

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1898

Chapter 230, Laws of 2001

57th Legislature
2001 Regular Legislative Session

EMERGENCY RESPITE CENTERS

EFFECTIVE DATE: 7/22/01

Passed by the House April 20, 2001
Yeas 89 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 5, 2001
Yeas 49 Nays 0

BRAD OWEN
President of the Senate

Approved May 9, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1898** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

May 9, 2001 - 8:52 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1898

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representatives Hankins, Skinner, Tokuda, Boldt, Kenney, Dunn, Keiser, Van Luven, McMorris, Delvin, Mitchell and Santos

Read first time 02/08/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the licensing of crisis nurseries; amending RCW
2 74.15.020; and adding a new section to chapter 74.15 RCW.

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

4 **Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read
5 as follows:

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

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

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

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

6 (c) "Community facility" means a group care facility operated for
7 the care of juveniles committed to the department under RCW 13.40.185.
8 A county detention facility that houses juveniles committed to the
9 department under RCW 13.40.185 pursuant to a contract with the
10 department is not a community facility;

11 (d) "Crisis residential center" means an agency which is a
12 temporary protective residential facility operated to perform the
13 duties specified in chapter 13.32A RCW, in the manner provided in RCW
14 74.13.032 through 74.13.036;

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

27 (f) "Family day-care provider" means a child day-care provider who
28 regularly provides child day care for not more than twelve children in
29 the provider's home in the family living quarters;

30 ((+f)) (g) "Foster-family home" means an agency which regularly
31 provides care on a twenty-four hour basis to one or more children,
32 expectant mothers, or persons with developmental disabilities in the
33 family abode of the person or persons under whose direct care and
34 supervision the child, expectant mother, or person with a developmental
35 disability is placed;

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

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

12 (~~(i)~~) (j) "Maternity service" means an agency which provides or
13 arranges for care or services to expectant mothers, before or during
14 confinement, or which provides care as needed to mothers and their
15 infants after confinement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (d) Individual and group counseling; and

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

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

17 The secretary is authorized to license emergency respite centers.
18 The department may adopt rules to specify licensing requirements for
19 emergency respite centers.

Passed the House April 20, 2001.

Passed the Senate April 5, 2001.

Approved by the Governor May 9, 2001.

Filed in Office of Secretary of State May 9, 2001.