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HOUSE BILL 2699

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Rockefeller, Kagi and Schual-Berke

Read first time 01/19/2004. Referred to Committee on Children & Family Services.

1            AN ACT Relating to HIV status of children in foster care; and  
2 adding new sections to chapter 74.13 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 74.13 RCW  
5 to read as follows:

6            The legislature finds that over three hundred sixty thousand  
7 individuals are living with AIDS in the United States, over four  
8 thousand six hundred of whom reside in Washington. Of those  
9 individuals, over forty-eight thousand are females from fifteen to  
10 forty-four years of age, three hundred seventeen of whom reside in  
11 Washington, and over two thousand five hundred are under thirteen years  
12 of age, nine of whom reside in Washington. Since 1985, the proportion  
13 of the cumulative total of AIDS cases reported among adult and  
14 adolescent women has more than tripled, totaling twenty-six percent,  
15 with an estimated ten thousand five hundred new cases diagnosed in  
16 women and adolescent girls each year. It is unknown how many  
17 individuals are living with HIV in Washington, since there is no  
18 requirement in the state for reporting of HIV infection. However, in  
19 the vast majority of areas of the United States in which reporting of

1 HIV infection is required, the numbers of individuals living with HIV  
2 exceeds the numbers of individuals living with AIDS. Thus, the  
3 legislature recognizes that the total number of individuals in the  
4 state living with HIV or AIDS far outnumbers the known number of  
5 individuals in the state living with AIDS.

6 The legislature finds that of those women who are living with HIV  
7 or AIDS, there is a one-in-four chance of transmitting that infection  
8 to a newborn child if the woman does not receive any preventive  
9 treatment. HIV infection can be definitively diagnosed in most  
10 infected infants by one month of age and in virtually all infected  
11 infants by six months of age. Diagnosis of HIV infection in newborn  
12 infants is particularly important since the youngest children infected  
13 with HIV are at greatest risk for rapid disease progression.

14 The legislature further finds that the American academy of  
15 pediatrics has developed recommendations specifically relating to HIV  
16 exposure and infection of children in foster care in recognition of the  
17 fact that the biological parents of those children are more likely to  
18 have engaged in activities that would put them at an increased risk of  
19 HIV infection. The American academy of pediatrics recommends that all  
20 infants in foster care be tested for HIV antibody, if possible, when  
21 the HIV status of the biological mother is unknown. The American  
22 academy of pediatrics also recommends that all foster parents receive  
23 up-to-date education concerning HIV infection, and be informed of the  
24 HIV exposure or infection status of infants and children in their care.

25 The legislature intends to establish a policy that corresponds to  
26 the recommendations of the American academy of pediatrics with the goal  
27 of ensuring that the health and well-being of both infants in foster  
28 care and the families providing for their care are protected.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW  
30 to read as follows:

31 The department of social and health services shall ensure that the  
32 HIV status of each child under one year of age placed in out-of-home  
33 care is determined at the earliest practicable opportunity by the  
34 child's physician.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW  
36 to read as follows:

1           (1) Prior to any placement, the department of social and health  
2 services shall inform each out-of-home care provider of the HIV status,  
3 if known, of the child to be placed in that provider's care.

4           (2) All out-of-home care providers licensed by the department shall  
5 receive training related to HIV, including prevention, transmission,  
6 infection control, treatment, testing, and confidentiality.

7           (3) Any disclosure of information related to HIV must be in  
8 accordance with RCW 70.24.105.

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