

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1493

Chapter 267, Laws of 1999

56th Legislature
1999 Regular Session

HOMELESS FAMILIES WITH CHILDREN

EFFECTIVE DATE: 7/25/99 - Except sections 12 and 13 which become effective on 1/1/2000.

Passed by the House April 25, 1999
Yeas 96 Nays 0

JOHN E. PENNINGTON, JR.
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 24, 1999
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved May 12, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1493** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 12, 1999 - 5:10 p.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1493

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Tokuda, Boldt, Edwards, Lovick, Voloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood)

Read first time 03/08/1999.

1 AN ACT Relating to homeless children and their families; amending
2 RCW 43.63A.650, 13.34.030, 74.13.020, 74.13.031, 74.15.020, and
3 26.44.030; reenacting and amending RCW 13.34.130, 13.34.130, and
4 13.34.145; adding a new section to chapter 43.20A RCW; adding new
5 sections to chapter 43.63A RCW; adding new sections to chapter 74.15
6 RCW; adding a new section to chapter 13.60 RCW; creating new sections;
7 and providing an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that homelessness for
10 families with children is a serious, widespread problem that has a
11 devastating effect on children, including significant adverse effects
12 upon their growth and development. Planning for and serving the
13 shelter and housing needs of homeless families with children has been
14 and continues to be a responsibility of the department of community,
15 trade, and economic development. The legislature further finds that
16 the department of social and health services also plays an important
17 role in addressing the service needs of homeless families with
18 children. In order to adequately and effectively address the complex
19 issues confronting homeless families with children, planning for,

1 implementing, and evaluating such services must be a collaborative
2 effort between the department of community, trade, and economic
3 development and the department of social and health services, other
4 local, state, and federal agencies, and community organizations. It is
5 the intent of the legislature that the department of community, trade,
6 and economic development and the department of social and health
7 services jointly present the plan to the appropriate committees of the
8 legislature as required in section 3 of this act. It is the intent of
9 the legislature that children should not be placed or retained in the
10 foster care system if family homelessness is the primary reason for
11 placement or the continuation of their placement. It is the further
12 intent of the legislature that services to homeless families with
13 children shall be provided within funds appropriated for that specific
14 purpose by the legislature in the operating and capital budgets.
15 Nothing in this act is intended to prevent the court's review of the
16 plan developed by the department of social and health services and the
17 department of community, trade, and economic development under
18 *Washington State Coalition for the Homeless v. Department of Social and*
19 *Health Services*, King County Superior Court No. 91-2-15889-4. However,
20 it is the intent of the legislature that the court's review in that
21 proceeding be confined solely to review of the plan submitted under the
22 order of February 4, 1998. Nothing in sections 1 through 10 of this
23 act is intended to grant the court in this proceeding continuing review
24 over the department of social and health services after the effective
25 date of this act.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW
27 to read as follows:

28 (1) The department shall collaborate with the department of
29 community, trade, and economic development in the development of the
30 coordinated and comprehensive plan for homeless families with children
31 required under RCW 43.63A.650, which designates the department of
32 community, trade, and economic development as the state agency with
33 primary responsibility for providing shelter and housing services to
34 homeless families with children. In fulfilling its responsibilities to
35 collaborate with the department of community, trade, and economic
36 development pursuant to RCW 43.63A.650, the department shall develop,
37 administer, supervise, and monitor its portion of the plan. The

1 department's portion of the plan shall contain at least the following
2 elements:

3 (a) Coordination or linkage of services with shelter and housing;

4 (b) Accommodation and addressing the needs of homeless families in
5 the design and administration of department programs;

6 (c) Participation of the department's local offices in the
7 identification, assistance, and referral of homeless families; and

8 (d) Ongoing monitoring of the efficiency and effectiveness of the
9 plan's design and implementation.

10 (2) The department shall include community organizations involved
11 in the delivery of services to homeless families with children, and
12 experts in the development and ongoing evaluation of the plan.

13 (3) The duties under this section shall be implemented within
14 amounts appropriated for that specific purpose by the legislature in
15 the operating and capital budgets.

16 **Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to
17 read as follows:

18 (1) The department shall be the principal state department
19 responsible for coordinating federal and state resources and activities
20 in housing, except for programs administered by the Washington state
21 housing finance commission under chapter 43.180 RCW, and for evaluating
22 the operations and accomplishments of other state departments and
23 agencies as they affect housing.

24 (2) The department shall work with local governments, tribal
25 organizations, local housing authorities, nonprofit community or
26 neighborhood-based organizations, and regional or state-wide nonprofit
27 housing assistance organizations, for the purpose of coordinating
28 federal and state resources with local resources for housing.

29 (3) The department shall be the principal state department
30 responsible for providing shelter and housing services to homeless
31 families with children. The department shall have the principal
32 responsibility to coordinate, plan, and oversee the state's activities
33 for developing a coordinated and comprehensive plan to serve homeless
34 families with children. The plan shall be developed collaboratively
35 with the department of social and health services. The department
36 shall include community organizations involved in the delivery of
37 services to homeless families with children, and experts in the
38 development and ongoing evaluation of the plan. The department shall

1 follow professionally recognized standards and procedures. The plan
2 shall be implemented within amounts appropriated by the legislature for
3 that specific purpose in the operating and capital budgets. The
4 department shall submit the plan to the appropriate committees of the
5 senate and house of representatives no later than September 1, 1999,
6 and shall update the plan and submit it to the appropriate committees
7 of the legislature by January 1st of every odd-numbered year through
8 2007. The plan shall address at least the following: (a) The need for
9 prevention assistance; (b) the need for emergency shelter; (c) the need
10 for transitional assistance to aid families into permanent housing; (d)
11 the need for linking services with shelter or housing; and (e) the need
12 for ongoing monitoring of the efficiency and effectiveness of the
13 plan's design and implementation.

14 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW
15 to read as follows:

16 (1) In order to improve services for the homeless, the department,
17 within amounts appropriated by the legislature for this specific
18 purpose, shall implement a system for the ongoing collection and
19 analysis of data about the extent and nature of homelessness in
20 Washington state, giving emphasis to information about extent and
21 nature of homelessness in Washington state families with children. The
22 system may be merged with other data gathering and reporting systems
23 and shall:

24 (a) Protect the right of privacy of individuals;

25 (b) Provide for consultation and collaboration with state agencies
26 including the department of social and health services, experts, and
27 community organizations involved in the delivery of services to
28 homeless persons; and

29 (c) Include related information held or gathered by other state
30 agencies.

31 (2) Within amounts appropriated by the legislature, for this
32 specific purpose, the department shall evaluate the information
33 gathered and disseminate the analysis and the evaluation broadly, using
34 appropriate computer networks as well as written reports.

35 NEW SECTION. Sec. 5. A new section is added to chapter 43.63A RCW
36 to read as follows:

1 The department shall, by rule, establish program standards,
2 eligibility standards, eligibility criteria, and administrative rules
3 for emergency housing programs and specify other benefits that may
4 arise in consultation with providers.

5 **Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read
6 as follows:

7 For purposes of this chapter:

8 (1) "Child" and "juvenile" means any individual under the age of
9 eighteen years.

10 (2) "Current placement episode" means the period of time that
11 begins with the most recent date that the child was removed from the
12 home of the parent, guardian, or legal custodian for purposes of
13 placement in out-of-home care and continues until the child returns
14 home, an adoption decree, a permanent custody order, or guardianship
15 order is entered, or the dependency is dismissed, whichever occurs
16 soonest. If the most recent date of removal occurred prior to the
17 filing of a dependency petition under this chapter or after filing but
18 prior to entry of a disposition order, such time periods shall be
19 included when calculating the length of a child's current placement
20 episode.

21 (3) "Dependency guardian" means the person, nonprofit corporation,
22 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
23 the limited purpose of assisting the court in the supervision of the
24 dependency.

25 (4) "Dependent child" means any child:

26 (a) Who has been abandoned; that is, where the child's parent,
27 guardian, or other custodian has expressed either by statement or
28 conduct, an intent to forego, for an extended period, parental rights
29 or parental responsibilities despite an ability to do so. If the court
30 finds that the petitioner has exercised due diligence in attempting to
31 locate the parent, no contact between the child and the child's parent,
32 guardian, or other custodian for a period of three months creates a
33 rebuttable presumption of abandonment, even if there is no expressed
34 intent to abandon;

35 (b) Who is abused or neglected as defined in chapter 26.44 RCW by
36 a person legally responsible for the care of the child; or

37 (c) Who has no parent, guardian, or custodian capable of adequately
38 caring for the child, such that the child is in circumstances which

1 constitute a danger of substantial damage to the child's psychological
2 or physical development.

3 (5) "Guardian" means the person or agency that: (a) Has been
4 appointed as the guardian of a child in a legal proceeding other than
5 a proceeding under this chapter; and (b) has the legal right to custody
6 of the child pursuant to such appointment. The term "guardian" shall
7 not include a "dependency guardian" appointed pursuant to a proceeding
8 under this chapter.

9 (6) "Guardian ad litem" means a person, appointed by the court to
10 represent the best interest of a child in a proceeding under this
11 chapter, or in any matter which may be consolidated with a proceeding
12 under this chapter. A "court-appointed special advocate" appointed by
13 the court to be the guardian ad litem for the child, or to perform
14 substantially the same duties and functions as a guardian ad litem,
15 shall be deemed to be guardian ad litem for all purposes and uses of
16 this chapter.

17 (7) "Guardian ad litem program" means a court-authorized volunteer
18 program, which is or may be established by the superior court of the
19 county in which such proceeding is filed, to manage all aspects of
20 volunteer guardian ad litem representation for children alleged or
21 found to be dependent. Such management shall include but is not
22 limited to: Recruitment, screening, training, supervision, assignment,
23 and discharge of volunteers.

24 (8) "Out-of-home care" means placement in a foster family home or
25 group care facility licensed pursuant to chapter 74.15 RCW or placement
26 in a home, other than that of the child's parent, guardian, or legal
27 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

28 (9) "Preventive services" means preservation services, as defined
29 in chapter 74.14C RCW, and other reasonably available services,
30 including housing services, capable of preventing the need for out-of-
31 home placement while protecting the child. Housing services may
32 include, but are not limited to, referrals to federal, state, local, or
33 private agencies or organizations, assistance with forms and
34 applications, or financial subsidies for housing.

35 **Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read
36 as follows:

37 As used in Title 74 RCW, child welfare services shall be defined as
38 public social services including adoption services which strengthen,

1 supplement, or substitute for, parental care and supervision for the
2 purpose of:

3 (1) Preventing or remedying, or assisting in the solution of
4 problems which may result in families in conflict, or the neglect,
5 abuse, exploitation, or criminal behavior of children;

6 (2) Protecting and caring for (~~homeless~~) dependent(~~)~~ or
7 neglected children;

8 (3) Assisting children who are in conflict with their parents, and
9 assisting parents who are in conflict with their children with services
10 designed to resolve such conflicts;

11 (4) Protecting and promoting the welfare of children, including the
12 strengthening of their own homes where possible, or, where needed;

13 (5) Providing adequate care of children away from their homes in
14 foster family homes or day care or other child care agencies or
15 facilities.

16 As used in this chapter, child means a person less than eighteen
17 years of age.

18 The department's duty to provide services to homeless families with
19 children is set forth in section 2 of this act and in appropriations
20 provided by the legislature for implementation of the plan.

21 **Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read
22 as follows:

23 The department shall have the duty to provide child welfare
24 services and shall:

25 (1) Develop, administer, supervise, and monitor a coordinated and
26 comprehensive plan that establishes, aids, and strengthens services for
27 the protection and care of (~~homeless~~) runaway, dependent, or
28 neglected children.

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

35 (a) Meeting the need for adoptive and foster home placements; (b)
36 reducing the foster parent turnover rate; (c) completing home studies
37 for legally free children; and (d) implementing and operating the

1 passport program required by RCW 74.13.285. The report shall include
2 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

34 (7) Have authority to provide temporary shelter to children who
35 have run away from home and who are admitted to crisis residential
36 centers.

37 (8) Have authority to purchase care for children; and shall follow
38 in general the policy of using properly approved private agency
39 services for the actual care and supervision of such children insofar

1 as they are available, paying for care of such children as are accepted
2 by the department as eligible for support at reasonable rates
3 established by the department.

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

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

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

20 Notwithstanding any other provision of RCW 13.32A.170 through
21 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
22 services to be provided by the department of social and health services
23 under subsections (4), (6), and (7) of this section, subject to the
24 limitations of these subsections, may be provided by any program
25 offering such services funded pursuant to Titles II and III of the
26 federal juvenile justice and delinquency prevention act of 1974.

27 (12) Within amounts appropriated for this specific purpose, provide
28 preventive services to families with children that prevent or shorten
29 the duration of an out-of-home placement.

30 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
31 each reenacted and amended to read as follows:

32 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
33 been proven by a preponderance of the evidence that the child is
34 dependent within the meaning of RCW 13.34.030; after consideration of
35 the predisposition report prepared pursuant to RCW 13.34.110 and after
36 a disposition hearing has been held pursuant to RCW 13.34.110, the
37 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, including housing assistance, that least
9 interfere with family autonomy, provided that the services are adequate
10 to protect the child.

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

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

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

37 (iii) The court finds, by clear, cogent, and convincing evidence,
38 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.

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, including housing assistance,
21 are needed to facilitate the return of the child to the child's
22 parents; if so, the court shall order that reasonable services be
23 offered specifying such services; and

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

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

28 (8) The court's ability to order housing assistance under this
29 section is: (a) Limited to cases in which homelessness or the lack of
30 adequate and safe housing is the primary reason for an out-of-home
31 placement; and (b) subject to the availability of funds appropriated
32 for this specific purpose.

33 NEW SECTION. Sec. 10. Sections 10 through 26 of this act may be
34 referred to as the homeless youth prevention, protection, and education
35 act, or the HOPE act. Every day many youth in this state seek shelter
36 out on the street. A nurturing nuclear family does not exist for them,
37 and state-sponsored alternatives such as foster homes do not meet the
38 demand and isolate youth, who feel like outsiders in families not their

1 own. The legislature recognizes the need to develop placement
2 alternatives for dependent youth ages sixteen to eighteen, who are
3 living on the street. The HOPE act is an effort to engage youth and
4 provide them access to services through development of life skills in
5 a setting that supports them. Nothing in sections 10 through 26 of
6 this act shall constitute an entitlement.

7 **Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read
8 as follows:

9 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
10 otherwise clearly indicated by the context thereof, the following terms
11 shall mean:

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

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

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

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

32 (d) "Crisis residential center" means an agency which is a
33 temporary protective residential facility operated to perform the
34 duties specified in chapter 13.32A RCW, in the manner provided in RCW
35 74.13.032 through 74.13.036;

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

1 (f) "Foster-family home" means an agency which regularly provides
2 care on a twenty-four hour basis to one or more children, expectant
3 mothers, or persons with developmental disabilities in the family abode
4 of the person or persons under whose direct care and supervision the
5 child, expectant mother, or person with a developmental disability is
6 placed;

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

10 (h) "HOPE center" means an agency licensed by the secretary to
11 provide temporary residential placement and other services to street
12 youth. A street youth may remain in a HOPE center for thirty days
13 while services are arranged and permanent placement is coordinated. No
14 street youth may stay longer than thirty days unless approved by the
15 department and any additional days approved by the department must be
16 based on the unavailability of a long-term placement option. A street
17 youth whose parent wants him or her returned to home may remain in a
18 HOPE center until his or her parent arranges return of the youth, not
19 longer. All other street youth must have court approval under chapter
20 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

21 (i) "Maternity service" means an agency which provides or arranges
22 for care or services to expectant mothers, before or during
23 confinement, or which provides care as needed to mothers and their
24 infants after confinement;

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

34 (k) "Service provider" means the entity that operates a community
35 facility.

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

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

1 (i) Any blood relative, including those of half-blood, and
2 including first cousins, nephews or nieces, and persons of preceding
3 generations as denoted by prefixes of grand, great, or great-great;
4 (ii) Stepfather, stepmother, stepbrother, and stepsister;
5 (iii) A person who legally adopts a child or the child's parent as
6 well as the natural and other legally adopted children of such persons,
7 and other relatives of the adoptive parents in accordance with state
8 law;
9 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
10 subsection (2)(a), even after the marriage is terminated; or
11 (v) Extended family members, as defined by the law or custom of the
12 Indian child's tribe or, in the absence of such law or custom, a person
13 who has reached the age of eighteen and who is the Indian child's
14 grandparent, aunt or uncle, brother or sister, brother-in-law or
15 sister-in-law, niece or nephew, first or second cousin, or stepparent
16 who provides care in the family abode on a twenty-four-hour basis to an
17 Indian child as defined in 25 U.S.C. Sec. 1903(4);
18 (b) Persons who are legal guardians of the child, expectant mother,
19 or persons with developmental disabilities;
20 (c) Persons who care for a neighbor's or friend's child or
21 children, with or without compensation, where: (i) The person
22 providing care for periods of less than twenty-four hours does not
23 conduct such activity on an ongoing, regularly scheduled basis for the
24 purpose of engaging in business, which includes, but is not limited to,
25 advertising such care; or (ii) the parent and person providing care on
26 a twenty-four-hour basis have agreed to the placement in writing and
27 the state is not providing any payment for the care;
28 (d) Parents on a mutually cooperative basis exchange care of one
29 another's children;
30 (e) A person, partnership, corporation, or other entity that
31 provides placement or similar services to exchange students or
32 international student exchange visitors or persons who have the care of
33 an exchange student in their home;
34 (f) Nursery schools or kindergartens which are engaged primarily in
35 educational work with preschool children and in which no child is
36 enrolled on a regular basis for more than four hours per day;
37 (g) Schools, including boarding schools, which are engaged
38 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school-age children
2 and do not accept custody of children;

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

5 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
6 performing functions defined in chapter 70.41 RCW, nursing homes
7 licensed under chapter 18.51 RCW and boarding homes licensed under
8 chapter 18.20 RCW;

9 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

29 (3) "Department" means the state department of social and health
30 services.

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

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

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

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

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

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

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

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

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

17 (d) Individual and group counseling; and

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

23 NEW SECTION. Sec. 12. A new section is added to chapter 74.15 RCW
24 to read as follows:

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

1 appropriate basis for readmitting any street youth to a HOPE center.
2 HOPE centers 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) Facilitate a physical examination of any street youth who has
35 not seen a physician within one year prior to residence at a HOPE
36 center and facilitate evaluation by a county-designated mental health
37 professional, a chemical dependency specialist, or both if appropriate;
38 and

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

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

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

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

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

37 (7) Services that provide counseling and education to the street
38 youth; and

1 (8) The department shall only award contracts for the operation of
2 HOPE center beds and responsible living skills programs in departmental
3 regions: (a) With operating secure crisis residential centers; or (b)
4 in which the secretary finds significant progress is made toward
5 opening a secure crisis residential center.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.15 RCW
7 to read as follows:

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

13 (1) A license issued by the secretary;

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

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

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

1 achieving independent living skills by the time the resident leaves the
2 placement. The plan shall be written within the first thirty days of
3 placement and reviewed every ninety days. A resident who fails to
4 consistently adhere to the elements of the plan shall be subject to
5 reassessment by the professional staff of the program and may be placed
6 outside the program; and

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

12 (6) The department shall not award contracts for the operation of
13 responsible living skills programs until HOPE center beds are
14 operational.

15 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.15 RCW
16 to read as follows:

17 To be eligible for placement in a responsible living skills
18 program, the minor must be dependent under chapter 13.34 RCW and must
19 have lived in a HOPE center or in a secure crisis residential center.
20 Responsible living skills centers are intended as a placement
21 alternative for dependent youth that the department chooses for the
22 youth because no other services or alternative placements have been
23 successful. Responsible living skills centers are not for dependent
24 youth whose permanency plan includes return to home or family
25 reunification.

26 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.15 RCW
27 to read as follows:

28 The secretary is authorized to license HOPE centers and responsible
29 living skills programs that meet statutory and rule requirements
30 created by the secretary. The secretary is authorized to develop rules
31 necessary to carry out the provisions of sections 10 through 26 of this
32 act. The secretary may rely upon existing licensing provisions in
33 development of licensing requirements for HOPE centers and responsible
34 living skills programs, as are appropriate to carry out the intent of
35 sections 10 through 26 of this act. HOPE centers and responsible
36 living skills programs shall be required to adhere to departmental

1 regulations prohibiting the use of alcohol, tobacco, controlled
2 substances, violence, and sexual activity between residents.

3 **Sec. 16.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
4 each reenacted and amended to read as follows:

5 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
6 been proven by a preponderance of the evidence that the child is
7 dependent within the meaning of RCW 13.34.030; after consideration of
8 the predisposition report prepared pursuant to RCW 13.34.110 and after
9 a disposition hearing has been held pursuant to RCW 13.34.110, the
10 court shall enter an order of disposition pursuant to this section.

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

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

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

1 and have failed to prevent the need for out-of-home placement, unless
2 the health, safety, and welfare of the child cannot be protected
3 adequately in the home, and that:

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

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

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

12 (iv) The extent of the child's disability is such that the parent,
13 guardian, or legal custodian is unable to provide the necessary care
14 for the child and the parent, guardian, or legal custodian has
15 determined that the child would benefit from placement outside of the
16 home.

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

29 (i) Conviction of the parent of rape of the child in the first,
30 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
31 9A.44.079;

32 (ii) Conviction of the parent of criminal mistreatment of the child
33 in the first or second degree as defined in RCW 9A.42.020 and
34 9A.42.030;

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

1 (iv) Conviction of the parent of murder, manslaughter, or homicide
2 by abuse of the child's other parent, sibling, or another child;
3 (v) Conviction of the parent of attempting, soliciting, or
4 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of
5 this subsection;
6 (vi) A finding by a court that a parent is a sexually violent
7 predator as defined in RCW 71.09.020;
8 (vii) Failure of the parent to complete available treatment ordered
9 under this chapter or the equivalent laws of another state, where such
10 failure has resulted in a prior termination of parental rights to
11 another child and the parent has failed to effect significant change in
12 the interim. In the case of a parent of an Indian child, as defined in
13 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
14 1903), the court shall also consider tribal efforts to assist the
15 parent in completing treatment and make it possible for the child to
16 return home;
17 (viii) An infant under three years of age has been abandoned as
18 defined in RCW 13.34.030(4)(a);
19 (ix) The mother has given birth to three or more drug-affected
20 infants, resulting in the department filing a petition under section 23
21 (~~(of this act)~~), chapter 314, Laws of 1998.
22 (3) If reasonable efforts are not ordered under subsection (2) of
23 this section a permanency (~~(plan planning)~~) planning hearing shall be
24 held within thirty days. Reasonable efforts shall be made to place the
25 child in a timely manner in accordance with the permanency plan, and to
26 complete whatever steps are necessary to finalize the permanent
27 placement of the child.
28 (4) Whenever a child is ordered removed from the child's home, the
29 agency charged with his or her care shall provide the court with:
30 (a) A permanency plan of care that shall identify one of the
31 following outcomes as a primary goal and may identify additional
32 outcomes as alternative goals: Return of the child to the home of the
33 child's parent, guardian, or legal custodian; adoption; guardianship;
34 permanent legal custody; (~~(or)~~) long-term relative or foster care,
35 until the child is age eighteen, with a written agreement between the
36 parties and the care provider; a responsible living skills program; and
37 independent living, if appropriate and if the child is age sixteen or
38 older. Whenever a permanency plan identifies independent living as a
39 goal, the plan shall also specifically identify the services that will

1 be provided to assist the child to make a successful transition from
2 foster care to independent living. Before the court approves
3 independent living as a permanency plan of care, the court shall make
4 a finding that the provision of services to assist the child in making
5 a transition from foster care to independent living will allow the
6 child to manage his or her financial affairs and to manage his or her
7 personal, social, educational, and nonfinancial affairs. The
8 department shall not discharge a child to an independent living
9 situation before the child is eighteen years of age unless the child
10 becomes emancipated pursuant to chapter 13.64 RCW.

11 (b) Unless the court has ordered, pursuant to subsection (2) of
12 this section, that a termination petition be filed, a specific plan as
13 to where the child will be placed, what steps will be taken to return
14 the child home, and what actions the agency will take to maintain
15 parent-child ties. All aspects of the plan shall include the goal of
16 achieving permanence for the child.

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

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

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

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

36 (c) If the court has ordered, pursuant to subsection (2) of this
37 section, that a termination petition be filed, a specific plan as to
38 where the child will be placed, what steps will be taken to achieve
39 permanency for the child, services to be offered or provided to the

1 child, and, if visitation would be in the best interests of the child,
2 a recommendation to the court regarding visitation between parent and
3 child pending a fact-finding hearing on the termination petition. The
4 agency shall not be required to develop a plan of services for the
5 parents or provide services to the parents.

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

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

29 (7) Except for children whose cases are reviewed by a citizen
30 review board under chapter 13.70 RCW, the status of all children found
31 to be dependent shall be reviewed by the court at least every six
32 months from the beginning date of the placement episode or the date
33 dependency is established, whichever is first, at a hearing in which it
34 shall be determined whether court supervision should continue. The
35 review shall include findings regarding the agency and parental
36 completion of disposition plan requirements, and if necessary, revised
37 permanency time limits. The supervising agency shall provide a foster
38 parent, preadoptive parent, or relative with notice of, and their right
39 to an opportunity to be heard in, a review hearing pertaining to the

1 child, but only if that person is currently providing care to that
2 child at the time of the hearing. This section shall not be construed
3 to grant party status to any person who has been provided an
4 opportunity to be heard.

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

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

14 (i) Whether reasonable services have been provided to or offered to
15 the parties to facilitate reunion, specifying the services provided or
16 offered;

17 (ii) Whether the child has been placed in the least-restrictive
18 setting appropriate to the child's needs, including whether
19 consideration and preference has been given to placement with the
20 child's relatives;

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

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

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

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

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

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

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

36 **Sec. 17.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are
37 each reenacted and amended to read as follows:

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

8 (a) Whenever a child is placed in out-of-home care pursuant to RCW
9 13.34.130, the agency that has custody of the child shall provide the
10 court with a written permanency plan of care directed towards securing
11 a safe, stable, and permanent home for the child as soon as possible.
12 The plan shall identify one of the following outcomes as the primary
13 goal and may also identify additional outcomes as alternative goals:
14 Return of the child to the home of the child's parent, guardian, or
15 legal custodian; adoption; guardianship; permanent legal custody;
16 ((or)) long-term relative or foster care, until the child is age
17 eighteen, with a written agreement between the parties and the care
18 provider; a responsible living skills program; and independent living,
19 if appropriate and if the child is age sixteen or older and the
20 provisions of subsection (2) of this section are met.

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

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

30 (d) For purposes related to permanency planning:

31 (i) "Guardianship" means a dependency guardianship pursuant to this
32 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or
33 equivalent laws of another state or a federally recognized Indian
34 tribe.

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

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

1 (2) Whenever a permanency plan identifies independent living as a
2 goal, the plan shall also specifically identify the services that will
3 be provided to assist the child to make a successful transition from
4 foster care to independent living. Before the court approves
5 independent living as a permanency plan of care, the court shall make
6 a finding that the provision of services to assist the child in making
7 a transition from foster care to independent living will allow the
8 child to manage his or her financial affairs and to manage his or her
9 personal, social, educational, and nonfinancial affairs. The
10 department shall not discharge a child to an independent living
11 situation before the child is eighteen years of age unless the child
12 becomes emancipated pursuant to chapter 13.64 RCW.

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

19 (4) Whenever a child is removed from the home of a dependency
20 guardian or long-term relative or foster care provider, and the child
21 is not returned to the home of the parent, guardian, or legal custodian
22 but is placed in out-of-home care, a permanency planning hearing shall
23 take place no later than twelve months, as provided in subsection (3)
24 of this section, following the date of removal unless, prior to the
25 hearing, the child returns to the home of the dependency guardian or
26 long-term care provider, the child is placed in the home of the parent,
27 guardian, or legal custodian, an adoption decree, guardianship order,
28 or permanent custody order is entered, or the dependency is dismissed.

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

33 (6) At the permanency planning hearing, the court shall enter
34 findings as required by RCW 13.34.130(7) and shall review the
35 permanency plan prepared by the agency. If the child has resided in
36 the home of a foster parent or relative for more than six months prior
37 to the permanency planning hearing, the court shall also enter a
38 finding regarding whether the foster parent or relative was informed of
39 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal

1 of long-term foster or relative care has been achieved prior to the
2 permanency planning hearing, the court shall review the child's status
3 to determine whether the placement and the plan for the child's care
4 remain appropriate. In cases where the primary permanency planning
5 goal has not yet been achieved, the court shall inquire regarding the
6 reasons why the primary goal has not been achieved and determine what
7 needs to be done to make it possible to achieve the primary goal. In
8 all cases, the court shall:

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

11 (ii) Modify the permanency plan, and order implementation of the
12 modified plan; and

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

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

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

22 (8) Continued juvenile court jurisdiction under this chapter shall
23 not be a barrier to the entry of an order establishing a legal
24 guardianship or permanent legal custody when, (a) the court has ordered
25 implementation of a permanency plan that includes legal guardianship or
26 permanent legal custody, and (b) the party pursuing the legal
27 guardianship or permanent legal custody is the party identified in the
28 permanency plan as the prospective legal guardian or custodian. During
29 the pendency of such proceeding, juvenile court shall conduct review
30 hearings and further permanency planning hearings as provided in this
31 chapter. At the conclusion of the legal guardianship or permanent
32 legal custody proceeding, a juvenile court hearing shall be held for
33 the purpose of determining whether dependency should be dismissed. If
34 a guardianship or permanent custody order has been entered, the
35 dependency shall be dismissed.

36 (9) Following the first permanency planning hearing, the court
37 shall hold a further permanency planning hearing in accordance with
38 this section at least once every twelve months until a permanency

1 planning goal is achieved or the dependency is dismissed, whichever
2 occurs first.

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

9 (11) Nothing in this chapter may be construed to limit the ability
10 of the agency that has custody of the child to file a petition for
11 termination of parental rights or a guardianship petition at any time
12 following the establishment of dependency. Upon the filing of such a
13 petition, a fact-finding hearing shall be scheduled and held in
14 accordance with this chapter unless the agency requests dismissal of
15 the petition prior to the hearing or unless the parties enter an agreed
16 order terminating parental rights, establishing guardianship, or
17 otherwise resolving the matter.

18 (12) The approval of a permanency plan that does not contemplate
19 return of the child to the parent does not relieve the supervising
20 agency of its obligation to provide reasonable services, under this
21 chapter, intended to effectuate the return of the child to the parent,
22 including but not limited to, visitation rights.

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

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

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

1 NEW SECTION. **Sec. 19.** The Washington institute for public policy
2 shall review the effectiveness of the procedures established in section
3 18 of this act. The study shall include: (1) The number of legal
4 custodians who utilize the clearinghouse; (2) the number of children
5 who are located after the department's procedures are operational; (3)
6 the impediments to effective utilization of the procedures and what
7 steps may be taken to reduce or eliminate the impediments; (4) the
8 methods of public education regarding the availability of the program
9 and how to increase public awareness of the program.

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

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

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

26 (b) The reporting requirement shall also apply to department of
27 corrections personnel who, in the course of their employment, observe
28 offenders or the children with whom the offenders are in contact. If,
29 as a result of observations or information received in the course of
30 his or her employment, any department of corrections personnel has
31 reasonable cause to believe that a child or adult dependent or
32 developmentally disabled person has suffered abuse or neglect, he or
33 she shall report the incident, or cause a report to be made, to the
34 proper law enforcement agency or to the department as provided in RCW
35 26.44.040.

36 (c) The reporting requirement shall also apply to any adult who has
37 reasonable cause to believe that a child or adult dependent or
38 developmentally disabled person, who resides with them, has suffered

1 severe abuse, and is able or capable of making a report. For the
2 purposes of this subsection, "severe abuse" means any of the following:
3 Any single act of abuse that causes physical trauma of sufficient
4 severity that, if left untreated, could cause death; any single act of
5 sexual abuse that causes significant bleeding, deep bruising, or
6 significant external or internal swelling; or more than one act of
7 physical abuse, each of which causes bleeding, deep bruising,
8 significant external or internal swelling, bone fracture, or
9 unconsciousness.

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

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

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

26 (4) The department, upon receiving a report of an incident of
27 alleged abuse or neglect pursuant to this chapter, involving a child or
28 adult dependent or developmentally disabled person who has died or has
29 had physical injury or injuries inflicted upon him or her other than by
30 accidental means or who has been subjected to alleged sexual abuse,
31 shall report such incident to the proper law enforcement agency. In
32 emergency cases, where the child, adult dependent, or developmentally
33 disabled person's welfare is endangered, the department shall notify
34 the proper law enforcement agency within twenty-four hours after a
35 report is received by the department. In all other cases, the
36 department shall notify the law enforcement agency within seventy-two
37 hours after a report is received by the department. If the department
38 makes an oral report, a written report shall also be made to the proper
39 law enforcement agency within five days thereafter.

1 (5) Any law enforcement agency 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 in writing as provided in RCW 26.44.040 to
7 the proper county prosecutor or city attorney for appropriate action
8 whenever the law enforcement agency's investigation reveals that a
9 crime may have been committed. The law enforcement agency shall also
10 notify the department of all reports received and the law enforcement
11 agency's disposition of them. In emergency cases, where the child,
12 adult dependent, or developmentally disabled person's welfare is
13 endangered, the law enforcement agency shall notify the department
14 within twenty-four hours. In all other cases, the law enforcement
15 agency shall notify the department within seventy-two hours after a
16 report is received by the law enforcement agency.

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

22 (7) The department may conduct ongoing case planning and
23 consultation with those persons or agencies required to report under
24 this section, with consultants designated by the department, and with
25 designated representatives of Washington Indian tribes if the client
26 information exchanged is pertinent to cases currently receiving child
27 protective services or department case services for the developmentally
28 disabled. Upon request, the department shall conduct such planning and
29 consultation with those persons required to report under this section
30 if the department determines it is in the best interests of the child
31 or developmentally disabled person. Information considered privileged
32 by statute and not directly related to reports required by this section
33 shall not be divulged without a valid written waiver of the privilege.

34 (8) Any case referred to the department by a physician licensed
35 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
36 opinion that child abuse, neglect, or sexual assault has occurred and
37 that the child's safety will be seriously endangered if returned home,
38 the department shall file a dependency petition unless a second
39 licensed physician of the parents' choice believes that such expert

1 medical opinion is incorrect. If the parents fail to designate a
2 second physician, the department may make the selection. If a
3 physician finds that a child has suffered abuse or neglect but that
4 such abuse or neglect does not constitute imminent danger to the
5 child's health or safety, and the department agrees with the
6 physician's assessment, the child may be left in the parents' home
7 while the department proceeds with reasonable efforts to remedy
8 parenting deficiencies.

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

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

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

31 (12) The department shall maintain investigation records and
32 conduct timely and periodic reviews of all cases constituting abuse and
33 neglect. The department shall maintain a log of screened-out
34 nonabusive cases.

35 (13) The department shall use a risk assessment process when
36 investigating alleged child abuse and neglect referrals. The
37 department shall present the risk factors at all hearings in which the
38 placement of a dependent child is an issue. Substance abuse must be a
39 risk factor. The department shall, within funds appropriated for this

1 purpose, offer enhanced community-based services to persons who are
2 determined not to require further state intervention.

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

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

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

22 NEW SECTION. **Sec. 21.** A new section is added to chapter 74.15 RCW
23 to read as follows:

24 The department shall provide technical assistance in preparation of
25 grant proposals for HOPE centers and responsible living skills programs
26 to nonprofit organizations unfamiliar with and inexperienced in
27 submission of requests for proposals to the department.

28 NEW SECTION. **Sec. 22.** A new section is added to chapter 74.15 RCW
29 to read as follows:

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

34 NEW SECTION. **Sec. 23.** The department of social and health
35 services shall seek any necessary federal waivers for federal funding
36 of the programs created under sections 10 through 26 of this act. The

1 department shall pursue federal funding sources for the programs
2 created under sections 10 through 26 of this act, and report to the
3 legislature any statutory barriers to federal funding.

4 NEW SECTION. **Sec. 24.** The Washington state institute for public
5 policy shall review the effectiveness of the HOPE centers and the
6 responsible living skills programs. The study shall include the
7 characteristics of the youth being served, the services offered to
8 participating youth, the success of permanent placement of youth, the
9 number of youth participating in each program, the number of youth who
10 successfully complete the responsible living skills program,
11 educational achievement of participants, employment history of
12 participants, the outcomes for youth who have progressed through the
13 programs, and other measures that the institute deems helpful in
14 determining the measurable outcomes of sections 10 through 26 of this
15 act.

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

18 NEW SECTION. **Sec. 25.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 26.** Within funds specifically appropriated by
23 the legislature, HOPE center beds referenced in section 12 of this act
24 and responsible living skills program beds referenced in section 13 of
25 this act shall be phased in at the rate of twenty-five percent each
26 year beginning January 1, 2000, until the maximum is attained.

27 NEW SECTION. **Sec. 27.** Sections 12 and 13 of this act take effect
28 January 1, 2000.

Passed the House April 25, 1999.

Passed the Senate April 24, 1999.

Approved by the Governor May 12, 1999.

Filed in Office of Secretary of State May 12, 1999.