provided in this subsection exceed the funding available, the  
3 nonprofit community-based organization shall have discretion to  
4 determine the assignment of case aides. The nonprofit community-based  
5 organization shall report all short-term care provided under this  
6 subsection to the department.

7 (b) Subject to funding appropriated specifically for this  
8 purpose, the Washington state institute for public policy shall  
9 prepare an outcome evaluation of the short-term care described in  
10 this subsection. The evaluation will, to the maximum extent possible,  
11 assess the impact of the short-term care services described in this  
12 subsection on the retention of foster homes and the number of  
13 placements a foster child receives while in out-of-home care as well  
14 as the return on investment to the state. The institute shall submit  
15 a preliminary report to the appropriate committees of the legislature  
16 and the governor by December 1, 2018, that describes the initial  
17 implementation of these services and descriptive statistics of the  
18 families utilizing these services. A final report shall be submitted  
19 to the appropriate committees of the legislature by June 30, 2020. At  
20 no cost to the institute, the department shall provide all data  
21 necessary to discharge this duty.

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

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

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

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

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

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

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.15  
8 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

1       **Sec. 4.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are  
2 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34  
29 RCW to read as follows:

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

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

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

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

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

10 **Sec. 6.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to  
11 read as follows:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (iii) Parent-child visits;

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

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

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

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

10       **Sec. 7.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to  
11 read as follows:

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

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

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

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

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

10 **Sec. 8.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to  
11 read as follows:

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

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

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

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

35 **Sec. 9.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to  
36 read as follows:

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

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

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

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

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

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

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

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

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

36 **Sec. 10.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each  
37 amended to read as follows:

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

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

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

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

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

9 (i) In grade seven through twelve; or

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 41.04  
23 RCW to read as follows:

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

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

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

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

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

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

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

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

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

- 13 (a) Overtime pay;
- 14 (b) Call back pay;
- 15 (c) Standby pay; or
- 16 (d) Performance bonuses.

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

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

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

30 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.06  
31 RCW to read as follows:

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

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 74.13  
2    RCW to read as follows:

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

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

14       NEW SECTION.    **Sec. 14.**    RCW 74.13.107 (Child and family  
15   reinvestment account—Methodology for calculating savings resulting  
16   from reductions in foster care caseloads and per capita costs) and  
17   2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

18       NEW SECTION.    **Sec. 15.**    RCW 74.12.037 (Income eligibility—  
19   Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s  
20   4 are each repealed, effective July 1, 2018.

21       NEW SECTION.    **Sec. 16.**    The following acts or parts of acts are  
22   repealed:

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

26       (2) RCW 43.131.416 (Child and family reinvestment account and  
27   methodology for calculating savings—Repeal) and 2013 c 332 s 13 &  
28   2012 c 204 s 5.

29       NEW SECTION.    **Sec. 17.**    Any residual balance of funds remaining  
30   in the child and family reinvestment account repealed by section 14  
31   of this act must be transferred to the general fund.

32       NEW SECTION.    **Sec. 18.**    Pursuant to RCW 41.06.142(3), the  
33   competitive procurement process and contract provisions in this act

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

3 NEW SECTION. **Sec. 19.** Section 14 of this act is necessary for  
4 the immediate preservation of the public peace, health, or safety, or  
5 support of the state government and its existing public institutions,  
6 and takes effect June 30, 2017.

7 NEW SECTION. **Sec. 20.** Section 17 of this act is necessary for  
8 the immediate preservation of the public peace, health, or safety, or  
9 support of the state government and its existing public institutions,  
10 and takes effect July 1, 2017.

11 NEW SECTION. **Sec. 21.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 22.** If any part of this act is found to be in  
16 conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal  
17 requirements that are a prescribed condition to the allocation of  
18 federal funds to the state, the conflicting part of this act is  
19 inoperative solely to the extent of the conflict and with respect to  
20 the agencies directly affected, and this finding does not affect the  
21 operation of the remainder of this act in its application to the  
22 agencies concerned. Rules adopted under this act must meet federal  
23 requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and  
24 federal requirements that are a necessary condition to the receipt of  
25 federal funds by the state.

26 **Sec. 23.** RCW 26.44.030 and 2017 c 118 s 1 are each amended to  
27 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

10 (i) Investigation; or

11 (ii) Family assessment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 24.** (1) The department of social and health  
21 services, with technical consultation from the caseload forecast  
22 council and associated technical work groups, shall review the  
23 forecasts of licensed foster care to ensure that all youth in  
24 licensed foster care are included in the caseload forecast and that  
25 maintenance level costs associated with these youth, not including  
26 costs associated with behavioral rehabilitation services, are  
27 accurately calculated.

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

32 (3) This section expires January 1, 2018."

**ESSB 5890 - S AMD 300**  
By Senator O'Ban

**ADOPTED 06/29/2017**

1 On page 1, line 2 of the title, after "support;" strike the  
2 remainder of the title and insert "amending RCW 74.13.270, 74.13.031,  
3 74.13A.025, 74.13A.030, 74.13A.047, 28B.118.010, and 26.44.030;  
4 reenacting and amending RCW 43.43.832; adding a new section to  
5 chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; adding  
6 a new section to chapter 41.04 RCW; adding a new section to chapter  
7 43.06 RCW; adding a new section to chapter 74.13 RCW; creating new  
8 sections; repealing RCW 74.13.107, 74.12.037, 43.131.415, and  
9 43.131.416; providing effective dates; providing expiration dates;  
10 and declaring an emergency."

EFFECT: (1) Specifies that case aides shall provide short-term care for foster parents instead of respite care.

(2) Replaces the provisions regarding probationary foster licenses with the creation of an expedited foster licensure process for individuals who were licensed within the last five years, did not receive any adverse licensing actions, did not have a voluntary relinquishment of their license, and seek licensure for the same residence for which he or she was previously licensed provided that any changes to family constellation since the previous license are limited to individuals leaving the family constellation. DSHS must ensure that individuals seeking expedited licensure are able to complete the licensure process within 40 days.

(3) Requires DSHS to obtain a criminal background check for persons aged 16 and older who reside in a foster home and allows DSHS to obtain a criminal background check for younger persons if it is warranted to ensure the safety of foster youth.

(4) Modifies the case review requirement for DSHS to require that the department convene case review panels beginning September 1, 2018, for cases involving dependent children where permanency is not achieved for children within fifteen months after being placed in out-of-home care. These case review panels must include a lead social service specialist and either the Office of the Family and Children's Ombuds or another external organization with child welfare experience.

(5) Provides DSHS the authority to purchase legal representation for parents of children who are at risk of being, or who are found dependent, to establish or modify a parenting plan when it is necessary for the child's safety, permanence, or well-being.

(6) Modifies the restructuring of adoption support maintenance payments from four age groups to three age groups; under age 5 capped at 80 percent of foster care maintenance payments, age 5 through 9 capped at 90 percent, and age 10 through 18 capped at 95 percent.

(7) Delays the repeal of means testing for caregivers receiving child-only temporary assistance for needy families to July 1, 2018.

(8) Directs DSHS, with technical consultation from the Caseload Forecast Council and associated technical work groups, to review the forecasts of licensed foster care to ensure that all youth are included in the forecast and that maintenance level costs, not including costs associated with behavioral rehabilitation services, are accurately calculated and to report their findings and

recommendations to the Governor and the appropriate committees of the Legislature no later than December 1, 2017.

--- END ---