

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1346

Chapter 144, Laws of 2001

57th Legislature
2001 Regular Legislative Session

FOREIGN CHILDREN--MEDICAL CARE

EFFECTIVE DATE: 7/22/01

Passed by the House March 9, 2001
Yeas 93 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

CLYDE BALLARD
**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2001
Yeas 49 Nays 0

BRAD OWEN
President of the Senate

Approved May 2, 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 1346** 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 2, 2001 - 10:36 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1346

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Representatives Dickerson, Tokuda, Kenney, Kagi and Santos

Read first time 01/24/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to foreign children entering the United States for
2 medical care; and amending RCW 74.15.020.

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

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

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

27 (h) "HOPE center" means an agency licensed by the secretary to
28 provide temporary residential placement and other services to street
29 youth. A street youth may remain in a HOPE center for thirty days
30 while services are arranged and permanent placement is coordinated. No
31 street youth may stay longer than thirty days unless approved by the
32 department and any additional days approved by the department must be
33 based on the unavailability of a long-term placement option. A street
34 youth whose parent wants him or her returned to home may remain in a
35 HOPE center until his or her parent arranges return of the youth, not
36 longer. All other street youth must have court approval under chapter
37 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

38 (i) "Maternity service" means an agency which provides or arranges
39 for care or services to expectant mothers, before or during

1 confinement, or which provides care as needed to mothers and their
2 infants after confinement;

3 (j) "Responsible living skills program" means an agency licensed by
4 the secretary that provides residential and transitional living
5 services to persons ages sixteen to eighteen who are dependent under
6 chapter 13.34 RCW and who have been unable to live in his or her
7 legally authorized residence and, as a result, the minor lived outdoors
8 or in another unsafe location not intended for occupancy by the minor.
9 Dependent minors ages fourteen and fifteen may be eligible if no other
10 placement alternative is available and the department approves the
11 placement;

12 (k) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

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

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

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

36 (c) Persons who care for a neighbor's or friend's child or
37 children, with or without compensation, where: (i) The person
38 providing care for periods of less than twenty-four hours does not
39 conduct such activity on an ongoing, regularly scheduled basis for the

1 purpose of engaging in business, which includes, but is not limited to,
2 advertising such care; or (ii) the parent and person providing care on
3 a twenty-four-hour basis have agreed to the placement in writing and
4 the state is not providing any payment for the care;

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

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

11 (f) A person, partnership, corporation, or other entity that
12 provides placement or similar services to international children who
13 have entered the country by obtaining visas that meet the criteria for
14 medical care as established by the United States immigration and
15 naturalization service, or persons who have the care of such an
16 international child in their home;

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

20 ~~((g))~~ (h) Schools, including boarding schools, which are engaged
21 primarily in education, operate on a definite school year schedule,
22 follow a stated academic curriculum, accept only school-age children
23 and do not accept custody of children;

24 ~~((h))~~ (i) Seasonal camps of three months' or less duration
25 engaged primarily in recreational or educational activities;

26 ~~((i))~~ (j) Hospitals licensed pursuant to chapter 70.41 RCW when
27 performing functions defined in chapter 70.41 RCW, nursing homes
28 licensed under chapter 18.51 RCW and boarding homes licensed under
29 chapter 18.20 RCW;

30 ~~((j))~~ (k) Licensed physicians or lawyers;

31 ~~((k))~~ (l) Facilities providing care to children for periods of
32 less than twenty-four hours whose parents remain on the premises to
33 participate in activities other than employment;

34 ~~((l))~~ (m) Facilities approved and certified under chapter 71A.22
35 RCW;

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

1 (~~(n)~~) (o) Persons who have a child in their home for purposes of
2 adoption, if the child was placed in such home by a licensed child-
3 placing agency, an authorized public or tribal agency or court or if a
4 replacement report has been filed under chapter 26.33 RCW and the
5 placement has been approved by the court;

6 (~~(o)~~) (p) An agency operated by any unit of local, state, or
7 federal government or an agency, located within the boundaries of a
8 federally recognized Indian reservation, licensed by the Indian tribe;

9 (~~(p)~~) (q) An agency located on a federal military reservation,
10 except where the military authorities request that such agency be
11 subject to the licensing requirements of this chapter.

12 (3) "Department" means the state department of social and health
13 services.

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

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

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

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

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

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

29 (a) Educational services, including basic literacy and
30 computational skills training, either in local alternative or public
31 high schools or in a high school equivalency program that leads to
32 obtaining a high school equivalency degree;

33 (b) Assistance and counseling related to obtaining vocational
34 training or higher education, job readiness, job search assistance, and
35 placement programs;

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

39 (d) Individual and group counseling; and

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

Passed the House March 9, 2001.

Passed the Senate April 9, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.