

EHB 1561 - S COMM AMD

By Committee on Children & Family Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.20B.030 and 1997 c 130 s 5 are each amended to
4 read as follows:

5 (1) Except as otherwise provided by law, there will be no
6 collection of overpayments and other debts due the department after the
7 expiration of six years from the date of notice of such overpayment or
8 other debt unless the department has commenced recovery action in a
9 court of law or unless an administrative remedy authorized by statute
10 is in place. However, any amount due in a case thus extended shall
11 cease to be a debt due the department at the expiration of ten years
12 from the date of the notice of the overpayment or other debt unless a
13 court-ordered remedy would be in effect for a longer period.

14 (2)((+a)) The department, at any time, may accept offers of
15 compromise of disputed claims or may grant partial or total write-off
16 of any debt due the department if it is no longer cost-effective to
17 pursue. The department shall adopt rules establishing the
18 considerations to be made in the granting or denial of a partial or
19 total write-off of debts.

20 ~~((b) Beginning December 1, 1997, the department shall report by
21 December 1 each year to the commerce and labor committees of the senate
22 and house of representatives, the senate ways and means committee, and
23 the house appropriations committee, or successor committees, the
24 following information:~~

25 ~~(i) The cumulative amount of debt due the department;~~

26 ~~(ii) The cumulative amount of debt that has been written off by the
27 department as no longer cost-effective to pursue;~~

28 ~~(iii) The amount of debt due the department that has accrued in
29 each of the previous five fiscal years; and~~

1 ~~(iv) The amount of debt that has been written off in each of the~~
2 ~~previous five fiscal years as no longer cost effective to pursue.))~~

3 **Sec. 2.** RCW 74.13.036 and 1996 c 133 s 37 are each amended to read
4 as follows:

5 (1) The department of social and health services shall oversee
6 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
7 oversight shall be comprised of working with affected parts of the
8 criminal justice and child care systems as well as with local
9 government, legislative, and executive authorities to effectively carry
10 out these chapters. The department shall work with all such entities
11 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
12 uniform manner throughout the state.

13 (2) The department shall develop a plan and procedures, in
14 cooperation with the statewide advisory committee, to insure the full
15 implementation of the provisions of chapter 13.32A RCW. Such plan and
16 procedures shall include but are not limited to:

17 (a) Procedures defining and delineating the role of the department
18 and juvenile court with regard to the execution of the child in need of
19 services placement process;

20 (b) Procedures for designating department staff responsible for
21 family reconciliation services;

22 (c) Procedures assuring enforcement of contempt proceedings in
23 accordance with RCW 13.32A.170 and 13.32A.250; and

24 (d) Procedures for the continued education of all individuals in
25 the criminal juvenile justice and child care systems who are affected
26 by chapter 13.32A RCW, as well as members of the legislative and
27 executive branches of government.

28 There shall be uniform application of the procedures developed by
29 the department and juvenile court personnel, to the extent practicable.
30 Local and regional differences shall be taken into consideration in the
31 development of procedures required under this subsection.

32 (3) In addition to its other oversight duties, the department
33 shall:

34 (a) Identify and evaluate resource needs in each region of the
35 state;

1 (b) Disseminate information collected as part of the oversight
2 process to affected groups and the general public;

3 (c) Educate affected entities within the juvenile justice and child
4 care systems, local government, and the legislative branch regarding
5 the implementation of chapters 13.32A and 13.34 RCW;

6 (d) Review complaints concerning the services, policies, and
7 procedures of those entities charged with implementing chapters 13.32A
8 and 13.34 RCW; and

9 (e) Report any violations and misunderstandings regarding the
10 implementation of chapters 13.32A and 13.34 RCW.

11 (4) (~~The secretary shall submit a quarterly report to the
12 appropriate local government entities.~~

13 ~~(5)~~) The department shall provide an annual report to the
14 legislature not later than December 1(~~, indicating~~) of each year only
15 when it has declined to accept custody of a child from a law
16 enforcement agency or it has received a report of a child being
17 released without placement. The report shall indicate the number of
18 times it has declined to accept custody of a child from a law
19 enforcement agency under chapter 13.32A RCW and the number of times it
20 has received a report of a child being released without placement under
21 RCW 13.32A.060(1)(c). The report shall include the dates, places, and
22 reasons the department declined to accept custody and the dates and
23 places children are released without placement.

24 **Sec. 3.** RCW 74.14C.070 and 1995 c 311 s 11 are each amended to
25 read as follows:

26 The secretary of social and health services, or the secretary's
27 regional designee, may transfer funds appropriated for foster care
28 services to purchase preservation services and other preventive
29 services for children at imminent risk of out-of-home placement or who
30 face a substantial likelihood of out-of-home placement. This transfer
31 may be made in those regions that lower foster care expenditures
32 through efficient use of preservation services and permanency planning
33 efforts. The transfer shall be equivalent to the amount of reduced
34 foster care expenditures and shall be made in accordance with the
35 provisions of this chapter and with the approval of the office of
36 financial management. The (~~secretary~~) department shall present an

1 annual report to the legislature regarding any transfers under this
2 section only if transfers occur. The (~~secretary~~) department shall
3 include caseload, expenditure, cost avoidance, identified improvements
4 to the out-of-home care system, and outcome data related to the
5 transfer in the report. The (~~secretary~~) department shall also
6 include in the report information regarding:

7 (1) The percent of cases where a child is placed in out-of-home
8 care after the provision of intensive family preservation services or
9 family preservation services;

10 (2) The average length of time before (~~such~~) the child is placed
11 out-of-home;

12 (3) The average length of time (~~such~~) the child is placed out-of-
13 home; and

14 (4) The number of families that refused the offer of either family
15 preservation services or intensive family preservation services.

16 **Sec. 4.** RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are
17 each reenacted and amended to read as follows:

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

29 (b) The reporting requirement also applies to department of
30 corrections personnel who, in the course of their employment, observe
31 offenders or the children with whom the offenders are in contact. If,
32 as a result of observations or information received in the course of
33 his or her employment, any department of corrections personnel has
34 reasonable cause to believe that a child has suffered abuse or neglect,
35 he or she shall report the incident, or cause a report to be made, to

1 the proper law enforcement agency or to the department as provided in
2 RCW 26.44.040.

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

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

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

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

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

1 by the department. If the department makes an oral report, a written
2 report must also be made to the proper law enforcement agency within
3 five days thereafter.

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

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

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

35 (8) Any case referred to the department by a physician licensed
36 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
37 opinion that child abuse, neglect, or sexual assault has occurred and

1 that the child's safety will be seriously endangered if returned home,
2 the department shall file a dependency petition unless a second
3 licensed physician of the parents' choice believes that such expert
4 medical opinion is incorrect. If the parents fail to designate a
5 second physician, the department may make the selection. If a
6 physician finds that a child has suffered abuse or neglect but that
7 such abuse or neglect does not constitute imminent danger to the
8 child's health or safety, and the department agrees with the
9 physician's assessment, the child may be left in the parents' home
10 while the department proceeds with reasonable efforts to remedy
11 parenting deficiencies.

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

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

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

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

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

8 ~~((The department shall provide annual reports to the legislature on
9 the effectiveness of the risk assessment process.))~~

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

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

27 **Sec. 5.** RCW 13.40.030 and 1996 c 232 s 5 are each amended to read
28 as follows:

29 (1) The secretary shall submit guidelines pertaining to the nature
30 of the security to be imposed on youth placed in his or her custody
31 based on the age, offense(s), and criminal history of the juvenile
32 offender. Such guidelines shall be submitted to the legislature for
33 its review no later than November 1st of each year. ~~((At the same time
34 the secretary shall submit a report on security at juvenile facilities
35 during the preceding year. The report shall include the number of
36 escapes from each juvenile facility, the most serious offense for which~~

1 ~~each escapee had been confined, the number and nature of offenses found~~
2 ~~to have been committed by juveniles while on escape status, the number~~
3 ~~of authorized leaves granted, the number of failures to comply with~~
4 ~~leave requirements, the number and nature of offenses committed while~~
5 ~~on leave, and the number and nature of offenses committed by juveniles~~
6 ~~while in the community on minimum security status; to the extent this~~
7 ~~information is available to the secretary.))~~ The department shall
8 include security status definitions in the security guidelines it
9 submits to the legislature pursuant to this section.

10 (2) The permissible ranges of confinement resulting from a finding
11 of manifest injustice under RCW 13.40.0357 are subject to the following
12 limitations:

13 (a) Where the maximum term in the range is ninety days or less, the
14 minimum term in the range may be no less than fifty percent of the
15 maximum term in the range;

16 (b) Where the maximum term in the range is greater than ninety days
17 but not greater than one year, the minimum term in the range may be no
18 less than seventy-five percent of the maximum term in the range; and

19 (c) Where the maximum term in the range is more than one year, the
20 minimum term in the range may be no less than eighty percent of the
21 maximum term in the range.

22 **Sec. 6.** RCW 70.96A.420 and 2001 c 242 s 3 are each amended to read
23 as follows:

24 (1) The department, in consultation with opiate substitution
25 treatment service providers and counties and cities, shall establish
26 statewide treatment standards for certified opiate substitution
27 treatment programs. The department shall enforce these treatment
28 standards. The treatment standards shall include, but not be limited
29 to, reasonable provisions for all appropriate and necessary medical
30 procedures, counseling requirements, urinalysis, and other suitable
31 tests as needed to ensure compliance with this chapter.

32 (2) The department, in consultation with opiate substitution
33 treatment programs and counties, shall establish statewide operating
34 standards for certified opiate substitution treatment programs. The
35 department shall enforce these operating standards. The operating
36 standards shall include, but not be limited to, reasonable provisions

1 necessary to enable the department and counties to monitor certified
2 and licensed opiate substitution treatment programs for compliance with
3 this chapter and the treatment standards authorized by this chapter and
4 to minimize the impact of the opiate substitution treatment programs
5 upon the business and residential neighborhoods in which the program is
6 located.

7 (3) The department shall establish criteria for evaluating the
8 compliance of opiate substitution treatment programs with the goals and
9 standards established under this chapter. As a condition of
10 certification, opiate substitution programs shall submit an annual
11 report to the department and county legislative authority, including
12 data as specified by the department necessary for outcome analysis.
13 The department shall analyze and evaluate the data submitted by each
14 treatment program and take corrective action where necessary to ensure
15 compliance with the goals and standards enumerated under this chapter.

16 ~~((4) Before January 1st of each year, the secretary shall submit
17 a report to the legislature and governor. The report shall include the
18 number of persons enrolled in each treatment program during the period
19 covered by the report, the number of persons who leave each treatment
20 program voluntarily and involuntarily, and an outcome analysis of each
21 treatment program. For purposes of this subsection, "outcome analysis"
22 shall include but not be limited to: The number of people who, as a
23 result of participation in the program, are able to abstain from
24 opiates; reduction in use of opiates; reduction in criminal conduct;
25 achievement of economic independence; and reduction in utilization of
26 health care. The report shall include information on an annual and
27 cumulative basis beginning on July 22, 2001.))~~

28 **Sec. 7.** RCW 70.96A.520 and 1997 c 338 s 28 are each amended to
29 read as follows:

30 The department shall prioritize expenditures for treatment provided
31 under RCW 13.40.165. The department shall provide funds for inpatient
32 and outpatient treatment providers that are the most successful, using
33 the standards developed by the University of Washington under section
34 27, chapter 338, Laws of 1997. The department may consider variations
35 between the nature of the programs provided and clients served but must

1 provide funds first for those programs that demonstrate the greatest
2 success in treatment within categories of treatment and the nature of
3 the persons receiving treatment.

4 ~~((The department shall, not later than January 1st of each year,
5 provide a report to the governor and the legislature on the success
6 rates of programs funded under this section.))~~

7 **Sec. 8.** RCW 74.13.017 and 2001 c 265 s 2 are each amended to read
8 as follows:

9 The department shall undertake the process of accreditation with
10 the goal of completion by July 2006. ~~((The department, in conjunction
11 with a national independent accreditation entity, shall report to the
12 appropriate legislative committees its progress towards complete
13 accreditation on an annual basis, starting December 2001.))~~

14 **Sec. 9.** RCW 74.14A.050 and 2001 c 255 s 1 are each amended to read
15 as follows:

16 The secretary shall:

17 (1)(a) Consult with relevant qualified professionals to develop a
18 set of minimum guidelines to be used for identifying all children who
19 are in a state-assisted support system, whether at-home or out-of-home,
20 who are likely to need long-term care or assistance, because they face
21 physical, emotional, medical, mental, or other long-term challenges;

22 (b) The guidelines must, at a minimum, consider the following
23 criteria for identifying children in need of long-term care or
24 assistance:

25 (i) Placement within the foster care system for two years or more;

26 (ii) Multiple foster care placements;

27 (iii) Repeated unsuccessful efforts to be placed with a permanent
28 adoptive family;

29 (iv) Chronic behavioral or educational problems;

30 (v) Repetitive criminal acts or offenses;

31 (vi) Failure to comply with court-ordered disciplinary actions and
32 other imposed guidelines of behavior, including drug and alcohol
33 rehabilitation; and

34 (vii) Chronic physical, emotional, medical, mental, or other
35 similar conditions necessitating long-term care or assistance;

1 (2) Develop programs that are necessary for the long-term care of
2 children and youth that are identified for the purposes of this
3 section. Programs must: (a) Effectively address the educational,
4 physical, emotional, mental, and medical needs of children and youth;
5 and (b) incorporate an array of family support options, to individual
6 needs and choices of the child and family. The programs must be ready
7 for implementation by January 1, 1995;

8 (3) Conduct an evaluation of all children currently within the
9 foster care agency caseload to identify those children who meet the
10 criteria set forth in this section. All children entering the foster
11 care system must be evaluated for identification of long-term needs
12 within thirty days of placement;

13 (4) As a result of the passage of chapter 232, Laws of 2000, the
14 department is conducting a pilot project to do a comparative analysis
15 of a variety of assessment instruments to determine the most effective
16 tools and methods for evaluation of children. The pilot project may
17 extend through August 31, 2001. The department shall report to the
18 appropriate committees in the senate and house of representatives by
19 September 30, 2001, on the results of the pilot project. The
20 department shall select an assessment instrument that can be
21 implemented within available resources. The department shall complete
22 statewide implementation by December 31, 2001. The department shall
23 report to the appropriate committees in the senate and house of
24 representatives on how the use of the selected assessment instrument
25 has affected department policies, by no later than December 31, 2002,
26 December 31, 2004, and December 31, 2006;

27 (5) Use the assessment tool developed pursuant to subsection (4) of
28 this section in making out-of-home placement decisions for children;

29 ~~(6) ((By region, report to the legislature on the following using
30 aggregate data every six months beginning December 31, 2000:~~

31 ~~(a) The number of children evaluated during the first thirty days
32 of placement as required in subsection (3) of this section;~~

33 ~~(b) The tool or tools used to evaluate children, including the
34 content of the tool and the method by which the tool was validated;~~

35 ~~(c) The findings from the evaluation regarding the children's
36 needs;~~

1 ~~(d) How the department used the results of the evaluation to~~
2 ~~provide services to the foster child to meet his or her needs; and~~

3 ~~(e) Whether and how the evaluation results assisted the department~~
4 ~~in providing appropriate services to the child, matching the child with~~
5 ~~an appropriate care provider early on in the child's placement and~~
6 ~~achieving the child's permanency plan in a timely fashion;~~

7 ~~(7))~~ Each region of the department shall make the appropriate
8 number of referrals to the foster care assessment program to ensure
9 that the services offered by the program are used to the extent funded
10 pursuant to the department's contract with the program. The department
11 shall report to the legislature by November 30, 2000, on the number of
12 referrals, by region, to the foster care assessment program. If the
13 regions are not referring an adequate number of cases to the program,
14 the department shall include in its report an explanation of what
15 action it is or has taken to ensure that the referrals are adequate;

16 ~~((8))~~ (7) The department shall report to the legislature by
17 December 15, 2000, on how it will use the foster care assessment
18 program model to assess children as they enter out-of-home care;

19 ~~((9))~~ (8) The department is to accomplish the tasks listed in
20 subsections (4) through ~~((8))~~ (7) of this section within existing
21 resources;

22 ~~((10))~~ (9) Study and develop a comprehensive plan for the
23 evaluation and identification of all children and youth in need of
24 long-term care or assistance, including, but not limited to, the
25 mentally ill, developmentally disabled, medically fragile, seriously
26 emotionally or behaviorally disabled, and physically impaired;

27 ~~((11))~~ (10) Study and develop a plan for the children and youth
28 in need of long-term care or assistance to ensure the coordination of
29 services between the department's divisions and between other state
30 agencies who are involved with the child or youth;

31 ~~((12))~~ (11) Study and develop guidelines for transitional
32 services, between long-term care programs, based on the person's age or
33 mental, physical, emotional, or medical condition; and

34 ~~((13))~~ (12) Study and develop a statutory proposal for the
35 emancipation of minors.

1 **Sec. 10.** 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read
2 as follows:

3 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY**
4 **SERVICES PROGRAM**

| | | |
|----|---|---------------|
| 5 | General Fund--State Appropriation (FY 2002) | \$225,789,000 |
| 6 | General Fund--State Appropriation (FY 2003) | \$239,013,000 |
| 7 | General Fund--Federal Appropriation | \$372,408,000 |
| 8 | General Fund--Private/Local Appropriation | \$400,000 |
| 9 | Public Safety and Education Account-- | |
| 10 | State Appropriation | \$987,000 |
| 11 | Violence Reduction and Drug Enforcement Account-- | |
| 12 | State Appropriation | \$5,702,000 |
| 13 | TOTAL APPROPRIATION | \$844,299,000 |

14 The appropriations in this section are subject to the following
15 conditions and limitations:

16 (1) \$2,237,000 of the fiscal year 2002 general fund--state
17 appropriation, \$2,288,000 of the fiscal year 2003 general fund--state
18 appropriation, and \$1,590,000 of the general fund--federal
19 appropriation are provided solely for the category of services titled
20 "intensive family preservation services."

21 (2) \$685,000 of the general fund--state fiscal year 2002
22 appropriation and \$701,000 of the general fund--state fiscal year 2003
23 appropriation are provided to contract for the operation of one
24 pediatric interim care facility. The facility shall provide
25 residential care for up to thirteen children through two years of age.
26 Seventy-five percent of the children served by the facility must be in
27 need of special care as a result of substance abuse by their mothers.
28 The facility shall also provide on-site training to biological,
29 adoptive, or foster parents. The facility shall provide at least three
30 months of consultation and support to parents accepting placement of
31 children from the facility. The facility may recruit new and current
32 foster and adoptive parents for infants served by the facility. The
33 department shall not require case management as a condition of the
34 contract.

35 (3) \$524,000 of the general fund--state fiscal year 2002
36 appropriation and \$536,000 of the general fund--state fiscal year 2003
37 appropriation are provided for up to three nonfacility-based programs

1 for the training, consultation, support, and recruitment of biological,
2 foster, and adoptive parents of children through age three in need of
3 special care as a result of substance abuse by their mothers, except
4 that each program may serve up to three medically fragile nonsubstance-
5 abuse-affected children. In selecting nonfacility-based programs,
6 preference shall be given to programs whose federal or private funding
7 sources have expired or that have successfully performed under the
8 existing pediatric interim care program.

9 (4) \$1,260,000 of the fiscal year 2002 general fund--state
10 appropriation, \$1,248,000 of the fiscal year 2003 general fund--state
11 appropriation, and \$4,196,000 of the violence reduction and drug
12 enforcement account appropriation are provided solely for the family
13 policy council and community public health and safety networks. The
14 funding level for the family policy council and community public health
15 and safety networks represents a 25 percent reduction below the funding
16 level for the 1999-2001 biennium. Funding levels shall be reduced 25
17 percent for both the family policy council and network grants.
18 Reductions to network grants shall be allocated so as to maintain
19 current funding levels, to the greatest extent possible, for projects
20 with the strongest evidence of positive outcomes and for networks with
21 substantial compliance with contracts for network grants.

22 (5) \$2,215,000 of the fiscal year 2002 general fund--state
23 appropriation, \$4,394,000 of the fiscal year 2003 general fund--state
24 appropriation, and \$5,604,000 of the general fund--federal
25 appropriation are provided solely for reducing the average caseload
26 level per case-carrying social worker. Average caseload reductions are
27 intended to increase the amount of time social workers spend in direct
28 contact with the children, families, and foster parents involved with
29 their open cases. The department shall use some of the funds provided
30 in several local offices to increase staff that support case-carrying
31 social workers in ways that will allow social workers to increase
32 direct contact time with children, families, and foster parents. To
33 achieve the goal of reaching an average caseload ratio of 1:24 by the
34 end of fiscal year 2003, the department shall develop a plan for
35 redeploying 30 FTEs to case-carrying social worker and support
36 positions from other areas in the children and family services budget.

1 The FTE redeployment plan shall be submitted to the fiscal committees
2 of the legislature by December 1, 2001.

3 (6) \$1,000,000 of the fiscal year 2002 general fund--state
4 appropriation and \$1,000,000 of the fiscal year 2003 general fund--
5 state appropriation are provided solely for increasing foster parent
6 respite care services that improve the retention of foster parents and
7 increase the stability of foster placements. (~~The department shall
8 report quarterly to the appropriate committees of the legislature
9 progress against appropriate baseline measures for foster parent
10 retention and stability of foster placements.~~)

11 (7) \$1,050,000 of the general fund--federal appropriation is
12 provided solely for increasing kinship care placements for children who
13 otherwise would likely be placed in foster care. These funds shall be
14 used for extraordinary costs incurred by relatives at the time of
15 placement, or for extraordinary costs incurred by relatives after
16 placement if such costs would likely cause a disruption in the kinship
17 care placement. \$50,000 of the funds provided shall be contracted to
18 the Washington institute for public policy to conduct a study of
19 kinship care placements. The study shall examine the prevalence and
20 needs of families who are raising related children and shall compare
21 services and policies of Washington state with other states that have
22 a higher rate of kinship care placements in lieu of foster care
23 placements. The study shall identify possible changes in services and
24 policies that are likely to increase appropriate kinship care
25 placements.

26 (8) \$3,386,000 of the fiscal year 2002 general fund--state
27 appropriation, \$7,671,000 of the fiscal year 2003 general fund--state
28 appropriation, and \$20,819,000 of the general fund--federal
29 appropriation are provided solely for increases in the cost per case
30 for foster care and adoption support. \$16,000,000 of the general
31 fund--federal amount shall remain unallotted until the office of
32 financial management approves a plan submitted by the department to
33 achieve a higher rate of federal earnings in the foster care program.
34 That plan shall also be submitted to the fiscal committees of the
35 legislature and shall indicate projected federal revenue compared to
36 actual fiscal year 2001 levels. Within the amounts provided for foster
37 care, the department shall increase the basic rate for foster care to

1 an average of \$420 per month on July 1, 2001, and to an average of \$440
 2 per month on July 1, 2002. The department shall use the remaining
 3 funds provided in this subsection to pay for increases in the cost per
 4 case for foster care and adoption support. The department shall seek
 5 to control rate increases and reimbursement decisions for foster care
 6 and adoption support cases such that the cost per case for family
 7 foster care, group care, receiving homes, and adoption support does not
 8 exceed the amount assumed in the projected caseload expenditures plus
 9 the amounts provided in this subsection.

10 (9) \$1,767,000 of the general fund--state appropriation for fiscal
 11 year 2002, \$2,461,000 of the general fund--state appropriation for
 12 fiscal year 2003, and \$1,485,000 of the general fund--federal
 13 appropriation are provided solely for rate and capacity increases for
 14 child placing agencies. Child placing agencies shall increase their
 15 capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal
 16 year 2003.

17 (10) The department shall provide secure crisis residential
 18 facilities across the state in a manner that: (a) Retains geographic
 19 provision of these services; and (b) retains beds in high use areas.

20 (11) \$125,000 of the general fund--state appropriation for fiscal
 21 year 2002 and \$125,000 of the general fund--state appropriation for
 22 fiscal year 2003 are provided solely for a foster parent retention
 23 program. This program is directed at foster parents caring for
 24 children who act out sexually, as described in House Bill No. 1525
 25 (foster parent retention program).

26 **Sec. 11.** 2001 2nd sp.s. c 7 s 205 (uncodified) is amended to read
 27 as follows:

28 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL**
 29 **DISABILITIES PROGRAM**

30 (1) COMMUNITY SERVICES

| | | |
|----|---|---------------|
| 31 | General Fund--State Appropriation (FY 2002) | \$231,693,000 |
| 32 | General Fund--State Appropriation (FY 2003) | \$242,347,000 |
| 33 | General Fund--Federal Appropriation | \$396,151,000 |
| 34 | Health Services Account--State | |
| 35 | Appropriation | \$741,000 |
| 36 | TOTAL APPROPRIATION | \$870,932,000 |

1 The appropriations in this subsection are subject to the following
2 conditions and limitations:

3 (a) The health services account appropriation and \$753,000 of the
4 general fund--federal appropriation are provided solely for health care
5 benefits for home care workers with family incomes below 200 percent of
6 the federal poverty level who are employed through state contracts for
7 twenty hours per week or more. Premium payments for individual
8 provider home care workers shall be made only to the subsidized basic
9 health plan. Home care agencies may obtain coverage either through the
10 basic health plan or through an alternative plan with substantially
11 equivalent benefits.

12 (b) \$902,000 of the general fund--state appropriation for fiscal
13 year 2002, \$3,372,000 of the general fund--state appropriation for
14 fiscal year 2003, and \$4,056,000 of the general fund--federal
15 appropriation are provided solely for community services for residents
16 of residential habilitation centers (RHCs) who are able to be
17 adequately cared for in community settings and who choose to live in
18 those community settings. The department shall ensure that the average
19 cost per day for all program services other than start-up costs shall
20 not exceed \$280. If the number and timing of residents choosing to
21 move into community settings is not sufficient to achieve the RHC
22 cottage consolidation plan assumed in the appropriations in subsection
23 (2) of this section, the department shall transfer sufficient
24 appropriations from this subsection to subsection (2) of this section
25 to cover the added costs incurred in the RHCs. The department shall
26 report to the appropriate committees of the legislature, within 45 days
27 following each fiscal year quarter, the number of residents moving into
28 community settings and the actual expenditures for all community
29 services to support those residents.

30 (c) \$1,440,000 of the general fund--state appropriation for fiscal
31 year 2002, \$3,041,000 of the general fund--state appropriation for
32 fiscal year 2003, and \$4,311,000 of the general fund--federal
33 appropriation are provided solely for expanded community services for
34 persons with developmental disabilities who also have community
35 protection issues or are diverted or discharged from state psychiatric
36 hospitals. The department shall ensure that the average cost per day
37 for all program services other than start-up costs shall not exceed

1 \$275. The department shall report to the appropriate committees of the
2 legislature, within 45 days following each fiscal year quarter, the
3 number of persons served with these additional community services,
4 where they were residing, what kinds of services they were receiving
5 prior to placement, and the actual expenditures for all community
6 services to support these clients.

7 (d) \$1,005,000 of the general fund--state appropriation for fiscal
8 year 2002, \$2,262,000 of the general fund--state appropriation for
9 fiscal year 2003, and \$2,588,000 of the general fund--federal
10 appropriation are provided solely for increasing case/resource
11 management resources to improve oversight and quality of care for
12 persons enrolled in the medicaid home and community services waiver for
13 persons with developmental disabilities. The department shall not
14 increase total enrollment in home and community based waivers for
15 persons with developmental disabilities except for increases assumed in
16 additional funding provided in subsections (b) and (c) of this section.
17 ~~((Prior to submitting to the health care financing authority any
18 additional home and community based waiver request for persons with
19 developmental disabilities, the department shall submit a summary of
20 the waiver request to the appropriate committees of the legislature.
21 The summary shall include eligibility criteria, program description,
22 enrollment projections and limits, and budget and cost effectiveness
23 projections that distinguish the requested waiver from other existing
24 or proposed waivers.))~~

25 (e) \$1,000,000 of the general fund--state appropriation for fiscal
26 year 2002 and \$1,000,000 of the general fund--state appropriation for
27 fiscal year 2003 are provided solely for employment, or other day
28 activities and training programs, for young adults with developmental
29 disabilities who complete their high school curriculum in 2001 or 2002.
30 These services are intended to assist with the transition to work and
31 more independent living. Funding shall be used to the greatest extent
32 possible for vocational rehabilitation services matched with federal
33 funding. In recent years, the state general fund appropriation for
34 employment and day programs has been underspent. These surpluses,
35 built into the carry forward level budget, shall be redeployed for high
36 school transition services.

1 (f) \$369,000 of the fiscal year 2002 general fund--state
2 appropriation and \$369,000 of the fiscal year 2003 general fund--state
3 appropriation are provided solely for continuation of the autism pilot
4 project started in 1999.

5 (g) \$4,049,000 of the general fund--state appropriation for fiscal
6 year 2002, \$1,734,000 of the general fund--state appropriation for
7 fiscal year 2003, and \$5,369,000 of the general fund--federal
8 appropriation are provided solely to increase compensation by an
9 average of fifty cents per hour for low-wage workers providing state-
10 funded services to persons with developmental disabilities. These
11 funds, along with funding provided for vendor rate increases, are
12 sufficient to raise wages an average of fifty cents and cover the
13 employer share of unemployment and social security taxes on the amount
14 of the wage increase. In consultation with the statewide associations
15 representing such agencies, the department shall establish a mechanism
16 for testing the extent to which funds have been used for this purpose,
17 and report the results to the fiscal committees of the legislature by
18 February 1, 2002.

19 (2) INSTITUTIONAL SERVICES

| | | |
|----|---|---------------|
| 20 | General Fund--State Appropriation (FY 2002) | \$71,977,000 |
| 21 | General Fund--State Appropriation (FY 2003) | \$69,303,000 |
| 22 | General Fund--Federal Appropriation | \$145,641,000 |
| 23 | General Fund--Private/Local Appropriation | \$10,230,000 |
| 24 | TOTAL APPROPRIATION | \$297,151,000 |

25 The appropriations in this subsection are subject to the following
26 conditions and limitations: Pursuant to RCW 71A.12.160, if residential
27 habilitation center capacity is not being used for permanent residents,
28 the department may make residential habilitation center vacancies
29 available for respite care and any other services needed to care for
30 clients who are not currently being served in a residential
31 habilitation center and whose needs require staffing levels similar to
32 current residential habilitation center residents. Providing respite
33 care shall not impede the department's ability to consolidate cottages
34 as assumed in the appropriations in this subsection.

35 (3) PROGRAM SUPPORT

| | | |
|----|---|-------------|
| 36 | General Fund--State Appropriation (FY 2002) | \$2,601,000 |
|----|---|-------------|

| | | |
|---|---|-------------|
| 1 | General Fund--State Appropriation (FY 2003) | \$2,623,000 |
| 2 | General Fund--Federal Appropriation | \$2,413,000 |
| 3 | TOTAL APPROPRIATION | \$7,637,000 |

4 The appropriations in this subsection are subject to the following
5 conditions and limitations: \$50,000 of the fiscal year 2002 general
6 fund--state appropriation and \$50,000 of the fiscal year 2003 general
7 fund--state appropriation are provided solely for increasing the
8 contract amount for the southeast Washington deaf and hard of hearing
9 services center due to increased workload.

10 (4) SPECIAL PROJECTS

| | | |
|----|---|--------------|
| 11 | General Fund--Federal Appropriation | \$11,995,000 |
|----|---|--------------|

12 **Sec. 12.** 2001 2nd sp.s. c 7 s 207 (uncodified) is amended to read
13 as follows:

14 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES**
15 **PROGRAM**

| | | |
|----|---|-----------------|
| 16 | General Fund--State Appropriation (FY 2002) | \$436,440,000 |
| 17 | General Fund--State Appropriation (FY 2003) | \$424,870,000 |
| 18 | General Fund--Federal Appropriation | \$1,356,351,000 |
| 19 | General Fund--Private/Local Appropriation | \$31,788,000 |
| 20 | TOTAL APPROPRIATION | \$2,249,449,000 |

21 The appropriations in this section are subject to the following
22 conditions and limitations:

23 (1) \$282,081,000 of the general fund--state appropriation for
24 fiscal year 2002, \$278,277,000 of the general fund--state appropriation
25 for fiscal year 2003, \$1,254,197,000 of the general fund--federal
26 appropriation, and \$29,352,000 of the general fund--local appropriation
27 are provided solely for the WorkFirst program and child support
28 operations. WorkFirst expenditures include TANF grants, diversion
29 services, subsidized child care, employment and training, other
30 WorkFirst related services, allocated field services operating costs,
31 and allocated economic services program administrative costs. Within
32 the amounts provided in this subsection, the department shall:

33 (a) Continue to implement WorkFirst program improvements that are
34 designed to achieve progress against outcome measures specified in RCW
35 74.08A.410. Valid outcome measures of job retention and wage

1 progression shall be developed (~~((and reported quarterly to appropriate~~
2 ~~fiscal and policy committees of the legislature for families who leave~~
3 ~~assistance, measured after 12 months, 24 months, and 36 months))~~). An
4 increased attention to job retention and wage progression is necessary
5 to emphasize the legislature's goal that the WorkFirst program succeed
6 in helping recipients gain long-term economic independence and not
7 cycle on and off public assistance. (~~(The wage progression measure~~
8 ~~shall report the median percentage increase in quarterly earnings and~~
9 ~~hourly wage after 12 months, 24 months, and 36 months. The wage~~
10 ~~progression report shall also report the percent with earnings above~~
11 ~~one hundred percent and two hundred percent of the federal poverty~~
12 ~~level. The report shall compare former WorkFirst participants with~~
13 ~~similar workers who did not participate in WorkFirst. The department~~
14 ~~shall also report the percentage of families who have returned to~~
15 ~~temporary assistance for needy families after 12 months, 24 months, and~~
16 ~~36 months.))~~)

17 (b) Develop informational materials that educate families about the
18 difference between cash assistance and work support benefits. These
19 materials must explain, among other facts, that the benefits are
20 designed to support their employment, that there are no time limits on
21 the receipt of work support benefits, and that immigration or residency
22 status will not be affected by the receipt of benefits. These
23 materials shall be posted in all community service offices and
24 distributed to families. Materials must be available in multiple
25 languages. When a family leaves the temporary assistance for needy
26 families program, receives cash diversion assistance, or withdraws a
27 temporary assistance for needy families application, the department of
28 social and health services shall educate them about the difference
29 between cash assistance and work support benefits and offer them the
30 opportunity to begin or to continue receiving work support benefits, so
31 long as they are eligible. The department shall provide this
32 information through in-person interviews, over the telephone, and/or
33 through the mail. Work support benefits include food stamps, medicaid
34 for all family members, medicaid or state children's health insurance
35 program for children, and child care assistance. (~~(The department~~
36 ~~shall report annually to the legislature the number of families who~~
37 ~~have had exit interviews, been reached successfully by phone, and been~~

1 ~~sent mail. The report shall also include the percentage of families~~
2 ~~who elect to continue each of the benefits and the percentage found~~
3 ~~ineligible by each substantive reason code. A substantive reason code~~
4 ~~shall not be "other." The report shall identify barriers to informing~~
5 ~~families about work support benefits and describe existing and future~~
6 ~~actions to overcome such barriers.))~~

7 (c) From the amounts provided in this subsection, provide \$50,000
8 from the general fund--state appropriation for fiscal year 2002 and
9 \$50,000 from the general fund--state appropriation for fiscal year 2003
10 to the Washington institute for public policy for continuation of the
11 WorkFirst evaluation database.

12 (d) Submit a report by December 1, 2001, to the fiscal committees
13 of the legislature containing a spending plan for the WorkFirst
14 program. The plan shall identify how spending levels in the 2001-2003
15 biennium will be adjusted by June 30, 2003, to be sustainable within
16 available federal grant levels and the carryforward level of state
17 funds.

18 (2) \$48,341,000 of the general fund--state appropriation for fiscal
19 year 2002 and \$48,341,000 of the general fund--state appropriation for
20 fiscal year 2003 are provided solely for cash assistance and other
21 services to recipients in the general assistance--unemployable program.
22 Within these amounts, the department may expend funds for services that
23 assist recipients to reduce their dependence on public assistance,
24 provided that expenditures for these services and cash assistance do
25 not exceed the funds provided.

26 (3) \$5,632,000 of the general fund--state appropriation for fiscal
27 year 2002 and \$5,632,000 of the general fund--state appropriation for
28 fiscal year 2003 are provided solely for the food assistance program
29 for legal immigrants. The level of benefits shall be equivalent to the
30 benefits provided by the federal food stamp program.

31 (4) \$48,000 of the general fund--state appropriation for fiscal
32 year 2002 is provided solely to implement chapter 111, Laws of 2001
33 (veterans/Philippines).

34 (5) The department shall apply the provisions of RCW 74.04.005(10)
35 to simplify resource eligibility policy, make such policy consistent
36 with other federal public assistance programs, and achieve the
37 budgetary savings assumed in this section.

1 **Sec. 13.** RCW 13.40.430 and 1993 c 373 s 2 are each amended to read
2 as follows:

3 The (~~department~~) administrator for the courts shall (~~within~~
4 ~~existing funds~~) collect such data as may be necessary to monitor any
5 disparity in processing or disposing of cases involving juvenile
6 offenders due to economic, gender, geographic, or racial factors that
7 may result from implementation of section 1, chapter 373, Laws of 1993.
8 (~~Beginning December 1, 1993, the department shall report annually to~~
9 ~~the legislature on economic, gender, geographic, or racial~~
10 ~~disproportionality in the rates of arrest, detention, trial, treatment,~~
11 ~~and disposition in the state's juvenile justice system. The report~~
12 ~~shall cover the preceding calendar year. The annual report shall~~
13 ~~identify the causes of such disproportionality and shall specifically~~
14 ~~point out any economic, gender, geographic, or racial~~
15 ~~disproportionality resulting from implementation of section 1, chapter~~
16 ~~373, Laws of 1993.)) The administrator for the courts may, in
17 consultation with juvenile courts, determine a format for the
18 collection of such data and a schedule for the reporting of such data
19 and shall keep a minimum of five years of data at any given time.~~

20 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 71.24.820 (Mental health system review--Implementation of
23 status reports) and 2001 c 334 s 3; and

24 (2) RCW 71.24.830 (Mental health system review--Content of status
25 reports) and 2001 c 334 s 4.

26 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 74.09.310 (Chemical dependency treatment--Provision of
29 birth control services, information, and counseling--Report) and 1998
30 c 314 s 34;

31 (2) RCW 74.09.320 (Chemical dependency treatment--Provision of
32 birth control services, information, and counseling--Report) and 1998
33 c 314 s 35; and

34 (3) RCW 72.23.450 (Annual report to the legislature) and 2000 c 22
35 s 8."

1 On page 1, line 2 of the title, after "services;" strike the
2 remainder of the title and insert "amending RCW 43.20B.030, 74.13.036,
3 74.14C.070, 13.40.030, 70.96A.420, 70.96A.520, 74.13.017, 74.14A.050,
4 and 13.40.430; amending 2001 2nd sp.s. c 7 s 202 (uncodified); amending
5 2001 2nd sp.s. c 7 s 205 (uncodified); amending 2001 2nd sp.s. c 7 s
6 207 (uncodified); reenacting and amending RCW 26.44.030; and repealing
7 RCW 71.24.820, 71.24.830, 74.09.310, 74.09.320, and 72.23.450."

--- END ---