
SENATE BILL 5515

State of Washington

68th Legislature

2023 Regular Session

By Senators Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman, and C. Wilson

Read first time 01/23/23. Referred to Committee on Human Services.

1 AN ACT Relating to protecting children from child abuse and
2 neglect; amending RCW 26.44.210 and 74.15.020; adding a new section
3 to chapter 74.15 RCW; adding a new section to chapter 28A.305 RCW;
4 adding a new section to chapter 71.24 RCW; creating new sections; and
5 providing effective dates.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 ensure that the health, safety, and well-being of children who are
9 served in residential facilities and residential schools are
10 protected against child abuse and neglect and have their basic health
11 and safety needs met. The legislature intends for greater state
12 oversight of such facilities and intends for the department of
13 children, youth, and families, the state board of education, and the
14 department of health to work collaboratively to coordinate oversight
15 and monitoring processes to ensure state resources are used
16 efficiently and effectively.

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

19 (1) The department shall license the living accommodations
20 provided by residential schools as defined in RCW 74.15.020.

1 Accommodations include all areas and school operations that are
2 intended to allow students who are enrolled in the school's program
3 of basic education as defined by RCW 28A.150.200 to eat, sleep,
4 bathe, recreate, or otherwise reside.

5 (2) The department shall engage in rule making to adopt minimum
6 health and safety rules to implement this section. Rules must address
7 the needs of children and youth during noninstructional hours,
8 including but not limited to space allotted to each child or youth
9 for sleeping, developmentally appropriate privacy requirements,
10 personal storage, nutritional needs, cleanliness and hygiene of
11 living quarters, social-emotional well-being during noninstructional
12 hours, health and wellness accommodations, compliance with the
13 Americans with disabilities act, and physical safety.

14 **Sec. 3.** RCW 26.44.210 and 2019 c 266 s 13 are each amended to
15 read as follows:

16 (1) (a) The department must investigate referrals of alleged child
17 abuse or neglect occurring at the ((state school for the deaf,
18 including alleged incidents involving students abusing other
19 students;)) Washington center for deaf and hard of hearing youth,
20 substance use disorder treatment facilities licensed under chapter
21 71.24 RCW, entities that provide behavioral health services as
22 defined in RCW 71.24.025, and residential schools as defined in RCW
23 74.15.020.

24 (b) The department shall investigate all alleged incidents of
25 child abuse or neglect, determine whether there is a finding of abuse
26 or neglect ((;)), and determine whether a referral to law enforcement
27 is appropriate under this chapter.

28 (c) The department must adopt rules to implement this section.

29 (d) Any facilities referenced under (a) of this subsection where
30 the department is investigating child abuse or neglect shall share
31 records and any other information that is relevant to the
32 department's investigation. Any records or information shared with
33 the department retains any otherwise existing confidentiality
34 protections under state or federal law.

35 (2) The department must send a copy of the investigation report,
36 including the finding, regarding any incidents of alleged child abuse
37 or neglect ((at the state school for the deaf)) to the ((director of
38 the Washington center for deaf and hard of hearing youth, or the
39 director's designee. The department may include recommendations to

1 ~~the director and the board of trustees or its successor board for~~
2 ~~increasing the safety of the school's students.)~~ administration of
3 the facility in which the incident occurred and to the state agency
4 which provides licensure, oversight, or accreditation to the program
5 at the facility in which the incident occurred.

6 (3) (a) For the purposes of this section, "residential schools"
7 means any portion or program of a school operating under Title 28A
8 RCW that provides sleeping and living facilities or other residential
9 accommodations for students enrolled in the school's program of basic
10 education as defined by RCW 28A.150.200.

11 (b) "Residential school" does not include any of the following:
12 Home-based instruction settings as defined in chapter 28A.200 RCW,
13 state schools authorized under chapter 72.40 RCW, state long-term
14 juvenile institutions operated by the department, county juvenile
15 detention centers, department of corrections facilities that
16 incarcerate juveniles committed as adults, or institutional education
17 facilities including residential habilitation centers operated by the
18 department of social and health services.

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

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

23 (1) "Agency" means any person, firm, partnership, association,
24 corporation, ~~((or))~~ facility, or residential school which receives
25 children, expectant mothers, or persons with developmental
26 disabilities for control, care, or maintenance outside their own
27 homes, or which places, arranges the placement of, or assists in the
28 placement of children, expectant mothers, or persons with
29 developmental disabilities for foster care or placement of children
30 for adoption, and shall include the following irrespective of whether
31 there is compensation to the agency or to the children, expectant
32 mothers, or persons with developmental disabilities for services
33 rendered:

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

36 (b) "Community facility" means a group care facility operated for
37 the care of juveniles committed to the department under RCW
38 13.40.185. A county detention facility that houses juveniles

1 committed to the department under RCW 13.40.185 pursuant to a
2 contract with the department is not a community facility;

3 (c) "Crisis residential center" means an agency which is a
4 temporary protective residential facility operated to perform the
5 duties specified in chapter 13.32A RCW, in the manner provided in RCW
6 43.185C.295 through 43.185C.310;

7 (d) "Emergency respite center" is an agency that may be commonly
8 known as a crisis nursery, that provides emergency and crisis care
9 for up to seventy-two hours to children who have been admitted by
10 their parents or guardians to prevent abuse or neglect. Emergency
11 respite centers may operate for up to twenty-four hours a day, and
12 for up to seven days a week. Emergency respite centers may provide
13 care for children ages birth through seventeen, and for persons
14 eighteen through twenty with developmental disabilities who are
15 admitted with a sibling or siblings through age seventeen. Emergency
16 respite centers may not substitute for crisis residential centers or
17 HOPE centers, or any other services defined under this section, and
18 may not substitute for services which are required under chapter
19 13.32A or 13.34 RCW;

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

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

30 (i) Qualified residential treatment programs as defined in RCW
31 13.34.030;

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

34 (iii) Facilities providing high quality residential care and
35 supportive services to children who are, or who are at risk of
36 becoming, victims of sex trafficking;

37 (g) "HOPE center" means an agency licensed by the secretary to
38 provide temporary residential placement and other services to street
39 youth. A street youth may remain in a HOPE center for thirty days
40 while services are arranged and permanent placement is coordinated.

1 No street youth may stay longer than thirty days unless approved by
2 the department and any additional days approved by the department
3 must be based on the unavailability of a long-term placement option.
4 A street youth whose parent wants him or her returned to home may
5 remain in a HOPE center until his or her parent arranges return of
6 the youth, not longer. All other street youth must have court
7 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
8 up to thirty days;

9 (h) "Maternity service" means an agency which provides or
10 arranges for care or services to expectant mothers, before or during
11 confinement, or which provides care as needed to mothers and their
12 infants after confinement;

13 (i) (i) "Residential school" means any portion or program of a
14 school operating under Title 28A RCW that provides sleeping and
15 living facilities or residential accommodations for students enrolled
16 in the school's program of basic education as defined by RCW
17 28A.150.200.

18 (ii) "Residential school" does not include any of the following:
19 Home-based instruction settings as defined in chapter 28A.200 RCW,
20 state schools authorized under chapter 72.40 RCW, state long-term
21 juvenile institutions operated by the department, county juvenile
22 detention centers, department of corrections facilities that
23 incarcerate juveniles committed as adults, and institutional
24 education facilities including residential habilitation centers
25 operated by the department of social and health services.

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

31 ~~((j))~~ (k) "Responsible living skills program" means an agency
32 licensed by the secretary that provides residential and transitional
33 living services to persons ages sixteen to eighteen who are dependent
34 under chapter 13.34 RCW and who have been unable to live in his or
35 her legally authorized residence and, as a result, the minor lived
36 outdoors or in another unsafe location not intended for occupancy by
37 the minor. Dependent minors ages fourteen and fifteen may be eligible
38 if no other placement alternative is available and the department
39 approves the placement;

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

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

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

6 (i) Any blood relative, including those of half-blood, and
7 including first cousins, second cousins, nephews or nieces, and
8 persons of preceding generations as denoted by prefixes of grand,
9 great, or great-great;

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

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

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

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

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

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

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

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

37 (e) A person, partnership, corporation, or other entity that
38 provides placement or similar services to international children who
39 have entered the country by obtaining visas that meet the criteria
40 for medical care as established by the United States citizenship and

1 immigration services, or persons who have the care of such an
2 international child in their home;

3 (f) (~~Schools, including boarding~~) Nonresidential schools, which
4 are engaged primarily in education, operate on a definite school year
5 schedule, follow a stated academic curriculum, accept only school-age
6 children and do not accept custody of children;

7 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
8 performing functions defined in chapter 70.41 RCW, nursing homes
9 licensed under chapter 18.51 RCW and assisted living facilities
10 licensed under chapter 18.20 RCW;

11 (h) Licensed physicians or lawyers;

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

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

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

22 (l) An agency operated by any unit of local, state, or federal
23 government or an agency licensed by an Indian tribe pursuant to RCW
24 74.15.190;

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

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

30 (o) (i) A host home program, and host home, operated by a tax
31 exempt organization for youth not in the care of or receiving
32 services from the department, if that program: (A) Recruits and
33 screens potential homes in the program, including performing
34 background checks on individuals over the age of eighteen residing in
35 the home through the Washington state patrol or equivalent law
36 enforcement agency and performing physical inspections of the home;

37 (B) screens and provides case management services to youth in the
38 program; (C) obtains a notarized permission slip or limited power of
39 attorney from the parent or legal guardian of the youth authorizing
40 the youth to participate in the program and the authorization is

1 updated every six months when a youth remains in a host home longer
2 than six months; (D) obtains insurance for the program through an
3 insurance provider authorized under Title 48 RCW; (E) provides
4 mandatory reporter and confidentiality training; and (F) registers
5 with the secretary of state under RCW 74.15.315.

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

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

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

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

21 (3) "Department" means the department of children, youth, and
22 families.

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

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

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

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

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

39 (9) "Street youth" means a person under the age of eighteen who
40 lives outdoors or in another unsafe location not intended for

1 occupancy by the minor and who is not residing with his or her parent
2 or at his or her legally authorized residence.

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

5 (a) Educational services, including basic literacy and
6 computational skills training, either in local alternative or public
7 high schools or in a high school equivalency program that leads to
8 obtaining a high school equivalency degree;

9 (b) Assistance and counseling related to obtaining vocational
10 training or higher education, job readiness, job search assistance,
11 and placement programs;

12 (c) Counseling and instruction in life skills such as money
13 management, home management, consumer skills, parenting, health care,
14 access to community resources, and transportation and housing
15 options;

16 (d) Individual and group counseling; and

17 (e) Establishing networks with federal agencies and state and
18 local organizations such as the United States department of labor,
19 employment and training administration programs including the
20 workforce innovation and opportunity act which administers private
21 industry councils and the job corps; vocational rehabilitation; and
22 volunteer programs.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.305
24 RCW to read as follows:

25 (1) The state board of education shall determine the oversight
26 and approval processes for residential schools as defined in RCW
27 74.15.020.

28 (2) The state board of education shall adopt rules to implement
29 this section.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.24
31 RCW to read as follows:

32 Any substance use disorder treatment facilities and entities that
33 provide behavioral health services where the department of children,
34 youth, and families is investigating child abuse or neglect, as
35 provided for under RCW 26.44.210, shall share records and any other
36 information that is relevant to the department of children, youth,
37 and families' investigation. Any records or information shared with

1 the department of children, youth, and families retains any
2 confidentiality protections under state or federal law.

3 NEW SECTION. **Sec. 7.** The department, in coordination with the
4 state board of education, shall submit to the appropriate committees
5 of the legislature, in compliance with RCW 43.01.036, a preliminary
6 progress report on licensing and oversight of residential schools no
7 later than July 1, 2025, and final report no later than July 1, 2026.

8 NEW SECTION. **Sec. 8.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 9.** Sections 2, 4, and 5 of this act take
13 effect July 1, 2025.

14 NEW SECTION. **Sec. 10.** Section 3 of this act takes effect
15 January 1, 2024.

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