

ESB 5691 - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

NOT CONSIDERED 01/02/2024

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

3 **"Sec. 1.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to
4 read as follows:

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

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

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

19 (b) "Community facility" means a group care facility operated for
20 the care of juveniles committed to the department under RCW
21 13.40.185. A county detention facility that houses juveniles
22 committed to the department under RCW 13.40.185 pursuant to a
23 contract with the department is not a community facility;

24 (c) "Crisis residential center" means an agency which is a
25 temporary protective residential facility operated to perform the
26 duties specified in chapter 13.32A RCW, in the manner provided in RCW
27 43.185C.295 through 43.185C.310;

28 (d) "Emergency respite center" is an agency that may be commonly
29 known as a crisis nursery, that provides emergency and crisis care
30 for up to seventy-two hours to children who have been admitted by
31 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~~)
6 three business days, or up to seven business days with department
7 approval to children who have been removed from their parent's or
8 guardian's care by child protective services or law enforcement;

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

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

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

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

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

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

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

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

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

36 (vi) Extended family members, as defined by the law or custom of
37 the Indian child's tribe or, in the absence of such law or custom, a
38 person who has reached the age of eighteen and who is the Indian
39 child's grandparent, aunt or uncle, brother or sister, brother-in-law
40 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)(i) A host home program, and host home, operated by a tax
10 exempt organization for youth not in the care of or receiving
11 services from the department, if that program: (A) Recruits and
12 screens potential homes in the program, including performing
13 background checks on individuals over the age of eighteen residing in
14 the home through the Washington state patrol or equivalent law
15 enforcement agency and performing physical inspections of the home;
16 (B) screens and provides case management services to youth in the
17 program; (C) obtains a notarized permission slip or limited power of
18 attorney from the parent or legal guardian of the youth authorizing
19 the youth to participate in the program and the authorization is
20 updated every six months when a youth remains in a host home longer
21 than six months; (D) obtains insurance for the program through an
22 insurance provider authorized under Title 48 RCW; (E) provides
23 mandatory reporter and confidentiality training; and (F) registers
24 with the secretary of state under RCW 74.15.315.

25 (ii) For purposes of this section, a "host home" is a private
26 home that volunteers to host youth in need of temporary placement
27 that is associated with a host home program.

28 (iii) For purposes of this section, a "host home program" is a
29 program that provides support to individual host homes and meets the
30 requirements of (o)(i) of this subsection.

31 (iv) Any host home program that receives local, state, or
32 government funding shall report the following information to the
33 office of homeless youth prevention and protection programs annually
34 by December 1st of each year: The number of children the program
35 served, why the child was placed with a host home, and where the
36 child went after leaving the host home, including but not limited to
37 returning to the parents, running away, reaching the age of majority,
38 or becoming a dependent of the state;

39 (p) Receiving centers as defined in RCW 7.68.380.

1 (3) "Department" means the department of children, youth, and
2 families.

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

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

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

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

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

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

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

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

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

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

36 (d) Individual and group counseling; and

37 (e) Establishing networks with federal agencies and state and
38 local organizations such as the United States department of labor,
39 employment and training administration programs including the
40 workforce innovation and opportunity act which administers private

1 industry councils and the job corps; vocational rehabilitation; and
2 volunteer programs.

3 **Sec. 2.** RCW 74.15.311 and 2013 c 105 s 3 are each amended to
4 read as follows:

5 (1) The secretary is authorized to license resource and
6 assessment centers if the agency meets the following requirements:

7 (a) There is a demonstrated need in the local community for a
8 resource and assessment center; and

9 (b) The resource and assessment center will be primarily staffed
10 by trained volunteers (~~(; and~~

11 ~~(c) The resource and assessment center demonstrates it is not~~
12 ~~financially dependent on reimbursement from the state to operate)).~~

13 (2) The department may adopt rules to specify licensing
14 requirements for resource and assessment centers. Rules adopted by
15 the department shall allow:

16 (a) A sufficient number of trained volunteers to meet staffing
17 requirements;

18 (b) Flexibility in hours of operation and not require the
19 resource and assessment center to be open if there are no children in
20 its care; and

21 (c) The ability to operate in a residential area.

22 (3) Resource and assessment centers licensed under this section
23 may:

24 (a) Provide care for children ages birth through (~~(twelve, or for~~
25 ~~children ages thirteen through seventeen who have a sibling or~~
26 ~~siblings under thirteen years of age who are being admitted to the~~
27 ~~resource and assessment center)) 17 at the discretion of the resource
28 and assessment center; ((and))~~

29 (b) Operate up to (~~(twenty-four))~~ 24 hours per day, and for up to
30 seven days per week (~~(;~~

31 ~~(4) Resource and assessment centers may not be));~~

32 (c) Provide care for children for up to three business days, or
33 up to seven business days with department approval;

34 (d) Be used to ((address)) provide emergency initial care for
35 children as they enter foster care; and

36 (e) Address placement disruptions for children who have not been
37 removed from a foster home because of the child's behavior or safety
38 concerns."

1 Correct the title.

EFFECT: Makes a technical change to align the definition of "resource and assessment center" with the provisions of the bill, which allow a resource and assessment center to provide care for children for up to three business days, or up to seven business days with Department of Children, Youth, and Families approval.

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