
SUBSTITUTE SENATE BILL 5557

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen)

Read first time 02/26/1999. Referred to Committee on .

1 AN ACT Relating to residential placement and transitional living
2 services to street youth; amending RCW 74.15.020, 9.94A.390, and
3 26.44.030; reenacting and amending RCW 13.34.130 and 13.34.145; adding
4 new sections to chapter 74.15 RCW; adding a new section to chapter
5 74.13 RCW; adding a new section to chapter 13.60 RCW; adding a new
6 section to chapter 28B.80 RCW; adding a new section to chapter 82.04
7 RCW; adding a new section to chapter 82.16 RCW; and creating new
8 sections.

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

10 NEW SECTION. **Sec. 1.** This act may be referred to as the homeless
11 youth prevention, protection, and education act, or the HOPE act.
12 Every day many youth in this state seek shelter out on the street. A
13 nurturing nuclear family does not exist for them, and state-sponsored
14 alternatives such as foster homes do not meet the demand and isolate
15 youth, who feel like outsiders in families not their own. The
16 legislature recognizes the need to develop placement alternatives for
17 dependent youth ages fourteen to eighteen, who are living on the
18 street. The HOPE act is an effort to engage youth and provide them

1 access to services through development of life skills in a setting that
2 supports them. Nothing in this act shall constitute an entitlement.

3 **Sec. 2.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read
4 as follows:

5 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
6 otherwise clearly indicated by the context thereof, the following terms
7 shall mean:

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

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

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

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

28 (d) "Crisis residential center" means an agency which is a
29 temporary protective residential facility operated to perform the
30 duties specified in chapter 13.32A RCW, in the manner provided in RCW
31 74.13.032 through 74.13.036;

32 (e) "Family day-care provider" means a child day-care provider who
33 regularly provides child day care for not more than twelve children in
34 the provider's home in the family living quarters;

35 (f) "Foster-family home" means an agency which regularly provides
36 care on a twenty-four hour basis to one or more children, expectant
37 mothers, or persons with developmental disabilities in the family abode
38 of the person or persons under whose direct care and supervision the

1 child, expectant mother, or person with a developmental disability is
2 placed;

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

6 (h) "HOPE center" means an agency licensed by the secretary to
7 provide temporary residential placement and other services to street
8 youth. A street youth may remain in a HOPE center for thirty days
9 while services are arranged and permanent placement is coordinated. No
10 street youth may stay longer than thirty days unless approved by the
11 department and any additional days approved by the department must be
12 based on the unavailability of a long-term placement option. A street
13 youth whose parent wants him or her returned to home may remain in a
14 HOPE center until his or her parent arranges return of the youth, not
15 longer. All other street youth must have court approval under chapter
16 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

17 (i) "Maternity service" means an agency which provides or arranges
18 for care or services to expectant mothers, before or during
19 confinement, or which provides care as needed to mothers and their
20 infants after confinement;

21 ~~((i))~~ (j) "Responsible living skills program" means an agency
22 licensed by the secretary that provides residential and transitional
23 living services to persons ages fourteen to eighteen who are dependent
24 under chapter 13.34 RCW and who have been unable to live in his or her
25 legally authorized residence and, as a result, the minor lived outdoors
26 or in another unsafe location not intended for occupancy by the minor;

27 (k) "Service provider" means the entity that operates a community
28 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
36 performing functions defined in chapter 70.41 RCW, nursing homes
37 licensed under chapter 18.51 RCW and boarding homes licensed under
38 chapter 18.20 RCW;

39 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

20 (3) "Department" means the state department of social and health
21 services.

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

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

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

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

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

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

37 (a) Educational services, including basic literacy and
38 computational skills training, either in local alternative or public

1 high schools or in a high school equivalency program that leads to
2 obtaining a high school equivalency degree;

3 (b) Assistance and counseling related to obtaining vocational
4 training or higher education, job readiness, job search assistance, and
5 placement programs;

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

9 (d) Individual and group counseling;

10 (e) Recognizing and facilitating long-term relationships with
11 significant adults; and

12 (f) Establishing networks with federal agencies and state and local
13 organizations such as the United States department of labor, employment
14 and training administration programs including the job training
15 partnership act which administers private industry councils and the job
16 corps; vocational rehabilitation; and volunteer programs.

17 Transitional living services shall be tailored to meet the needs of
18 the individual youth. If a youth demonstrates a consistent
19 unwillingness to participate in the acquisition of transitional living
20 skills and services, a reassessment shall be done of the youth's
21 appropriateness for the program.

22 NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW
23 to read as follows:

24 The secretary shall establish HOPE centers that provide a minimum
25 of one hundred beds across the state and may establish HOPE centers by
26 contract, within funds appropriated by the legislature specifically for
27 this purpose. HOPE centers shall be operated in a manner to reasonably
28 assure that street youth placed there will not run away. Street youth
29 may leave a HOPE center during the course of the day to attend school
30 or other necessary appointments, but the street youth must be
31 accompanied by an administrator or an administrator's designee. The
32 street youth must provide the administration with specific information
33 regarding his or her destination and expected time of return to the
34 HOPE center. Any street youth who runs away from a HOPE center shall
35 not be readmitted unless specifically authorized by the street youth's
36 placement and liaison specialist, and the placement and liaison
37 specialist shall document with specific factual findings an appropriate

1 basis for readmitting any street youth to a HOPE center. HOPE centers
2 are required to have the following:

3 (1) A license issued by the secretary;

4 (2) A professional with a master's degree in counseling, social
5 work, or related field and at least one year of experience working with
6 street youth or a bachelor of arts degree in social work or a related
7 field and five years of experience working with street youth. This
8 professional staff person may be contractual or a part-time employee,
9 but must be available to work with street youth in a HOPE center at a
10 ratio of one to every fifteen youth staying in a HOPE center. This
11 professional shall be known as a placement and liaison specialist.
12 Preference shall be given to those professionals cross-credentialed in
13 mental health and chemical dependency. The placement and liaison
14 specialist shall:

15 (a) Conduct an assessment of the street youth that includes a
16 determination of the street youth's legal status regarding residential
17 placement;

18 (b) Facilitate the street youth's return to his or her legally
19 authorized residence at the earliest possible date or initiate
20 processes to arrange legally authorized appropriate placement. Any
21 street youth who may meet the definition of dependent child under RCW
22 13.34.030 must be referred to the department. The department shall
23 determine whether a dependency petition should be filed under chapter
24 13.34 RCW. A shelter care hearing must be held within seventy-two
25 hours to authorize out-of-home placement for any youth the department
26 determines is appropriate for out-of-home placement under chapter 13.34
27 RCW. All of the provisions of chapter 13.32A RCW must be followed for
28 children in need of services or at-risk youth;

29 (c) Interface with other relevant resources and system
30 representatives to secure long-term residential placement and other
31 needed services for the street youth;

32 (d) Be assigned immediately to each youth and meet with the youth
33 within eight hours of the youth receiving HOPE center services;

34 (e) Develop a therapeutic relationship with the youth that enables
35 the specialist to help the street youth navigate the social service and
36 child welfare systems;

37 (f) Facilitate a physical examination of any street youth who has
38 not seen a physician within one year prior to residence at a HOPE
39 center and facilitate evaluation by a county-designated mental health

1 professional, a chemical dependency specialist, or both if appropriate;
2 and

3 (g) Arrange an educational assessment to measure the street youth's
4 competency level in reading, writing, and basic mathematics, and that
5 will measure learning disabilities or special needs;

6 (3) Staff trained in development needs of street youth as
7 determined by the secretary, including an administrator who is a
8 professional with a master's degree in counseling, social work, or a
9 related field and at least one year of experience working with street
10 youth, or a bachelor of arts degree in social work or a related field
11 and five years of experience working with street youth, who must work
12 with the placement and liaison specialist to provide appropriate
13 services on site;

14 (4) A data collection system that measures outcomes for the
15 population served, and enables research and evaluation that can be used
16 for future program development and service delivery. Data collection
17 systems must have confidentiality rules and protocols developed by the
18 secretary;

19 (5) Notification requirements that meet the notification
20 requirements of chapter 13.32A RCW. The youth's arrival date and time
21 must be logged at intake by HOPE center staff. The staff must
22 immediately notify law enforcement and dependency caseworkers if a
23 street youth runs away from a HOPE center. A child may be transferred
24 to a secure facility as defined in RCW 13.32A.030 whenever the staff
25 reasonably believes that a street youth is likely to leave the HOPE
26 center and not return after full consideration of the factors set forth
27 in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary
28 placement in the HOPE center must be authorized by the court or the
29 secretary if the youth is a dependent of the state under chapter 13.34
30 RCW or the department is responsible for the youth under chapter 13.32A
31 RCW, or by the youth's parent or legal custodian, until such time as
32 the parent can retrieve the youth who is returning to home;

33 (6) HOPE centers must identify to the department any street youth
34 it serves who is not returning promptly to home. The department then
35 must contact the missing children's clearinghouse identified in chapter
36 13.60 RCW and either report the youth's location or report that the
37 youth is the subject of a dependency action and the parent should
38 receive notice from the department; and

1 (7) Services that provide counseling and education to the street
2 youth.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW
4 to read as follows:

5 The secretary shall establish responsible living skills programs
6 that provide a minimum of one hundred beds across the state and may
7 establish responsible living skills programs by contract, within funds
8 appropriated by the legislature specifically for this purpose.
9 Responsible living skills programs shall have the following:

10 (1) A license issued by the secretary;

11 (2) A professional with a master's degree in counseling, social
12 work, or related field and at least one year of experience working with
13 street youth available to serve residents or a bachelor of arts degree
14 in social work or a related field and five years of experience working
15 with street youth. The professional shall provide counseling services
16 and interface with other relevant resources and systems to prepare the
17 minor for adult living. Preference shall be given to those
18 professionals cross-credentialed in mental health and chemical
19 dependency;

20 (3) Staff trained in development needs of older adolescents
21 eligible to participate in responsible living skills programs as
22 determined by the secretary;

23 (4) Transitional living services and a therapeutic model of service
24 delivery that provides necessary program supervision of residents and
25 at the same time includes a philosophy, program structure, and
26 treatment planning that emphasizes achievement of competency in
27 independent living skills. Independent living skills include achieving
28 basic educational requirements such as a GED, enrollment in vocational
29 and technical training programs offered at the community and vocational
30 colleges, obtaining and maintaining employment; accomplishing basic
31 life skills such as money management, nutrition, preparing meals, and
32 cleaning house. A baseline skill level in ability to function
33 productively and independently shall be determined at entry.
34 Performance shall be measured and must demonstrate improvement from
35 involvement in the program. Each resident shall have a plan for
36 achieving independent living skills by the time the resident leaves the
37 placement. The plan shall be written within the first thirty days of
38 placement and reviewed every ninety days; and

1 (5) A data collection system that measures outcomes for the
2 population served, and enables research and evaluation that can be used
3 for future program development and service delivery. Data collection
4 systems must have confidentiality rules and protocols developed by the
5 secretary.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15 RCW
7 to read as follows:

8 To be eligible for placement in a responsible living skills
9 program, the minor must be dependent under chapter 13.34 RCW and must
10 have lived outdoors or in another unsafe location not intended for
11 occupancy by the minor, or a HOPE center. Responsible living skills
12 centers are intended as a placement alternative for dependent youth
13 that the department chooses for the youth because no other services or
14 alternative placements have been successful. Responsible living skills
15 centers are not for dependent youth whose permanency plan includes
16 return to home or family reunification.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
18 to read as follows:

19 The secretary is authorized to license HOPE centers and responsible
20 living skills programs that meet statutory and rule requirements
21 created by the secretary. The secretary is authorized to develop rules
22 necessary to carry out the provisions of this act. The secretary may
23 rely upon existing licensing provisions in development of licensing
24 requirements for HOPE centers and responsible living skills programs,
25 as are appropriate to carry out the intent of this act. HOPE centers
26 and responsible living skills programs shall be required to adhere to
27 departmental regulations prohibiting the use of alcohol, tobacco,
28 controlled substances, violence, and sexual activity between residents.

29 **Sec. 7.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
30 each reenacted and amended to read as follows:

31 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
32 been proven by a preponderance of the evidence that the child is
33 dependent within the meaning of RCW 13.34.030; after consideration of
34 the predisposition report prepared pursuant to RCW 13.34.110 and after
35 a disposition hearing has been held pursuant to RCW 13.34.110, the
36 court shall enter an order of disposition pursuant to this section.

1 (1) The court shall order one of the following dispositions of the
2 case:

3 (a) Order a disposition other than removal of the child from his or
4 her home, which shall provide a program designed to alleviate the
5 immediate danger to the child, to mitigate or cure any damage the child
6 has already suffered, and to aid the parents so that the child will not
7 be endangered in the future. In selecting a program, the court should
8 choose those services that least interfere with family autonomy,
9 provided that the services are adequate to protect the child.

10 (b) Order that the child be removed from his or her home and
11 ordered into the custody, control, and care of a relative or the
12 department of social and health services or a licensed child placing
13 agency for placement in a foster family home or group care facility
14 licensed pursuant to chapter 74.15 RCW or in a home not required to be
15 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
16 cause to believe that the safety or welfare of the child would be
17 jeopardized or that efforts to reunite the parent and child will be
18 hindered, such child shall be placed with a person who is related to
19 the child as defined in RCW 74.15.020(~~(+4)~~) (2)(a) and with whom the
20 child has a relationship and is comfortable, and who is willing and
21 available to care for the child. Placement of the child with a
22 relative under this subsection shall be given preference by the court.
23 An order for out-of-home placement may be made only if the court finds
24 that reasonable efforts have been made to prevent or eliminate the need
25 for removal of the child from the child's home and to make it possible
26 for the child to return home, specifying the services that have been
27 provided to the child and the child's parent, guardian, or legal
28 custodian, and that preventive services have been offered or provided
29 and have failed to prevent the need for out-of-home placement, unless
30 the health, safety, and welfare of the child cannot be protected
31 adequately in the home, and that:

32 (i) There is no parent or guardian available to care for such
33 child;

34 (ii) The parent, guardian, or legal custodian is not willing to
35 take custody of the child;

36 (iii) The court finds, by clear, cogent, and convincing evidence,
37 a manifest danger exists that the child will suffer serious abuse or
38 neglect if the child is not removed from the home and an order under
39 RCW 26.44.063 would not protect the child from danger; or

1 (iv) The extent of the child's disability is such that the parent,
2 guardian, or legal custodian is unable to provide the necessary care
3 for the child and the parent, guardian, or legal custodian has
4 determined that the child would benefit from placement outside of the
5 home.

6 (2) If the court has ordered a child removed from his or her home
7 pursuant to subsection (1)(b) of this section, the court may order that
8 a petition seeking termination of the parent and child relationship be
9 filed if the court finds: (a) Termination is recommended by the
10 supervising agency; (b) termination is in the best interests of the
11 child; and (c) that because of the existence of aggravated
12 circumstances, reasonable efforts to unify the family are not required.
13 Notwithstanding the existence of aggravated circumstances, reasonable
14 efforts may be required if the court or department determines it is in
15 the best interest of the child. In determining whether aggravated
16 circumstances exist, the court shall consider one or more of the
17 following:

18 (i) Conviction of the parent of rape of the child in the first,
19 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
20 9A.44.079;

21 (ii) Conviction of the parent of criminal mistreatment of the child
22 in the first or second degree as defined in RCW 9A.42.020 and
23 9A.42.030;

24 (iii) Conviction of the parent of one of the following assault
25 crimes, when the child is the victim: Assault in the first or second
26 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
27 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

28 (iv) Conviction of the parent of murder, manslaughter, or homicide
29 by abuse of the child's other parent, sibling, or another child;

30 (v) Conviction of the parent of attempting, soliciting, or
31 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of
32 this subsection;

33 (vi) A finding by a court that a parent is a sexually violent
34 predator as defined in RCW 71.09.020;

35 (vii) Failure of the parent to complete available treatment ordered
36 under this chapter or the equivalent laws of another state, where such
37 failure has resulted in a prior termination of parental rights to
38 another child and the parent has failed to effect significant change in
39 the interim. In the case of a parent of an Indian child, as defined in

1 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
2 1903), the court shall also consider tribal efforts to assist the
3 parent in completing treatment and make it possible for the child to
4 return home;

5 (viii) An infant under three years of age has been abandoned as
6 defined in RCW 13.34.030(4)(a);

7 (ix) The mother has given birth to three or more drug-affected
8 infants, resulting in the department filing a petition under section 23
9 (~~(of this act)~~), chapter 314, Laws of 1998.

10 (3) If reasonable efforts are not ordered under subsection (2) of
11 this section a permanency (~~(plan [planning])~~) planning hearing shall be
12 held within thirty days. Reasonable efforts shall be made to place the
13 child in a timely manner in accordance with the permanency plan, and to
14 complete whatever steps are necessary to finalize the permanent
15 placement of the child.

16 (4) Whenever a child is ordered removed from the child's home, the
17 agency charged with his or her care shall provide the court with:

18 (a) A permanency plan of care that shall identify one of the
19 following outcomes as a primary goal and may identify additional
20 outcomes as alternative goals: Return of the child to the home of the
21 child's parent, guardian, or legal custodian; adoption; guardianship;
22 permanent legal custody; (~~(or)~~) long-term relative or foster care,
23 until the child is age eighteen, with a written agreement between the
24 parties and the care provider; and independent living, if appropriate
25 and if the child is age sixteen or older; or a responsible living
26 skills program. Whenever a permanency plan identifies independent
27 living as a goal, the plan shall also specifically identify the
28 services that will be provided to assist the child to make a successful
29 transition from foster care to independent living. Before the court
30 approves independent living as a permanency plan of care, the court
31 shall make a finding that the provision of services to assist the child
32 in making a transition from foster care to independent living will
33 allow the child to manage his or her financial affairs and to manage
34 his or her personal, social, educational, and nonfinancial affairs.
35 The department shall not discharge a child to an independent living
36 situation before the child is eighteen years of age unless the child
37 becomes emancipated pursuant to chapter 13.64 RCW.

38 (b) Unless the court has ordered, pursuant to subsection (2) of
39 this section, that a termination petition be filed, a specific plan as

1 to where the child will be placed, what steps will be taken to return
2 the child home, and what actions the agency will take to maintain
3 parent-child ties. All aspects of the plan shall include the goal of
4 achieving permanence for the child.

5 (i) The agency plan shall specify what services the parents will be
6 offered in order to enable them to resume custody, what requirements
7 the parents must meet in order to resume custody, and a time limit for
8 each service plan and parental requirement.

9 (ii) The agency shall be required to encourage the maximum parent-
10 child contact possible, including regular visitation and participation
11 by the parents in the care of the child while the child is in
12 placement. Visitation may be limited or denied only if the court
13 determines that such limitation or denial is necessary to protect the
14 child's health, safety, or welfare.

15 (iii) A child shall be placed as close to the child's home as
16 possible, preferably in the child's own neighborhood, unless the court
17 finds that placement at a greater distance is necessary to promote the
18 child's or parents' well-being.

19 (iv) The agency charged with supervising a child in placement shall
20 provide all reasonable services that are available within the agency,
21 or within the community, or those services which the department of
22 social and health services has existing contracts to purchase. It
23 shall report to the court if it is unable to provide such services.

24 (c) If the court has ordered, pursuant to subsection (2) of this
25 section, that a termination petition be filed, a specific plan as to
26 where the child will be placed, what steps will be taken to achieve
27 permanency for the child, services to be offered or provided to the
28 child, and, if visitation would be in the best interests of the child,
29 a recommendation to the court regarding visitation between parent and
30 child pending a fact-finding hearing on the termination petition. The
31 agency shall not be required to develop a plan of services for the
32 parents or provide services to the parents.

33 (5) If the court determines that the continuation of reasonable
34 efforts to prevent or eliminate the need to remove the child from his
35 or her home or to safely return the child home should not be part of
36 the permanency plan of care for the child, reasonable efforts shall be
37 made to place the child in a timely manner and to complete whatever
38 steps are necessary to finalize the permanent placement of the child.

1 (6) If there is insufficient information at the time of the
2 disposition hearing upon which to base a determination regarding the
3 suitability of a proposed placement with a relative, the child shall
4 remain in foster care and the court shall direct the supervising agency
5 to conduct necessary background investigations as provided in chapter
6 74.15 RCW and report the results of such investigation to the court
7 within thirty days. However, if such relative appears otherwise
8 suitable and competent to provide care and treatment, the criminal
9 history background check need not be completed before placement, but as
10 soon as possible after placement. Any placements with relatives,
11 pursuant to this section, shall be contingent upon cooperation by the
12 relative with the agency case plan and compliance with court orders
13 related to the care and supervision of the child including, but not
14 limited to, court orders regarding parent-child contacts and any other
15 conditions imposed by the court. Noncompliance with the case plan or
16 court order shall be grounds for removal of the child from the
17 relative's home, subject to review by the court.

18 (7) Except for children whose cases are reviewed by a citizen
19 review board under chapter 13.70 RCW, the status of all children found
20 to be dependent shall be reviewed by the court at least every six
21 months from the beginning date of the placement episode or the date
22 dependency is established, whichever is first, at a hearing in which it
23 shall be determined whether court supervision should continue. The
24 review shall include findings regarding the agency and parental
25 completion of disposition plan requirements, and if necessary, revised
26 permanency time limits. The supervising agency shall provide a foster
27 parent, preadoptive parent, or relative with notice of, and their right
28 to an opportunity to be heard in, a review hearing pertaining to the
29 child, but only if that person is currently providing care to that
30 child at the time of the hearing. This section shall not be construed
31 to grant party status to any person who has been provided an
32 opportunity to be heard.

33 (a) A child shall not be returned home at the review hearing unless
34 the court finds that a reason for removal as set forth in this section
35 no longer exists. The parents, guardian, or legal custodian shall
36 report to the court the efforts they have made to correct the
37 conditions which led to removal. If a child is returned, casework
38 supervision shall continue for a period of six months, at which time
39 there shall be a hearing on the need for continued intervention.

1 (b) If the child is not returned home, the court shall establish in
2 writing:

3 (i) Whether reasonable services have been provided to or offered to
4 the parties to facilitate reunion, specifying the services provided or
5 offered;

6 (ii) Whether the child has been placed in the least-restrictive
7 setting appropriate to the child's needs, including whether
8 consideration and preference has been given to placement with the
9 child's relatives;

10 (iii) Whether there is a continuing need for placement and whether
11 the placement is appropriate;

12 (iv) Whether there has been compliance with the case plan by the
13 child, the child's parents, and the agency supervising the placement;

14 (v) Whether progress has been made toward correcting the problems
15 that necessitated the child's placement in out-of-home care;

16 (vi) Whether the parents have visited the child and any reasons why
17 visitation has not occurred or has been infrequent;

18 (vii) Whether additional services are needed to facilitate the
19 return of the child to the child's parents; if so, the court shall
20 order that reasonable services be offered specifying such services; and

21 (viii) The projected date by which the child will be returned home
22 or other permanent plan of care will be implemented.

23 (c) The court at the review hearing may order that a petition
24 seeking termination of the parent and child relationship be filed.

25 **Sec. 8.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are
26 each reenacted and amended to read as follows:

27 (1) A permanency plan shall be developed no later than sixty days
28 from the time the supervising agency assumes responsibility for
29 providing services, including placing the child, or at the time of a
30 hearing under RCW 13.34.130, whichever occurs first. The permanency
31 planning process continues until a permanency planning goal is achieved
32 or dependency is dismissed. The planning process shall include
33 reasonable efforts to return the child to the parent's home.

34 (a) Whenever a child is placed in out-of-home care pursuant to RCW
35 13.34.130, the agency that has custody of the child shall provide the
36 court with a written permanency plan of care directed towards securing
37 a safe, stable, and permanent home for the child as soon as possible.
38 The plan shall identify one of the following outcomes as the primary

1 goal and may also identify additional outcomes as alternative goals:
2 Return of the child to the home of the child's parent, guardian, or
3 legal custodian; adoption; guardianship; permanent legal custody; or
4 long-term relative or foster care, until the child is age eighteen,
5 with a written agreement between the parties and the care provider; a
6 responsible living skills program; and independent living, if
7 appropriate and if the child is age sixteen or older and the provisions
8 of subsection (2) of this section are met.

9 (b) The identified outcomes and goals of the permanency plan may
10 change over time based upon the circumstances of the particular case.

11 (c) Permanency planning goals should be achieved at the earliest
12 possible date, preferably before the child has been in out-of-home care
13 for fifteen months. In cases where parental rights have been
14 terminated, the child is legally free for adoption, and adoption has
15 been identified as the primary permanency planning goal, it shall be a
16 goal to complete the adoption within six months following entry of the
17 termination order.

18 (d) For purposes related to permanency planning:

19 (i) "Guardianship" means a dependency guardianship pursuant to this
20 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or
21 equivalent laws of another state or a federally recognized Indian
22 tribe.

23 (ii) "Permanent custody order" means a custody order entered
24 pursuant to chapter 26.10 RCW.

25 (iii) "Permanent legal custody" means legal custody pursuant to
26 chapter 26.10 RCW or equivalent laws of another state or of a federally
27 recognized Indian tribe.

28 (2) Whenever a permanency plan identifies independent living as a
29 goal, the plan shall also specifically identify the services that will
30 be provided to assist the child to make a successful transition from
31 foster care to independent living. Before the court approves
32 independent living as a permanency plan of care, the court shall make
33 a finding that the provision of services to assist the child in making
34 a transition from foster care to independent living will allow the
35 child to manage his or her financial affairs and to manage his or her
36 personal, social, educational, and nonfinancial affairs. The
37 department shall not discharge a child to an independent living
38 situation before the child is eighteen years of age unless the child
39 becomes emancipated pursuant to chapter 13.64 RCW.

1 (3) A permanency planning hearing shall be held in all cases where
2 the child has remained in out-of-home care for at least nine months and
3 an adoption decree, guardianship order, or permanent custody order has
4 not previously been entered. The hearing shall take place no later
5 than twelve months following commencement of the current placement
6 episode.

7 (4) Whenever a child is removed from the home of a dependency
8 guardian or long-term relative or foster care provider, and the child
9 is not returned to the home of the parent, guardian, or legal custodian
10 but is placed in out-of-home care, a permanency planning hearing shall
11 take place no later than twelve months, as provided in subsection (3)
12 of this section, following the date of removal unless, prior to the
13 hearing, the child returns to the home of the dependency guardian or
14 long-term care provider, the child is placed in the home of the parent,
15 guardian, or legal custodian, an adoption decree, guardianship order,
16 or permanent custody order is entered, or the dependency is dismissed.

17 (5) No later than ten working days prior to the permanency planning
18 hearing, the agency having custody of the child shall submit a written
19 permanency plan to the court and shall mail a copy of the plan to all
20 parties and their legal counsel, if any.

21 (6) At the permanency planning hearing, the court shall enter
22 findings as required by RCW 13.34.130(7) and shall review the
23 permanency plan prepared by the agency. If the child has resided in
24 the home of a foster parent or relative for more than six months prior
25 to the permanency planning hearing, the court shall also enter a
26 finding regarding whether the foster parent or relative was informed of
27 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal
28 of long-term foster or relative care has been achieved prior to the
29 permanency planning hearing, the court shall review the child's status
30 to determine whether the placement and the plan for the child's care
31 remain appropriate. In cases where the primary permanency planning
32 goal has not yet been achieved, the court shall inquire regarding the
33 reasons why the primary goal has not been achieved and determine what
34 needs to be done to make it possible to achieve the primary goal. In
35 all cases, the court shall:

36 (a)(i) Order the permanency plan prepared by the agency to be
37 implemented; or

38 (ii) Modify the permanency plan, and order implementation of the
39 modified plan; and

1 (b)(i) Order the child returned home only if the court finds that
2 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

3 (ii) Order the child to remain in out-of-home care for a limited
4 specified time period while efforts are made to implement the
5 permanency plan.

6 (7) If the court orders the child returned home, casework
7 supervision shall continue for at least six months, at which time a
8 review hearing shall be held pursuant to RCW 13.34.130(7), and the
9 court shall determine the need for continued intervention.

10 (8) Continued juvenile court jurisdiction under this chapter shall
11 not be a barrier to the entry of an order establishing a legal
12 guardianship or permanent legal custody when, (a) the court has ordered
13 implementation of a permanency plan that includes legal guardianship or
14 permanent legal custody, and (b) the party pursuing the legal
15 guardianship or permanent legal custody is the party identified in the
16 permanency plan as the prospective legal guardian or custodian. During
17 the pendency of such proceeding, juvenile court shall conduct review
18 hearings and further permanency planning hearings as provided in this
19 chapter. At the conclusion of the legal guardianship or permanent
20 legal custody proceeding, a juvenile court hearing shall be held for
21 the purpose of determining whether dependency should be dismissed. If
22 a guardianship or permanent custody order has been entered, the
23 dependency shall be dismissed.

24 (9) Following the first permanency planning hearing, the court
25 shall hold a further permanency planning hearing in accordance with
26 this section at least once every twelve months until a permanency
27 planning goal is achieved or the dependency is dismissed, whichever
28 occurs first.

29 (10) Except as otherwise provided in RCW 13.34.235, the status of
30 all dependent children shall continue to be reviewed by the court at
31 least once every six months, in accordance with RCW 13.34.130(7), until
32 the dependency is dismissed. Prior to the second permanency planning
33 hearing, the agency that has custody of the child shall consider
34 whether to file a petition for termination of parental rights.

35 (11) Nothing in this chapter may be construed to limit the ability
36 of the agency that has custody of the child to file a petition for
37 termination of parental rights or a guardianship petition at any time
38 following the establishment of dependency. Upon the filing of such a
39 petition, a fact-finding hearing shall be scheduled and held in

1 accordance with this chapter unless the agency requests dismissal of
2 the petition prior to the hearing or unless the parties enter an agreed
3 order terminating parental rights, establishing guardianship, or
4 otherwise resolving the matter.

5 (12) The approval of a permanency plan that does not contemplate
6 return of the child to the parent does not relieve the supervising
7 agency of its obligation to provide reasonable services, under this
8 chapter, intended to effectuate the return of the child to the parent,
9 including but not limited to, visitation rights.

10 (13) Nothing in this chapter may be construed to limit the
11 procedural due process rights of any party in a termination or
12 guardianship proceeding filed under this chapter.

13 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.13 RCW
14 to read as follows:

15 The department shall add beds in crisis residential centers as
16 defined in RCW 74.15.020, with funds appropriated by the legislature
17 for this purpose. Priority shall be based on need.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 13.60 RCW
19 to read as follows:

20 The department of social and health services shall develop a
21 procedure for reporting missing children information to the missing
22 children clearinghouse on children who are receiving departmental
23 services in each of its administrative regions. The purpose of this
24 procedure is to link parents to missing children. When the department
25 has obtained information that a minor child has been located at a
26 facility funded by the department, the department shall notify the
27 clearinghouse and the child's legal custodian, advising the custodian
28 of the child's whereabouts or that the child is subject to a dependency
29 action. The department shall inform the clearinghouse when
30 reunification occurs.

31 NEW SECTION. **Sec. 11.** The Washington institute for public policy
32 shall review the effectiveness of the procedures established in section
33 10 of this act. The study shall include: (1) The number of legal
34 custodians who utilize the clearinghouse; (2) the number of children
35 who are located after the department's procedures are operational; (3)
36 the impediments to effective utilization of the procedures and what

1 steps may be taken to reduce or eliminate the impediments; (4) the
2 methods of public education regarding the availability of the program
3 and how to increase public awareness of the program.

4 The review shall be submitted to the legislature and the governor
5 not later than December 1, 2001.

6 NEW SECTION. **Sec. 12.** A new section is added to chapter 28B.80
7 RCW to read as follows:

8 (1) The HOPE educational assistance account is created in the
9 custody of the state treasurer. All receipts from private donations
10 and appropriations specified for the purposes of this account must be
11 deposited into the account. Expenditures from the account may be used
12 only for educational financial assistance for former street youth who
13 qualify under subsection (2) of this section. Only the director of the
14 board or the director's designee may authorize expenditures from the
15 account. The account is subject to allotment procedures under chapter
16 43.88 RCW, but an appropriation is not required for expenditures.

17 (2) Only former street youth who have been residents of a HOPE
18 center as defined in RCW 74.15.020 and who have received transitional
19 living services as defined in RCW 74.15.020 may apply for and receive
20 educational financial assistance under this section. The educational
21 financial assistance may be used for expenses incurred in conjunction
22 with enrollment in any institution of higher education in this state.
23 Yearly educational financial assistance under this section is limited
24 to an amount equal to the highest yearly undergraduate resident tuition
25 charged by a public institution of higher education within this state,
26 and may only be provided to an individual twice in any four-year
27 period. The director shall take into account family and other
28 financial resources available to the individual before awarding
29 educational financial assistance under this section.

30 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.04 RCW
31 to read as follows:

32 (1) In computing tax under this chapter, a credit is authorized for
33 each person equal to fifty percent of approved amounts donated to the
34 HOPE educational assistance account under section 12 of this act during
35 the calendar year. The amount of the credit shall not exceed five
36 thousand dollars for any person for any calendar year.

1 (2) No credit may be taken under this section unless the credit is
2 first approved by the department. Application for the credit shall be
3 made in the form and manner prescribed by rules adopted by the
4 department. Total credits approved by the department for any calendar
5 year under this section and section 14 of this act shall not exceed two
6 hundred fifty thousand dollars.

7 (3) The credit shall be taken against taxes due for the same
8 calendar year in which the amounts for which credit is claimed were
9 paid. A credit must be claimed by the due date of the last tax return
10 for the calendar year in which the payment is made. No credit may be
11 carried back or forward to a different calendar year.

12 (4) No credit may be taken under this section for amounts for which
13 a credit is taken under section 14 of this act.

14 NEW SECTION. **Sec. 14.** A new section is added to chapter 82.16 RCW
15 to read as follows:

16 (1) In computing tax under this chapter, a credit is authorized for
17 each person equal to fifty percent of approved amounts donated to the
18 HOPE educational assistance account under section 12 of this act during
19 the calendar year. The amount of the credit shall not exceed five
20 thousand dollars for any person for any calendar year.

21 (2) No credit may be taken under this section unless the credit is
22 first approved by the department. Application for the credit shall be
23 made in the form and manner prescribed by rules adopted by the
24 department. Total credits approved by the department for any calendar
25 year under this section and section 13 of this act shall not exceed two
26 hundred fifty thousand dollars.

27 (3) The credit shall be taken against taxes due for the same
28 calendar year in which the amounts for which credit is claimed were
29 paid. A credit must be claimed by the due date of the last tax return
30 for the calendar year in which the payment is made. No credit may be
31 carried back or forward to a different calendar year.

32 (4) No credit may be taken under this section for amounts for which
33 a credit is taken under section 13 of this act.

34 **Sec. 15.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read
35 as follows:

36 If the sentencing court finds that an exceptional sentence outside
37 the standard range should be imposed in accordance with RCW

1 9.94A.120(2), the sentence is subject to review only as provided for in
2 RCW 9.94A.210(4).

3 The following are illustrative factors which the court may consider
4 in the exercise of its discretion to impose an exceptional sentence.
5 The following are illustrative only and are not intended to be
6 exclusive reasons for exceptional sentences.

7 (1) Mitigating Circumstances

8 (a) To a significant degree, the victim was an initiator, willing
9 participant, aggressor, or provoker of the incident.

10 (b) Before detection, the defendant compensated, or made a good
11 faith effort to compensate, the victim of the criminal conduct for any
12 damage or injury sustained.

13 (c) The defendant committed the crime under duress, coercion,
14 threat, or compulsion insufficient to constitute a complete defense but
15 which significantly affected his or her conduct.

16 (d) The defendant, with no apparent predisposition to do so, was
17 induced by others to participate in the crime.

18 (e) The defendant's capacity to appreciate the wrongfulness of his
19 or her conduct or to conform his or her conduct to the requirements of
20 the law, was significantly impaired (voluntary use of drugs or alcohol
21 is excluded).

22 (f) The offense was principally accomplished by another person and
23 the defendant manifested extreme caution or sincere concern for the
24 safety or well-being of the victim.

25 (g) The operation of the multiple offense policy of RCW 9.94A.400
26 results in a presumptive sentence that is clearly excessive in light of
27 the purpose of this chapter, as expressed in RCW 9.94A.010.

28 (h) The defendant or the defendant's children suffered a continuing
29 pattern of physical or sexual abuse by the victim of the offense and
30 the offense is a response to that abuse.

31 (2) Aggravating Circumstances

32 (a) The defendant's conduct during the commission of the current
33 offense manifested deliberate cruelty to the victim.

34 (b) The defendant knew or should have known that the victim of the
35 current offense was particularly vulnerable or incapable of resistance
36 due to extreme youth, advanced age, disability, or ill health.

37 (c) The defendant knew that the victim of the current offense was
38 a youth who was not residing with any legal custodian and was
39 particularly vulnerable to a relationship with the defendant and the

1 defendant established or promoted the relationship for the primary
2 purpose of victimization.

3 (d) The current offense was a violent offense, and the defendant
4 knew that the victim of the current offense was pregnant.

5 ~~((d))~~ (e) The current offense was a major economic offense or
6 series of offenses, so identified by a consideration of any of the
7 following factors:

8 (i) The current offense involved multiple victims or multiple
9 incidents per victim;

10 (ii) The current offense involved attempted or actual monetary loss
11 substantially greater than typical for the offense;

12 (iii) The current offense involved a high degree of sophistication
13 or planning or occurred over a lengthy period of time; or

14 (iv) The defendant used his or her position of trust, confidence,
15 or fiduciary responsibility to facilitate the commission of the current
16 offense.

17 ~~((e))~~ (f) The current offense was a major violation of the
18 Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related
19 to trafficking in controlled substances, which was more onerous than
20 the typical offense of its statutory definition: The presence of ANY
21 of the following may identify a current offense as a major VUCSA:

22 (i) The current offense involved at least three separate
23 transactions in which controlled substances were sold, transferred, or
24 possessed with intent to do so;

25 (ii) The current offense involved an attempted or actual sale or
26 transfer of controlled substances in quantities substantially larger
27 than for personal use;

28 (iii) The current offense involved the manufacture of controlled
29 substances for use by other parties;

30 (iv) The circumstances of the current offense reveal the offender
31 to have occupied a high position in the drug distribution hierarchy;

32 (v) The current offense involved a high degree of sophistication or
33 planning or occurred over a lengthy period of time or involved a broad
34 geographic area of disbursement; or

35 (vi) The offender used his or her position or status to facilitate
36 the commission of the current offense, including positions of trust,
37 confidence or fiduciary responsibility (e.g., pharmacist, physician, or
38 other medical professional).

1 (~~(f)~~) (g) The current offense included a finding of sexual
2 motivation pursuant to RCW 9.94A.127.

3 (~~(g)~~) (h) The offense was part of an ongoing pattern of sexual
4 abuse of the same victim under the age of eighteen years manifested by
5 multiple incidents over a prolonged period of time.

6 (~~(h)~~) (i) The current offense involved domestic violence, as
7 defined in RCW 10.99.020 and one or more of the following was present:

8 (i) The offense was part of an ongoing pattern of psychological,
9 physical, or sexual abuse of the victim manifested by multiple
10 incidents over a prolonged period of time;

11 (ii) The offense occurred within sight or sound of the victim's or
12 the offender's minor children under the age of eighteen years; or

13 (iii) The offender's conduct during the commission of the current
14 offense manifested deliberate cruelty or intimidation of the victim.

15 (~~(i)~~) (j) The operation of the multiple offense policy of RCW
16 9.94A.400 results in a presumptive sentence that is clearly too lenient
17 in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

18 (~~(j)~~) (k) The defendant's prior unscored misdemeanor or prior
19 unscored foreign criminal history results in a presumptive sentence
20 that is clearly too lenient in light of the purpose of this chapter as
21 expressed in RCW 9.94A.010.

22 (~~(k)~~) (l) The offense resulted in the pregnancy of a child victim
23 of rape.

24 **Sec. 16.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read
25 as follows:

26 (1)(a) When any practitioner, county coroner or medical examiner,
27 law enforcement officer, professional school personnel, registered or
28 licensed nurse, social service counselor, psychologist, pharmacist,
29 licensed or certified child care providers or their employees, employee
30 of the department, juvenile probation officer, placement and liaison
31 specialist, responsible living skills program staff, HOPE center staff,
32 or state family and children's ombudsman or any volunteer in the
33 ombudsman's office has reasonable cause to believe that a child or
34 adult dependent or developmentally disabled person, has suffered abuse
35 or neglect, he or she shall report such incident, or cause a report to
36 be made, to the proper law enforcement agency or to the department as
37 provided in RCW 26.44.040.

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

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

23 (d) The report shall be made at the first opportunity, but in no
24 case longer than forty-eight hours after there is reasonable cause to
25 believe that the child or adult has suffered abuse or neglect. The
26 report shall include the identity of the accused if known.

27 (2) The reporting requirement of subsection (1) of this section
28 does not apply to the discovery of abuse or neglect that occurred
29 during childhood if it is discovered after the child has become an
30 adult. However, if there is reasonable cause to believe other
31 children, dependent adults, or developmentally disabled persons are or
32 may be at risk of abuse or neglect by the accused, the reporting
33 requirement of subsection (1) of this section shall apply.

34 (3) Any other person who has reasonable cause to believe that a
35 child or adult dependent or developmentally disabled person has
36 suffered abuse or neglect may report such incident to the proper law
37 enforcement agency or to the department of social and health services
38 as provided in RCW 26.44.040.

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

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

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

36 (7) The department may conduct ongoing case planning and
37 consultation with those persons or agencies required to report under
38 this section, with consultants designated by the department, and with
39 designated representatives of Washington Indian tribes if the client

1 information exchanged is pertinent to cases currently receiving child
2 protective services or department case services for the developmentally
3 disabled. Upon request, the department shall conduct such planning and
4 consultation with those persons required to report under this section
5 if the department determines it is in the best interests of the child
6 or developmentally disabled person. Information considered privileged
7 by statute and not directly related to reports required by this section
8 shall not be divulged without a valid written waiver of the privilege.

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

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

27 (10) Upon receiving reports of alleged abuse or neglect, the
28 department or law enforcement agency may interview children. The
29 interviews may be conducted on school premises, at day-care facilities,
30 at the child's home, or at other suitable locations outside of the
31 presence of parents. Parental notification of the interview shall
32 occur at the earliest possible point in the investigation that will not
33 jeopardize the safety or protection of the child or the course of the
34 investigation. Prior to commencing the interview the department or law
35 enforcement agency shall determine whether the child wishes a third
36 party to be present for the interview and, if so, shall make reasonable
37 efforts to accommodate the child's wishes. Unless the child objects,
38 the department or law enforcement agency shall make reasonable efforts

1 to include a third party in any interview so long as the presence of
2 the third party will not jeopardize the course of the investigation.

3 (11) Upon receiving a report of alleged child abuse and neglect,
4 the department or investigating law enforcement agency shall have
5 access to all relevant records of the child in the possession of
6 mandated reporters and their employees.

7 (12) The department shall maintain investigation records and
8 conduct timely and periodic reviews of all cases constituting abuse and
9 neglect. The department shall maintain a log of screened-out
10 nonabusive cases.

11 (13) The department shall use a risk assessment process when
12 investigating alleged child abuse and neglect referrals. The
13 department shall present the risk factors at all hearings in which the
14 placement of a dependent child is an issue. Substance abuse must be a
15 risk factor. The department shall, within funds appropriated for this
16 purpose, offer enhanced community-based services to persons who are
17 determined not to require further state intervention.

18 The department shall provide annual reports to the legislature on
19 the effectiveness of the risk assessment process.

20 (14) Upon receipt of a report of alleged abuse or neglect the law
21 enforcement agency may arrange to interview the person making the
22 report and any collateral sources to determine if any malice is
23 involved in the reporting.

24 (15) The department shall make reasonable efforts to learn the
25 name, address, and telephone number of each person making a report of
26 abuse or neglect under this section. The department shall provide
27 assurances of appropriate confidentiality of the identification of
28 persons reporting under this section. If the department is unable to
29 learn the information required under this subsection, the department
30 shall only investigate cases in which: (a) The department believes
31 there is a serious threat of substantial harm to the child; (b) the
32 report indicates conduct involving a criminal offense that has, or is
33 about to occur, in which the child is the victim; or (c) the department
34 has, after investigation, a report of abuse or neglect that has been
35 founded with regard to a member of the household within three years of
36 receipt of the referral.

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

1 The department shall provide technical assistance in preparation of
2 grant proposals for HOPE centers and responsible living skills programs
3 to nonprofit organizations unfamiliar with and inexperienced in
4 submission of requests for proposals to the department.

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

7 The department shall consider prioritizing, on an ongoing basis,
8 the awarding of contracts for HOPE centers and responsible living
9 skills programs to providers who have not traditionally been awarded
10 contracts with the department.

11 NEW SECTION. **Sec. 19.** The department of social and health
12 services shall seek any necessary federal waivers for federal funding
13 of the programs created under this act. The department shall pursue
14 federal funding sources for the programs created under this act, and
15 report to the legislature any statutory barriers to federal funding.

16 NEW SECTION. **Sec. 20.** The Washington state institute for public
17 policy shall review the effectiveness of the HOPE centers and the
18 responsible living skills programs. The study shall include the
19 characteristics of the youth being served, the services offered to
20 participating youth, the success of permanent placement of youth, the
21 number of youth participating in each program, the number of youth who
22 successfully complete the responsible living skills program,
23 educational achievement of participants, employment history of
24 participants, the outcomes for youth who have progressed through the
25 programs, and other measures that the institute deems helpful in
26 determining the measurable outcomes of this act.

27 The review shall be submitted to the legislature and the governor
28 not later than December 1, 2001.

29 NEW SECTION. **Sec. 21.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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