

E3SHB 1775 - S AMD  
By Senator Dhingra

ADOPTED AND ENGROSSED 3/6/20

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that commercial  
4 sexual exploitation of children is a severe form of human trafficking  
5 and a severe human rights and public health issue, leaving children  
6 at substantial risk of physical harm, substantial physical and  
7 emotional pain, and trauma. This trauma has a long-term impact on the  
8 social, emotional, and economic future of these children. The state  
9 shall provide a victim-centered, trauma-informed response to children  
10 who are exploited in this manner rather than treating them as  
11 criminals. The state shall also hold accountable the buyers and  
12 traffickers who exploit children.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.68 RCW  
14 to read as follows:

15 (1) Subject to the availability of amounts appropriated for this  
16 specific purpose, the department of children, youth, and families  
17 shall administer funding for two receiving center programs for  
18 commercially sexually exploited children. One of these programs must  
19 be located west of the crest of the Cascade mountains and one of  
20 these programs must be located east of the crest of the Cascade  
21 mountains. Law enforcement and service providers may refer children  
22 to these programs or children may self-refer into these programs.

23 (2) The receiving center programs established under this section  
24 shall:

25 (a) Begin providing services by January 1, 2021;

26 (b) Utilize existing facilities and not require the construction  
27 of new facilities; and

28 (c) Provide ongoing case management for all children who are  
29 being served or were served by the programs.

30 (3) The receiving centers established under this section shall:

1 (a) Include a short-term evaluation function that is accessible  
2 twenty-four hours per day seven days per week that has the capacity  
3 to evaluate the immediate needs of commercially sexually exploited  
4 children ages twelve through seventeen and either meet those  
5 immediate needs or refer those children to the appropriate services;

6 (b) Assess children for mental health and substance use disorder  
7 needs and provide appropriate referrals as needed; and

8 (c) Provide individual and group counseling focused on developing  
9 and strengthening coping skills, and improving self-esteem and  
10 dignity.

11 (4) The department of children, youth, and families shall:

12 (a) Collect nonidentifiable demographic data of the children  
13 served by the programs established under this section;

14 (b) Collect data regarding the locations that children exit to  
15 after being served by the programs; and

16 (c) Report the data described in this subsection along with  
17 recommendations for modification or expansion of these programs to  
18 the relevant committees of the legislature by December 1, 2022.

19 (5) For the purposes of this section, the following definitions  
20 apply:

21 (a) "Receiving center" means a trauma-informed, secure location  
22 that meets the multidisciplinary needs of commercially sexually  
23 exploited children ages twelve through seventeen located in a  
24 behavioral health agency licensed or certified under RCW 71.24.037 to  
25 provide inpatient or residential treatment services; and

26 (b) "Short-term evaluation function" means a short-term emergency  
27 shelter that is accessible twenty-four hours per day seven days per  
28 week that has the capacity to evaluate the immediate needs of  
29 commercially sexually exploited children under age eighteen and  
30 either meet those immediate needs or refer those children to the  
31 appropriate services.

32 (6) (a) The department of children, youth, and families, the  
33 department of health, and the division of behavioral health and  
34 recovery, shall meet to coordinate the implementation of receiving  
35 centers as provided for in this section, including developing  
36 eligibility criteria for serving commercially sexually exploited  
37 children that allows referral from service providers and prioritizes  
38 referral from law enforcement.

39 (b) By December 1, 2020, and in compliance with RCW 43.01.036,  
40 the department of children, youth, and families shall submit a report

1 to the governor and legislature summarizing the implementation plan  
2 and eligibility criteria as described in (a)of this subsection, and  
3 provide any additional policy recommendations regarding receiving  
4 centers as it deems necessary.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW  
6 to read as follows:

7 (1) The following individuals or entities may refer a child to  
8 receiving centers as defined in section 2 of this act:

9 (a) Law enforcement, who shall:

10 (i) Transport a child eligible for receiving center services to a  
11 receiving center; or

12 (ii) Coordinate transportation with a liaison dedicated to  
13 serving commercially sexually exploited children established under  
14 RCW 74.14B.070 or a community service provider;

15 (b) The department of children, youth, and families;

16 (c) Juvenile courts;

17 (d) Community service providers;

18 (e) A parent or guardian; and

19 (f) A child may self-refer.

20 (2) Eligibility for placement in a receiving center is children  
21 ages twelve through seventeen, of all genders, who have been, or are  
22 at risk for being commercially sexually exploited.

23 **Sec. 4.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to  
24 read as follows:

25 (1) A person age eighteen or older is guilty of prostitution if  
26 such person engages or agrees or offers to engage in sexual conduct  
27 with another person in return for a fee.

28 (2) For purposes of this section, "sexual conduct" means "sexual  
29 intercourse" or "sexual contact," both as defined in chapter 9A.44  
30 RCW.

31 (3) Prostitution is a misdemeanor.

32 **Sec. 5.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to  
33 read as follows:

34 (1) Complaints referred to the juvenile court alleging the  
35 commission of an offense shall be referred directly to the  
36 prosecutor. The prosecutor, upon receipt of a complaint, shall screen  
37 the complaint to determine whether:

1 (a) The alleged facts bring the case within the jurisdiction of  
2 the court; and

3 (b) On a basis of available evidence there is probable cause to  
4 believe that the juvenile did commit the offense.

5 (2) If the identical alleged acts constitute an offense under  
6 both the law of this state and an ordinance of any city or county of  
7 this state, state law shall govern the prosecutor's screening and  
8 charging decision for both filed and diverted cases.

9 (3) If the requirements of subsection (1)(a) and (b) of this  
10 section are met, the prosecutor shall either file an information in  
11 juvenile court or divert the case, as set forth in subsections (5),  
12 (6), and (8) of this section. If the prosecutor finds that the  
13 requirements of subsection (1)(a) and (b) of this section are not  
14 met, the prosecutor shall maintain a record, for one year, of such  
15 decision and the reasons therefor. In lieu of filing an information  
16 or diverting an offense a prosecutor may file a motion to modify  
17 community supervision where such offense constitutes a violation of  
18 community supervision.

19 (4) An information shall be a plain, concise, and definite  
20 written statement of the essential facts constituting the offense  
21 charged. It shall be signed by the prosecuting attorney and conform  
22 to chapter 10.37 RCW.

23 (5) The prosecutor shall file an information with the juvenile  
24 court if (a) an alleged offender is accused of an offense that is  
25 defined as a sex offense or violent offense under RCW 9.94A.030,  
26 other than assault in the second degree or robbery in the second  
27 degree; or (b) an alleged offender has been referred by a diversion  
28 unit for prosecution or desires prosecution instead of diversion.

29 (6) Where a case is legally sufficient the prosecutor shall  
30 divert the case if the alleged offense is a misdemeanor or gross  
31 misdemeanor or violation and the alleged offense is the offender's  
32 first offense or violation. If the alleged offender is charged with a  
33 related offense that may be filed under subsections (5) and (8) of  
34 this section, a case under this subsection may also be filed.

35 (7) Where a case is legally sufficient to charge an alleged  
36 offender with:

37 (a) (~~Either prostitution or prostitution~~) Prostitution  
38 loitering and the alleged offense is the offender's first  
39 (~~prostitution or~~) prostitution loitering offense, the prosecutor  
40 shall divert the case;

1 (b) Voyeurism in the second degree, the offender is under  
2 seventeen years of age, and the alleged offense is the offender's  
3 first voyeurism in the second degree offense, the prosecutor shall  
4 divert the case, unless the offender has received two diversions for  
5 any offense in the previous two years;

6 (c) Minor selling depictions of himself or herself engaged in  
7 sexually explicit conduct under RCW 9.68A.053(5) and the alleged  
8 offense is the offender's first violation of RCW 9.68A.053(5), the  
9 prosecutor shall divert the case; or

10 (d) A distribution, transfer, dissemination, or exchange of  
11 sexually explicit images of other minors thirteen years of age or  
12 older offense as provided in RCW 9.68A.053(1) and the alleged offense  
13 is the offender's first violation of RCW 9.68A.053(1), the prosecutor  
14 shall divert the case.

15 (8) Where a case is legally sufficient and falls into neither  
16 subsection (5) nor (6) of this section, it may be filed or diverted.  
17 In deciding whether to file or divert an offense under this section  
18 the prosecutor may be guided by the length, seriousness, and recency  
19 of the alleged offender's criminal history and the circumstances  
20 surrounding the commission of the alleged offense.

21 (9) Whenever a juvenile is placed in custody or, where not placed  
22 in custody, referred to a diversion interview, the parent or legal  
23 guardian of the juvenile shall be notified as soon as possible  
24 concerning the allegation made against the juvenile and the current  
25 status of the juvenile. Where a case involves victims of crimes  
26 against persons or victims whose property has not been recovered at  
27 the time a juvenile is referred to a diversion unit, the victim shall  
28 be notified of the referral and informed how to contact the unit.

29 (10) The responsibilities of the prosecutor under subsections (1)  
30 through (9) of this section may be performed by a juvenile court  
31 probation counselor for any complaint referred to the court alleging  
32 the commission of an offense which would not be a felony if committed  
33 by an adult, if the prosecutor has given sufficient written notice to  
34 the juvenile court that the prosecutor will not review such  
35 complaints.

36 (11) The prosecutor, juvenile court probation counselor, or  
37 diversion unit may, in exercising their authority under this section  
38 or RCW 13.40.080, refer juveniles to community-based programs,  
39 restorative justice programs, mediation, or victim offender

1 reconciliation programs. Such mediation or victim offender  
2 reconciliation programs shall be voluntary for victims.

3 (12) Prosecutors and juvenile courts are encouraged to engage  
4 with and partner with community-based programs to expand, improve,  
5 and increase options to divert youth from formal processing in  
6 juvenile court. Nothing in this chapter should be read to limit  
7 partnership with community-based programs to create diversion  
8 opportunities for juveniles.

9 **Sec. 6.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to  
10 read as follows:

11 (1) When a juvenile is alleged to have committed (~~the offenses~~  
12 ~~of prostitution or~~) a prostitution loitering offense, and the  
13 allegation, if proved, would not be the juvenile's first offense, a  
14 prosecutor may divert the offense if the county in which the offense  
15 is alleged to have been committed has a comprehensive program that  
16 provides:

- 17 (a) Safe and stable housing;
- 18 (b) Comprehensive on-site case management;
- 19 (c) Integrated mental health and chemical dependency services,  
20 including specialized trauma recovery services;
- 21 (d) Education and employment training delivered on-site; and
- 22 (e) Referrals to off-site specialized services, as appropriate.

23 (2) A prosecutor may divert a case for (~~prostitution or~~)  
24 prostitution loitering into the comprehensive program described in  
25 this section, notwithstanding the filing criteria set forth in RCW  
26 13.40.070(5).

27 (3) A diversion agreement under this section may extend to twelve  
28 months.

29 (4)(a) The administrative office of the courts shall compile data  
30 regarding:

31 (i) The number of juveniles whose cases are diverted into the  
32 comprehensive program described in this section;

33 (ii) Whether the juveniles complete their diversion agreements  
34 under this section; and

35 (iii) Whether juveniles whose cases have been diverted under this  
36 section have been subsequently arrested or committed subsequent  
37 offenses.

1 (b) An annual report of the data compiled shall be provided to  
2 the governor and the appropriate committee of the legislature. ((The  
3 ~~first report is due by November 1, 2010.~~))

4 **Sec. 7.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read  
5 as follows:

6 (1) The commercially sexually exploited children statewide  
7 coordinating committee is established to address the issue of  
8 children who are commercially sexually exploited, to examine the  
9 practices of local and regional entities involved in addressing  
10 sexually exploited children, and to make recommendations on statewide  
11 laws and practices.

12 (2) The committee is convened by the office of the attorney  
13 general with the department of commerce assisting with agenda  
14 planning and administrative and clerical support. The committee  
15 consists of the following members:

16 (a) One member from each of the two largest caucuses of the house  
17 of representatives appointed by the speaker of the house;

18 (b) One member from each of the two largest caucuses of the  
19 senate appointed by the ((~~speaker~~)) president of the senate;

20 (c) A representative of the governor's office appointed by the  
21 governor;

22 (d) The secretary of the department of children, youth, and  
23 families or his or her designee;

24 (e) The secretary of the juvenile rehabilitation administration  
25 or his or her designee;

26 (f) The attorney general or his or her designee;

27 (g) The superintendent of public instruction or his or her  
28 designee;

29 (h) A representative of the administrative office of the courts  
30 appointed by the administrative office of the courts;

31 (i) The executive director of the Washington association of  
32 sheriffs and police chiefs or his or her designee;

33 (j) The executive director of the Washington state criminal  
34 justice training commission or his or her designee;

35 (k) A representative of the Washington association of prosecuting  
36 attorneys appointed by the association;

37 (l) The executive director of the office of public defense or his  
38 or her designee;

1 (m) Three representatives of community service providers that  
2 provide direct services to commercially sexually exploited children  
3 appointed by the attorney general;

4 (n) Two representatives of nongovernmental organizations familiar  
5 with the issues affecting commercially sexually exploited children  
6 appointed by the attorney general;

7 (o) The president of the superior court judges' association or  
8 his or her designee;

9 (p) The president of the juvenile court administrators or his or  
10 her designee;

11 (q) Any existing chairs of regional task forces on commercially  
12 sexually exploited children;

13 (r) A representative from the criminal defense bar;

14 (s) A representative of the center for children and youth  
15 justice;

16 (t) A representative from the office of crime victims advocacy;

17 (u) The executive director of the Washington coalition of sexual  
18 assault programs;

19 (v) The executive director of the statewide organization  
20 representing children's advocacy centers or his or her designee;

21 (w) A representative of an organization that provides inpatient  
22 chemical dependency treatment to youth, appointed by the attorney  
23 general;

24 (~~(w)~~) (x) A representative of an organization that provides  
25 mental health treatment to youth, appointed by the attorney general;  
26 and

27 (~~(x)~~) (y) A survivor of human trafficking, appointed by the  
28 attorney general.

29 (3) The duties of the committee include, but are not limited to:

30 (a) Overseeing and reviewing the implementation of the Washington  
31 state model protocol for commercially sexually exploited children at  
32 task force sites;

33 (b) Receiving reports and data from local and regional entities  
34 regarding the incidence of commercially sexually exploited children  
35 in their areas as well as data information regarding perpetrators,  
36 geographic data and location trends, and any other data deemed  
37 relevant;

38 (c) Receiving reports on local coordinated community response  
39 practices and results of the community responses;



1 (d) Reviewing recommendations from local and regional entities  
2 regarding policy and legislative changes that would improve the  
3 efficiency and effectiveness of local response practices;

4 (e) Making recommendations regarding policy and legislative  
5 changes that would improve the effectiveness of the state's response  
6 to and promote best practices for suppression of the commercial  
7 sexual exploitation of children;

8 (f) Making recommendations regarding data collection useful to  
9 understanding or addressing the problem of commercially sexually  
10 exploited children;

11 (g) Reviewing and making recommendations regarding strategic  
12 local investments or opportunities for federal and state funding to  
13 address the commercial sexual exploitation of children;

14 (h) Reviewing the extent to which chapter 289, Laws of 2010  
15 (Engrossed Substitute Senate Bill No. 6476) is understood and applied  
16 by enforcement authorities; (~~and~~)

17 (i) Researching any barriers that exist to full implementation of  
18 chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476)  
19 throughout the state;

20 (j) Convening a meeting and providing recommendations required  
21 under section 11 of this act; and

22 (k) Compiling data on the number of juveniles believed to be  
23 victims of sexual exploitation taken into custody under RCW  
24 43.185C.260.

25 (4) The committee must meet no less than annually.

26 (5) The committee shall annually report its findings and  
27 recommendations to the appropriate committees of the legislature and  
28 to any other known statewide committees addressing trafficking or the  
29 commercial sex trade.

30 (6) This section expires June 30, 2023.

31 **Sec. 8.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to  
32 read as follows:

33 (1) A law enforcement officer shall take a child into custody:

34 (a) If a law enforcement agency has been contacted by the parent  
35 of the child that the child is absent from parental custody without  
36 consent; or

37 (b) If a law enforcement officer reasonably believes, considering  
38 the child's age, the location, and the time of day, that a child is

1 in circumstances which constitute a danger to the child's safety or  
2 that a child is violating a local curfew ordinance; or

3 (c) If an agency legally charged with the supervision of a child  
4 has notified a law enforcement agency that the child has run away  
5 from placement.

6 (2) Law enforcement custody shall not extend beyond the amount of  
7 time reasonably necessary to transport the child to a destination  
8 authorized by law and to place the child at that destination. Law  
9 enforcement custody continues until the law enforcement officer  
10 transfers custody to a person, agency, or other authorized entity  
11 under this chapter, or releases the child because no placement is  
12 available. Transfer of custody is not complete unless the person,  
13 agency, or entity to whom the child is released agrees to accept  
14 custody.

15 (3) If a law enforcement officer takes a child into custody  
16 pursuant to either subsection (1)(a) or (b) of this section and  
17 transports the child to a crisis residential center, the officer  
18 shall, within twenty-four hours of delivering the child to the  
19 center, provide to the center a written report detailing the reasons  
20 the officer took the child into custody. The center shall provide the  
21 department of children, youth, and families with a copy of the  
22 officer's report if the youth is in the care of or receiving services  
23 from the department of children, youth, and families.

24 (4) If the law enforcement officer who initially takes the  
25 juvenile into custody or the staff of the crisis residential center  
26 have reasonable cause to believe that the child is absent from home  
27 because he or she is abused or neglected, a report shall be made  
28 immediately to the department of children, youth, and families.

29 (5) Nothing in this section affects the authority of any  
30 political subdivision to make regulations concerning the conduct of  
31 minors in public places by ordinance or other local law.

32 (6) If a law enforcement officer has a reasonable suspicion that  
33 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
34 the officer shall remove the child from the custody of the person  
35 harboring the child and shall transport the child to one of the  
36 locations specified in RCW 43.185C.265.

37 (7) If a law enforcement officer takes a juvenile into custody  
38 pursuant to subsection (1)(b) of this section and reasonably believes  
39 that the juvenile may be the victim of sexual exploitation, the  
40 officer shall:

1 (a) Transport the child to:

2 (i) An evaluation and treatment facility as defined in RCW  
3 71.34.020, including the receiving centers established in section 2  
4 of this act, for purposes of evaluation for behavioral health  
5 treatment authorized under chapter 71.34 RCW, including adolescent-  
6 initiated treatment, family-initiated treatment, or involuntary  
7 treatment; or

8 (ii) Another appropriate youth-serving entity or organization  
9 including, but not limited to:

10 (A) A HOPE Center as defined under RCW 43.185C.010;

11 (B) A foster-family home as defined under RCW 74.15.020;

12 (C) A crisis residential center as defined under RCW 43.185C.010;

13 or

14 (D) A community-based program that has expertise working with  
15 adolescents in crisis; or

16 (b) Coordinate transportation to one of the locations identified  
17 in (a) of this subsection, with a liaison dedicated to serving  
18 commercially sexually exploited children established under RCW  
19 74.14B.070 or a community service provider.

20 (8) Law enforcement shall have the authority to take into  
21 protective custody a child who is or is attempting to engage in  
22 sexual conduct with another person for money or anything of value for  
23 purposes of investigating the individual or individuals who may be  
24 exploiting the child and deliver the child to an evaluation and  
25 treatment facility as defined in RCW 71.34.020, including the  
26 receiving centers established in section 2 of this act, for purposes  
27 of evaluation for behavioral health treatment authorized under  
28 chapter 71.34 RCW, including adolescent-initiated treatment, family-  
29 initiated treatment, or involuntary treatment.

30 (9) No child may be placed in a secure facility except as  
31 provided in this chapter.

32 **Sec. 9.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each  
33 amended to read as follows:

34 (1) The department shall, subject to available funds, establish a  
35 system of early identification and referral to treatment of child  
36 victims of sexual assault or sexual abuse. The system shall include  
37 schools, physicians, sexual assault centers, domestic violence  
38 centers, child protective services, and foster parents. A mechanism  
39 shall be developed to identify communities that have experienced

1 success in this area and share their expertise and methodology with  
2 other communities statewide.

3 (2) The department shall provide services to support children it  
4 suspects have been commercially sexually exploited. The child may  
5 decide whether to voluntarily engage in the services offered by the  
6 department.

7 (a) To provide services supporting children it suspects have been  
8 commercially sexually exploited, the department may provide:

9 (i) At least one liaison position in each region of the  
10 department where receiving center programs are established under  
11 section 2 of this act who are dedicated to serving commercially  
12 sexually exploited children and who report directly to the statewide  
13 program manager under (a)(ii) of this subsection;

14 (ii) One statewide program manager;

15 (iii) A designated person responsible for supporting commercially  
16 sexually exploited children, who may be assigned other duties in  
17 addition to this responsibility, in regions of the department where  
18 there is not a dedicated liaison position as identified under (a)(i)  
19 of this subsection; and

20 (iv) Coordinate appropriate, available, community-based services  
21 for children following discharge from an evaluation and treatment  
22 facility as defined in RCW 71.34.020, including the receiving centers  
23 established in section 2 of this act.

24 (b) The department shall collect nonidentifiable data regarding  
25 the number of commercially sexually exploited children, including  
26 reports of commercially sexually exploited children received from law  
27 enforcement under chapter 26.44 RCW.

28 (3) The department shall provide an annual report to the  
29 commercially sexually exploited children statewide coordinating  
30 committee established under RCW 7.68.801 by December 1st that  
31 includes:

32 (a) A description of services provided by the department to  
33 commercially sexually exploited children; and

34 (b) Nonidentifiable data regarding the number of commercially  
35 sexually exploited children.

36 (4) The department may solicit and accept gifts, grants,  
37 conveyances, bequests, and devices for supporting the purposes of  
38 this section.

1       (5) Nothing in this section shall be construed to create a  
2 private right of action against the department for failure to  
3 identify, offer, or provide services.

4       (6) The department shall convene a work group to study, analyze,  
5 and issue recommendations regarding how decriminalizing prostitution  
6 and prostitution loitering for persons under eighteen will impact law  
7 enforcement and prosecutor efforts and ability to discover and access  
8 the victim's cell phone records to aid in prosecution of the  
9 perpetrator or abuser. The work group must issue recommendations to  
10 appropriate committees of the legislature by October 31, 2021.

11       **Sec. 10.** RCW 74.15.020 and 2019 c 172 s 10 are each amended to  
12 read as follows:

13       The definitions in this section apply throughout this chapter and  
14 RCW 74.13.031 unless the context clearly requires otherwise.

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

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

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

32       (c) "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 43.185C.295 through 43.185C.310;

36       (d) "Emergency respite center" is an agency that may be commonly  
37 known as a crisis nursery, that provides emergency and crisis care  
38 for up to seventy-two hours to children who have been admitted by  
39 their parents or guardians to prevent abuse or neglect. Emergency

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

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

16 (f) "Group-care facility" means an agency, other than a foster-  
17 family home, which is maintained and operated for the care of a group  
18 of children on a twenty-four hour basis. "Group care facility"  
19 includes but is not limited to:

20 (i) Qualified residential treatment programs as defined in RCW  
21 13.34.030;

22 (ii) Facilities specializing in providing prenatal, postpartum,  
23 or parenting supports for youth; and

24 (iii) Facilities providing high-quality residential care and  
25 supportive services to children who are, or who are at risk of  
26 becoming, victims of sex trafficking;

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

39 (h) "Maternity service" means an agency which provides or  
40 arranges for care or services to expectant mothers, before or during

1 confinement, or which provides care as needed to mothers and their  
2 infants after confinement;

3 (i) "Resource and assessment center" means an agency that  
4 provides short-term emergency and crisis care for a period up to  
5 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
6 children who have been removed from their parent's or guardian's care  
7 by child protective services or law enforcement;

8 (j) "Responsible living skills program" means an agency licensed  
9 by the secretary that provides residential and transitional living  
10 services to persons ages sixteen to eighteen who are dependent under  
11 chapter 13.34 RCW and who have been unable to live in his or her  
12 legally authorized residence and, as a result, the minor lived  
13 outdoors or in another unsafe location not intended for occupancy by  
14 the minor. Dependent minors ages fourteen and fifteen may be eligible  
15 if no other placement alternative is available and the department  
16 approves the placement;

17 (k) "Service provider" means the entity that operates a community  
18 facility.

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

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

22 (i) Any blood relative, including those of half-blood, and  
23 including first cousins, second cousins, nephews or nieces, and  
24 persons of preceding generations as denoted by prefixes of grand,  
25 great, or great-great;

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

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

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

33 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
34 subsection (2), of any half sibling of the child; or

35 (vi) Extended family members, as defined by the law or custom of  
36 the Indian child's tribe or, in the absence of such law or custom, a  
37 person who has reached the age of eighteen and who is the Indian  
38 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
39 or sister-in-law, niece or nephew, first or second cousin, or

1 stepparent who provides care in the family abode on a twenty-four-  
2 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

5 (c) Persons who care for a neighbor's or friend's child or  
6 children, with or without compensation, where the parent and person  
7 providing care on a twenty-four-hour basis have agreed to the  
8 placement in writing and the state is not providing any payment for  
9 the care;

10 (d) A person, partnership, corporation, or other entity that  
11 provides placement or similar services to exchange students or  
12 international student exchange visitors or persons who have the care  
13 of an exchange student in their home;

14 (e) A person, partnership, corporation, or other entity that  
15 provides placement or similar services to international children who  
16 have entered the country by obtaining visas that meet the criteria  
17 for medical care as established by the United States citizenship and  
18 immigration services, or persons who have the care of such an  
19 international child in their home;

20 (f) Schools, including boarding schools, which are engaged  
21 primarily in education, operate on a definite school year schedule,  
22 follow a stated academic curriculum, accept only school-age children  
23 and do not accept custody of children;

24 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
25 performing functions defined in chapter 70.41 RCW, nursing homes  
26 licensed under chapter 18.51 RCW and assisted living facilities  
27 licensed under chapter 18.20 RCW;

28 (h) Licensed physicians or lawyers;

29 (i) Facilities approved and certified under chapter 71A.22 RCW;

30 (j) Any agency having been in operation in this state ten years  
31 prior to June 8, 1967, and not seeking or accepting moneys or  
32 assistance from any state or federal agency, and is supported in part  
33 by an endowment or trust fund;

34 (k) Persons who have a child in their home for purposes of  
35 adoption, if the child was placed in such home by a licensed child-  
36 placing agency, an authorized public or tribal agency or court or if  
37 a replacement report has been filed under chapter 26.33 RCW and the  
38 placement has been approved by the court;



1 (l) An agency operated by any unit of local, state, or federal  
2 government or an agency licensed by an Indian tribe pursuant to RCW  
3 74.15.190;

4 (m) A maximum or medium security program for juvenile offenders  
5 operated by or under contract with the department;

6 (n) An agency located on a federal military reservation, except  
7 where the military authorities request that such agency be subject to  
8 the licensing requirements of this chapter;

9 (o) A host home program, and host home, operated by a tax exempt  
10 organization for youth not in the care of or receiving services from  
11 the department, if that program: (i) Recruits and screens potential  
12 homes in the program, including performing background checks on  
13 individuals over the age of eighteen residing in the home through the  
14 Washington state patrol or equivalent law enforcement agency and  
15 performing physical inspections of the home; (ii) screens and  
16 provides case management services to youth in the program; (iii)  
17 obtains a notarized permission slip or limited power of attorney from  
18 the parent or legal guardian of the youth authorizing the youth to  
19 participate in the program and the authorization is updated every six  
20 months when a youth remains in a host home longer than six months;  
21 (iv) obtains insurance for the program through an insurance provider  
22 authorized under Title 48 RCW; (v) provides mandatory reporter and  
23 confidentiality training; and (vi) registers with the secretary of  
24 state as provided in RCW 24.03.550. A host home is a private home  
25 that volunteers to host youth in need of temporary placement that is  
26 associated with a host home program. Any host home program that  
27 receives local, state, or government funding shall report the  
28 following information to the office of homeless youth prevention and  
29 protection programs annually by December 1st of each year: The number  
30 of children the program served, why the child was placed with a host  
31 home, and where the child went after leaving the host home, including  
32 but not limited to returning to the parents, running away, reaching  
33 the age of majority, or becoming a dependent of the state. A host  
34 home program shall not receive more than one hundred thousand dollars  
35 per year of public funding, including local, state, and federal  
36 funding. A host home shall not receive any local, state, or  
37 government funding;

38 (p) Receiving centers as defined in section 2 of this act.

39 (3) "Department" means the department of children, youth, and  
40 families.

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

4 (5) "Performance-based contracts" or "contracting" means the  
5 structuring of all aspects of the procurement of services around the  
6 purpose of the work to be performed and the desired results with the  
7 contract requirements set forth in clear, specific, and objective  
8 terms with measurable outcomes. Contracts may also include provisions  
9 that link the performance of the contractor to the level and timing  
10 of the reimbursement.

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

14 (7) "Requirement" means any rule, regulation, or standard of care  
15 to be maintained by an agency.

16 (8) "Secretary" means the secretary of the department.

17 (9) "Street youth" means a person under the age of eighteen who  
18 lives outdoors or in another unsafe location not intended for  
19 occupancy by the minor and who is not residing with his or her parent  
20 or at his or her legally authorized residence.

21 (10) "Transitional living services" means at a minimum, to the  
22 extent funds are available, the following:

23 (a) Educational services, including basic literacy and  
24 computational skills training, either in local alternative or public  
25 high schools or in a high school equivalency program that leads to  
26 obtaining a high school equivalency degree;

27 (b) Assistance and counseling related to obtaining vocational  
28 training or higher education, job readiness, job search assistance,  
29 and placement programs;

30 (c) Counseling and instruction in life skills such as money  
31 management, home management, consumer skills, parenting, health care,  
32 access to community resources, and transportation and housing  
33 options;

34 (d) Individual and group counseling; and

35 (e) Establishing networks with federal agencies and state and  
36 local organizations such as the United States department of labor,  
37 employment and training administration programs including the  
38 workforce innovation and opportunity act which administers private  
39 industry councils and the job corps; vocational rehabilitation; and  
40 volunteer programs.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 7.68  
2    RCW to read as follows:

3        (1) By September 1, 2020, the statewide coordinating committee  
4    shall convene a meeting related to the role that child advocacy  
5    centers have in responding to and supporting commercially sexually  
6    exploited children.

7        (a) The meeting required under this subsection must include  
8    representatives from child advocacy centers.

9        (b) By October 1, 2020, the department must provide a report to  
10   the statewide coordinating committee that includes:

11        (i) An inventory of the number and location of child advocacy  
12   centers in the state; and

13        (ii) A description of the services provided by each of the child  
14   advocacy centers in the state.

15        (2) By December 1, 2020, and in compliance with RCW 43.01.036,  
16   the statewide coordinating committee must provide a report to the  
17   relevant committees of the legislature that includes:

18        (a) An inventory of the number and location of child advocacy  
19   centers in the state;

20        (b) A description of the services provided by each of the child  
21   advocacy centers in the state;

22        (c) Recommendations for expanded use of child advocacy centers in  
23   providing additional services for commercially sexually exploited  
24   children; and

25        (d) Recommendations for ensuring that child advocacy centers  
26   connect commercially sexually exploited children with available  
27   services in the community.

28        (3) For purposes of this section:

29        (a) "Child advocacy center" has the same meaning as the  
30   definition provided under RCW 26.44.020.

31        (b) "Department" means the department of commerce.

32        (c) "Statewide coordinating committee" means the commercially  
33   sexually exploited children statewide coordinating committee  
34   established under RCW 7.68.801.

35        (4) This section expires June 30, 2021.

36        NEW SECTION.    **Sec. 12.**    Sections 4, 5, and 6 of this act take  
37   effect January 1, 2024."

**ADOPTED 3/6/20**

1       On page 1, line 1 of the title, after "children;" strike the  
2 remainder of the title and insert "amending RCW 9A.88.030, 13.40.070,  
3 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding  
4 new sections to chapter 7.68 RCW; creating a new section; providing  
5 an effective date; and providing an expiration date."

--- END ---