
SECOND SUBSTITUTE SENATE BILL 5557

State of Washington**56th Legislature****1999 Regular Session**

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

Read first time 03/08/1999.

1 AN ACT Relating to residential placement and transitional living
2 services to street youth; amending RCW 74.15.020, 9.94A.390, 26.44.030,
3 43.63A.650, and 74.13.031; reenacting and amending RCW 13.34.130 and
4 13.34.145; adding new sections to chapter 74.15 RCW; adding a new
5 section to chapter 13.60 RCW; adding a new section to chapter 28B.80
6 RCW; adding a new section to chapter 82.04 RCW; adding a new section to
7 chapter 82.16 RCW; creating new sections; and providing an effective
8 date.

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 sixteen to eighteen, who are living on the street.
18 The HOPE act is an effort to engage youth and provide them access to

1 services through development of life skills in a setting that supports
2 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 sixteen 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 Dependent minors ages fourteen and fifteen may be eligible if no other
28 placement alternative is available and the department approves the
29 placement;

30 (k) "Service provider" means the entity that operates a community
31 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
2 performing functions defined in chapter 70.41 RCW, nursing homes
3 licensed under chapter 18.51 RCW and boarding homes licensed under
4 chapter 18.20 RCW;

5 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

25 (3) "Department" means the state department of social and health
26 services.

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

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

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

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

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

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

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

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

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

13 (d) Individual and group counseling;

14 (e) Recognizing and facilitating long-term relationships with
15 significant adults; and

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

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

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

28 The secretary shall establish HOPE centers that provide no more
29 than seventy-five beds across the state and may establish HOPE centers
30 by contract, within funds appropriated by the legislature specifically
31 for this purpose. HOPE centers shall be operated in a manner to
32 reasonably assure that street youth placed there will not run away.
33 Street youth may leave a HOPE center during the course of the day to
34 attend school or other necessary appointments, but the street youth
35 must be accompanied by an administrator or an administrator's designee.
36 The street youth must provide the administration with specific
37 information regarding his or her destination and expected time of
38 return to the HOPE center. Any street youth who runs away from a HOPE

1 center shall not be readmitted unless specifically authorized by the
2 street youth's placement and liaison specialist, and the placement and
3 liaison specialist shall document with specific factual findings an
4 appropriate basis for readmitting any street youth to a HOPE center.
5 HOPE centers are required to have the following:

6 (1) A license issued by the secretary;

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

18 (a) Conduct an assessment of the street youth that includes a
19 determination of the street youth's legal status regarding residential
20 placement;

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

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

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

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

1 (f) Facilitate a physical examination of any street youth who has
2 not seen a physician within one year prior to residence at a HOPE
3 center and facilitate evaluation by a county-designated mental health
4 professional, a chemical dependency specialist, or both if appropriate;
5 and

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

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

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

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

36 (6) HOPE centers must identify to the department any street youth
37 it serves who is not returning promptly to home. The department then
38 must contact the missing children's clearinghouse identified in chapter
39 13.60 RCW and either report the youth's location or report that the

1 youth is the subject of a dependency action and the parent should
2 receive notice from the department; and

3 (7) Services that provide counseling and education to the street
4 youth.

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

7 The secretary shall establish responsible living skills programs
8 that provide no more than seventy-five beds across the state and may
9 establish responsible living skills programs by contract, within funds
10 appropriated by the legislature specifically for this purpose.
11 Responsible living skills programs shall have the following:

12 (1) A license issued by the secretary;

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

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

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

1 placement. The plan shall be written within the first thirty days of
2 placement and reviewed every ninety days; and

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

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

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

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

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

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

33 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
34 been proven by a preponderance of the evidence that the child is
35 dependent within the meaning of RCW 13.34.030; after consideration of
36 the predisposition report prepared pursuant to RCW 13.34.110 and after

1 a disposition hearing has been held pursuant to RCW 13.34.110, the
2 court shall enter an order of disposition pursuant to this section.

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

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

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

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

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

38 (iii) The court finds, by clear, cogent, and convincing evidence,
39 a manifest danger exists that the child will suffer serious abuse or

1 neglect if the child is not removed from the home and an order under
2 RCW 26.44.063 would not protect the child from danger; or

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

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

20 (i) Conviction of the parent of rape of the child in the first,
21 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
22 9A.44.079;

23 (ii) Conviction of the parent of criminal mistreatment of the child
24 in the first or second degree as defined in RCW 9A.42.020 and
25 9A.42.030;

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

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

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

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

37 (vii) Failure of the parent to complete available treatment ordered
38 under this chapter or the equivalent laws of another state, where such
39 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in
2 the interim. In the case of a parent of an Indian child, as defined in
3 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
4 1903), the court shall also consider tribal efforts to assist the
5 parent in completing treatment and make it possible for the child to
6 return home;

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

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

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

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

20 (a) A permanency plan of care that shall identify one of the
21 following outcomes as a primary goal and may identify additional
22 outcomes as alternative goals: Return of the child to the home of the
23 child's parent, guardian, or legal custodian; adoption; guardianship;
24 permanent legal custody; (~~(or)~~) long-term relative or foster care,
25 until the child is age eighteen, with a written agreement between the
26 parties and the care provider; and independent living, if appropriate
27 and if the child is age sixteen or older; or a responsible living
28 skills program. Whenever a permanency plan identifies independent
29 living as a goal, the plan shall also specifically identify the
30 services that will be provided to assist the child to make a successful
31 transition from foster care to independent living. Before the court
32 approves independent living as a permanency plan of care, the court
33 shall make a finding that the provision of services to assist the child
34 in making a transition from foster care to independent living will
35 allow the child to manage his or her financial affairs and to manage
36 his or her personal, social, educational, and nonfinancial affairs.
37 The 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 (b) Unless the court has ordered, pursuant to subsection (2) of
2 this section, that a termination petition be filed, a specific plan as
3 to where the child will be placed, what steps will be taken to return
4 the child home, and what actions the agency will take to maintain
5 parent-child ties. All aspects of the plan shall include the goal of
6 achieving permanence for the child.

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

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

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

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

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

35 (5) If the court determines that the continuation of reasonable
36 efforts to prevent or eliminate the need to remove the child from his
37 or her home or to safely return the child home should not be part of
38 the permanency plan of care for the child, reasonable efforts shall be

1 made to place the child in a timely manner and to complete whatever
2 steps are necessary to finalize the permanent placement of the child.

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

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

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

1 supervision shall continue for a period of six months, at which time
2 there shall be a hearing on the need for continued intervention.

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Whenever a child is placed in out-of-home care pursuant to RCW
37 13.34.130, the agency that has custody of the child shall provide the
38 court with a written permanency plan of care directed towards securing

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

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

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

20 (d) For purposes related to permanency planning:

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

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

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

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

1 situation before the child is eighteen years of age unless the child
2 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

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

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

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

1 (ii) Modify the permanency plan, and order implementation of the
2 modified plan; and

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

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

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

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

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

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

37 (11) Nothing in this chapter may be construed to limit the ability
38 of the agency that has custody of the child to file a petition for
39 termination of parental rights or a guardianship petition at any time

1 following the establishment of dependency. Upon the filing of such a
2 petition, a fact-finding hearing shall be scheduled and held in
3 accordance with this chapter unless the agency requests dismissal of
4 the petition prior to the hearing or unless the parties enter an agreed
5 order terminating parental rights, establishing guardianship, or
6 otherwise resolving the matter.

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

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

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.60 RCW
16 to read as follows:

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

28 NEW SECTION. **Sec. 10.** The Washington institute for public policy
29 shall review the effectiveness of the procedures established in section
30 9 of this act. The study shall include: (1) The number of legal
31 custodians who utilize the clearinghouse; (2) the number of children
32 who are located after the department's procedures are operational; (3)
33 the impediments to effective utilization of the procedures and what
34 steps may be taken to reduce or eliminate the impediments; (4) the
35 methods of public education regarding the availability of the program
36 and how to increase public awareness of the program.

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

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.80
4 RCW to read as follows:

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

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

27 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.04 RCW
28 to read as follows:

29 (1) In computing tax under this chapter, a credit is authorized for
30 each person equal to fifty percent of approved amounts donated to the
31 HOPE educational assistance account under section 11 of this act during
32 the calendar year. The amount of the credit shall not exceed five
33 thousand dollars for any person for any calendar year.

34 (2) No credit may be taken under this section unless the credit is
35 first approved by the department. Application for the credit shall be
36 made in the form and manner prescribed by rules adopted by the
37 department. Total credits approved by the department for any calendar

1 year under this section and section 13 of this act shall not exceed two
2 hundred fifty thousand dollars.

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

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

10 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.16 RCW
11 to read as follows:

12 (1) In computing tax under this chapter, a credit is authorized for
13 each person equal to fifty percent of approved amounts donated to the
14 HOPE educational assistance account under section 11 of this act during
15 the calendar year. The amount of the credit shall not exceed five
16 thousand dollars for any person for any calendar year.

17 (2) No credit may be taken under this section unless the credit is
18 first approved by the department. Application for the credit shall be
19 made in the form and manner prescribed by rules adopted by the
20 department. Total credits approved by the department for any calendar
21 year under this section and section 12 of this act shall not exceed two
22 hundred fifty thousand dollars.

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

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

30 **Sec. 14.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read
31 as follows:

32 If the sentencing court finds that an exceptional sentence outside
33 the standard range should be imposed in accordance with RCW
34 9.94A.120(2), the sentence is subject to review only as provided for in
35 RCW 9.94A.210(4).

36 The following are illustrative factors which the court may consider
37 in the exercise of its discretion to impose an exceptional sentence.

1 The following are illustrative only and are not intended to be
2 exclusive reasons for exceptional sentences.

3 (1) Mitigating Circumstances

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

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

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

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

14 (e) The defendant's capacity to appreciate the wrongfulness of his
15 or her conduct or to conform his or her conduct to the requirements of
16 the law, was significantly impaired (voluntary use of drugs or alcohol
17 is excluded).

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

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

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

27 (2) Aggravating Circumstances

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

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

33 (c) The defendant knew that the victim of the current offense was
34 a youth who was not residing with any legal custodian and was
35 particularly vulnerable to a relationship with the defendant and the
36 defendant established or promoted the relationship for the primary
37 purpose of victimization.

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

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

4 (i) The current offense involved multiple victims or multiple
5 incidents per victim;

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

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

10 (iv) The defendant used his or her position of trust, confidence,
11 or fiduciary responsibility to facilitate the commission of the current
12 offense.

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

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

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

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

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

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

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

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

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

1 (~~(h)~~) (i) The current offense involved domestic violence, as
2 defined in RCW 10.99.020 and one or more of the following was present:
3 (i) The offense was part of an ongoing pattern of psychological,
4 physical, or sexual abuse of the victim manifested by multiple
5 incidents over a prolonged period of time;
6 (ii) The offense occurred within sight or sound of the victim's or
7 the offender's minor children under the age of eighteen years; or
8 (iii) The offender's conduct during the commission of the current
9 offense manifested deliberate cruelty or intimidation of the victim.
10 (~~(i)~~) (j) The operation of the multiple offense policy of RCW
11 9.94A.400 results in a presumptive sentence that is clearly too lenient
12 in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
13 (~~(j)~~) (k) The defendant's prior unscored misdemeanor or prior
14 unscored foreign criminal history results in a presumptive sentence
15 that is clearly too lenient in light of the purpose of this chapter as
16 expressed in RCW 9.94A.010.
17 (~~(k)~~) (l) The offense resulted in the pregnancy of a child victim
18 of rape.

19 **Sec. 15.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read
20 as follows:

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

33 (b) The reporting requirement shall also apply to department of
34 corrections personnel who, in the course of their employment, observe
35 offenders or the children with whom the offenders are in contact. If,
36 as a result of observations or information received in the course of
37 his or her employment, any department of corrections personnel has
38 reasonable cause to believe that a child or adult dependent or

1 developmentally disabled person has suffered abuse or neglect, he or
2 she shall report the incident, or cause a report to be made, to the
3 proper law enforcement agency or to the department as provided in RCW
4 26.44.040.

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

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

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

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

33 (4) The department, upon receiving a report of an incident of
34 alleged abuse or neglect pursuant to this chapter, involving a child or
35 adult dependent or developmentally disabled person who has died or has
36 had physical injury or injuries inflicted upon him or her other than by
37 accidental means or who has been subjected to alleged sexual abuse,
38 shall report such incident to the proper law enforcement agency. In
39 emergency cases, where the child, adult dependent, or developmentally

1 disabled person's welfare is endangered, the department shall notify
2 the proper law enforcement agency within twenty-four hours after a
3 report is received by the department. In all other cases, the
4 department shall notify the law enforcement agency within seventy-two
5 hours after a report is received by the department. If the department
6 makes an oral report, a written report shall also be made to the proper
7 law enforcement agency within five days thereafter.

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

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

29 (7) The department may conduct ongoing case planning and
30 consultation with those persons or agencies required to report under
31 this section, with consultants designated by the department, and with
32 designated representatives of Washington Indian tribes if the client
33 information exchanged is pertinent to cases currently receiving child
34 protective services or department case services for the developmentally
35 disabled. Upon request, the department shall conduct such planning and
36 consultation with those persons required to report under this section
37 if the department determines it is in the best interests of the child
38 or developmentally disabled person. Information considered privileged

1 by statute and not directly related to reports required by this section
2 shall not be divulged without a valid written waiver of the privilege.

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

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

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

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

1 (12) The department shall maintain investigation records and
2 conduct timely and periodic reviews of all cases constituting abuse and
3 neglect. The department shall maintain a log of screened-out
4 nonabusive cases.

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

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

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

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

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 74.15 RCW
32 to read as follows:

33 The department shall provide technical assistance in preparation of
34 grant proposals for HOPE centers and responsible living skills programs
35 to nonprofit organizations unfamiliar with and inexperienced in
36 submission of requests for proposals to the department.

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

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

7 NEW SECTION. **Sec. 18.** The department of social and health
8 services shall seek any necessary federal waivers for federal funding
9 of the programs created under this act. The department shall pursue
10 federal funding sources for the programs created under this act, and
11 report to the legislature any statutory barriers to federal funding.

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

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

25 **Sec. 20.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to
26 read as follows:

27 (1) The department shall be the principal state department
28 responsible for coordinating federal and state resources and activities
29 in housing, except for programs administered by the Washington state
30 housing finance commission under chapter 43.180 RCW, and for evaluating
31 the operations and accomplishments of other state departments and
32 agencies as they affect housing.

33 (2) The department shall work with local governments, tribal
34 organizations, local housing authorities, nonprofit community or
35 neighborhood-based organizations, and regional or state-wide nonprofit

1 housing assistance organizations, for the purpose of coordinating
2 federal and state resources with local resources for housing.

3 (3) The department shall be the principal state department
4 responsible for providing shelter and housing services to homeless
5 children and their families. The department shall have the principal
6 responsibility to coordinate, plan, and oversee the state's activities
7 for developing a coordinated and comprehensive plan to serve homeless
8 children and their families. The plan shall be developed
9 collaboratively with the department of social and health services. The
10 department shall include community organizations involved in the
11 delivery of services to homeless children and their families, and
12 experts in the development and ongoing evaluation of the plan. The
13 department shall follow professionally recognized standards and
14 procedures. The plan shall be implemented within amounts appropriated
15 by the legislature for that specific purpose in the operating and
16 capital budgets. The department shall submit the plan to the
17 appropriate committees of the senate and house of representatives no
18 later than August 13, 1999, and shall update the plan every two years
19 thereafter. The plan shall address at least the following: (a) The
20 need for prevention assistance; (b) the need for emergency shelter; (c)
21 the need for transitional assistance to aid families into permanent
22 housing; (d) the need for linking services with shelter or housing; and
23 (e) the need for ongoing monitoring of the efficiency and effectiveness
24 of the plan's design and implementation.

25 **Sec. 21.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to
26 read as follows:

27 The department shall have the duty to provide child welfare
28 services and shall:

29 (1) Develop, administer, supervise, and monitor a coordinated and
30 comprehensive plan that establishes, aids, and strengthens services for
31 the protection and care of (~~homeless,~~) runaway, dependent, or
32 neglected children.

33 (2) Within available resources, recruit an adequate number of
34 prospective adoptive and foster homes, both regular and specialized,
35 i.e. homes for children of ethnic minority, including Indian homes for
36 Indian children, sibling groups, handicapped and emotionally disturbed,
37 teens, pregnant and parenting teens, and annually report to the
38 governor and the legislature concerning the department's success in:

1 (a) Meeting the need for adoptive and foster home placements; (b)
2 reducing the foster parent turnover rate; (c) completing home studies
3 for legally free children; and (d) implementing and operating the
4 passport program required by RCW 74.13.285. The report shall include
5 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

6 (3) Investigate complaints of any recent act or failure to act on
7 the part of a parent or caretaker that results in death, serious
8 physical or emotional harm, or sexual abuse or exploitation, or that
9 presents an imminent risk of serious harm, and on the basis of the
10 findings of such investigation, offer child welfare services in
11 relation to the problem to such parents, legal custodians, or persons
12 serving in loco parentis, and/or bring the situation to the attention
13 of an appropriate court, or another community agency: PROVIDED, That
14 an investigation is not required of nonaccidental injuries which are
15 clearly not the result of a lack of care or supervision by the child's
16 parents, legal custodians, or persons serving in loco parentis. If the
17 investigation reveals that a crime against a child may have been
18 committed, the department shall notify the appropriate law enforcement
19 agency.

20 (4) Offer, on a voluntary basis, family reconciliation services to
21 families who are in conflict.

22 (5) Monitor out-of-home placements, on a timely and routine basis,
23 to assure the safety, well-being, and quality of care being provided is
24 within the scope of the intent of the legislature as defined in RCW
25 74.13.010 and 74.15.010, and annually submit a report measuring the
26 extent to which the department achieved the specified goals to the
27 governor and the legislature.

28 (6) Have authority to accept custody of children from parents and
29 to accept custody of children from juvenile courts, where authorized to
30 do so under law, to provide child welfare services including placement
31 for adoption, and to provide for the physical care of such children and
32 make payment of maintenance costs if needed. Except where required by
33 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
34 which receives children for adoption from the department shall
35 discriminate on the basis of race, creed, or color when considering
36 applications in their placement for adoption.

37 (7) Have authority to provide temporary shelter to children who
38 have run away from home and who are admitted to crisis residential
39 centers.

1 (8) Have authority to purchase care for children; and shall follow
2 in general the policy of using properly approved private agency
3 services for the actual care and supervision of such children insofar
4 as they are available, paying for care of such children as are accepted
5 by the department as eligible for support at reasonable rates
6 established by the department.

7 (9) Establish a children's services advisory committee which shall
8 assist the secretary in the development of a partnership plan for
9 utilizing resources of the public and private sectors, and advise on
10 all matters pertaining to child welfare, licensing of child care
11 agencies, adoption, and services related thereto. At least one member
12 shall represent the adoption community.

13 (10) Have authority to provide continued foster care or group care
14 for individuals from eighteen through twenty years of age to enable
15 them to complete their high school or vocational school program.

16 (11) Have authority within funds appropriated for foster care
17 services to purchase care for Indian children who are in the custody of
18 a federally recognized Indian tribe or tribally licensed child-placing
19 agency pursuant to parental consent, tribal court order, or state
20 juvenile court order; and the purchase of such care shall be subject to
21 the same eligibility standards and rates of support applicable to other
22 children for whom the department purchases care.

23 Notwithstanding any other provision of RCW 13.32A.170 through
24 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
25 services to be provided by the department of social and health services
26 under subsections (4), (6), and (7) of this section, subject to the
27 limitations of these subsections, may be provided by any program
28 offering such services funded pursuant to Titles II and III of the
29 federal juvenile justice and delinquency prevention act of 1974.

30 (12) Within amounts appropriated for this specific purpose, provide
31 preventive services to children and their families that prevent or
32 shorten the duration of an out-of-home placement.

33 NEW SECTION. **Sec. 22.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 23.** Within funds specifically appropriated by
2 the legislature, HOPE center beds referenced in section 3 of this act
3 and responsible living skills program beds referenced in section 4 of
4 this act shall be phased in at the rate of twenty-five percent each
5 year beginning January 1, 2000, until the maximum is attained.

6 NEW SECTION. **Sec. 24.** Sections 3 and 4 of this act take effect
7 January 1, 2000.

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