

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1561

Chapter 207, Laws of 2003

58th Legislature
2003 Regular Session

SOCIAL AND HEALTH SERVICES--REPORT ELIMINATION

EFFECTIVE DATE: 7/27/03

Passed by the House April 21, 2003
Yeas 96 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2003
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 9, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1561** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 9, 2003 - 4:23 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1561

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Orcutt, Kagi, Pettigrew and Boldt; by request of Department of Social and Health Services

Read first time 01/30/2003. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the elimination of reports to the legislature
2 required of the department of social and health services; amending RCW
3 43.20B.030, 74.13.036, 74.14C.070, 13.40.030, 70.96A.420, 70.96A.520,
4 74.13.017, 74.14A.050, and 13.40.430; amending 2001 2nd sp.s. c 7 s 202
5 (uncodified); amending 2001 2nd sp.s. c 7 s 205 (uncodified); amending
6 2001 2nd sp.s. c 7 s 207 (uncodified); reenacting and amending RCW
7 26.44.030; and repealing RCW 71.24.820, 71.24.830, 74.09.310,
8 74.09.320, and 72.23.450.

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

10 **Sec. 1.** RCW 43.20B.030 and 1997 c 130 s 5 are each amended to read
11 as follows:

12 (1) Except as otherwise provided by law, there will be no
13 collection of overpayments and other debts due the department after the
14 expiration of six years from the date of notice of such overpayment or
15 other debt unless the department has commenced recovery action in a
16 court of law or unless an administrative remedy authorized by statute
17 is in place. However, any amount due in a case thus extended shall
18 cease to be a debt due the department at the expiration of ten years

1 from the date of the notice of the overpayment or other debt unless a
2 court-ordered remedy would be in effect for a longer period.

3 (2)((a)) The department, at any time, may accept offers of
4 compromise of disputed claims or may grant partial or total write-off
5 of any debt due the department if it is no longer cost-effective to
6 pursue. The department shall adopt rules establishing the
7 considerations to be made in the granting or denial of a partial or
8 total write-off of debts.

9 ~~((b) Beginning December 1, 1997, the department shall report by
10 December 1 each year to the commerce and labor committees of the senate
11 and house of representatives, the senate ways and means committee, and
12 the house appropriations committee, or successor committees, the
13 following information:~~

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

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

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

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

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

23 (1) The department of social and health services shall oversee
24 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
25 oversight shall be comprised of working with affected parts of the
26 criminal justice and child care systems as well as with local
27 government, legislative, and executive authorities to effectively carry
28 out these chapters. The department shall work with all such entities
29 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
30 uniform manner throughout the state.

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

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

1 (b) Procedures for designating department staff responsible for
2 family reconciliation services;

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

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

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

13 (3) In addition to its other oversight duties, the department
14 shall:

15 (a) Identify and evaluate resource needs in each region of the
16 state;

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

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

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

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

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

29 ~~(5))~~) The department shall provide an annual report to the
30 legislature not later than December 1~~((, indicating))~~ of each year only
31 when it has declined to accept custody of a child from a law
32 enforcement agency or it has received a report of a child being
33 released without placement. The report shall indicate the number of
34 times it has declined to accept custody of a child from a law
35 enforcement agency under chapter 13.32A RCW and the number of times it
36 has received a report of a child being released without placement under
37 RCW 13.32A.060(1)(c). The report shall include the dates, places, and

1 reasons the department declined to accept custody and the dates and
2 places children are released without placement.

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

5 The secretary of social and health services, or the secretary's
6 regional designee, may transfer funds appropriated for foster care
7 services to purchase preservation services and other preventive
8 services for children at imminent risk of out-of-home placement or who
9 face a substantial likelihood of out-of-home placement. This transfer
10 may be made in those regions that lower foster care expenditures
11 through efficient use of preservation services and permanency planning
12 efforts. The transfer shall be equivalent to the amount of reduced
13 foster care expenditures and shall be made in accordance with the
14 provisions of this chapter and with the approval of the office of
15 financial management. The ((secretary)) department shall present an
16 annual report to the legislature regarding any transfers under this
17 section only if transfers occur. The ((secretary)) department shall
18 include caseload, expenditure, cost avoidance, identified improvements
19 to the out-of-home care system, and outcome data related to the
20 transfer in the report. The ((secretary)) department shall also
21 include in the report information regarding:

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

25 (2) The average length of time before ((such)) the child is placed
26 out-of-home;

27 (3) The average length of time ((such)) the child is placed out-of-
28 home; and

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

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

33 (1)(a) When any practitioner, county coroner or medical examiner,
34 law enforcement officer, professional school personnel, registered or
35 licensed nurse, social service counselor, psychologist, pharmacist,
36 licensed or certified child care providers or their employees, employee

1 of the department, juvenile probation officer, placement and liaison
2 specialist, responsible living skills program staff, HOPE center staff,
3 or state family and children's ombudsman or any volunteer in the
4 ombudsman's office has reasonable cause to believe that a child has
5 suffered abuse or neglect, he or she shall report such incident, or
6 cause a report to be made, to the proper law enforcement agency or to
7 the department as provided in RCW 26.44.040.

8 (b) The reporting requirement also applies to department of
9 corrections personnel who, in the course of their employment, observe
10 offenders or the children with whom the offenders are in contact. If,
11 as a result of observations or information received in the course of
12 his or her employment, any department of corrections personnel has
13 reasonable cause to believe that a child has suffered abuse or neglect,
14 he or she shall report the incident, or cause a report to be made, to
15 the proper law enforcement agency or to the department as provided in
16 RCW 26.44.040.

17 (c) The reporting requirement shall also apply to any adult who has
18 reasonable cause to believe that a child who resides with them, has
19 suffered severe abuse, and is able or capable of making a report. For
20 the purposes of this subsection, "severe abuse" means any of the
21 following: Any single act of abuse that causes physical trauma of
22 sufficient severity that, if left untreated, could cause death; any
23 single act of sexual abuse that causes significant bleeding, deep
24 bruising, or significant external or internal swelling; or more than
25 one act of physical abuse, each of which causes bleeding, deep
26 bruising, significant external or internal swelling, bone fracture, or
27 unconsciousness.

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

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

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

5 (4) The department, upon receiving a report of an incident of
6 alleged abuse or neglect pursuant to this chapter, involving a child
7 who has died or has had physical injury or injuries inflicted upon him
8 or her other than by accidental means or who has been subjected to
9 alleged sexual abuse, shall report such incident to the proper law
10 enforcement agency. In emergency cases, where the child's welfare is
11 endangered, the department shall notify the proper law enforcement
12 agency within twenty-four hours after a report is received by the
13 department. In all other cases, the department shall notify the law
14 enforcement agency within seventy-two hours after a report is received
15 by the department. If the department makes an oral report, a written
16 report must also be made to the proper law enforcement agency within
17 five days thereafter.

18 (5) Any law enforcement agency receiving a report of an incident of
19 alleged abuse or neglect pursuant to this chapter, involving a child
20 who has died or has had physical injury or injuries inflicted upon him
21 or her other than by accidental means, or who has been subjected to
22 alleged sexual abuse, shall report such incident in writing as provided
23 in RCW 26.44.040 to the proper county prosecutor or city attorney for
24 appropriate action whenever the law enforcement agency's investigation
25 reveals that a crime may have been committed. The law enforcement
26 agency shall also notify the department of all reports received and the
27 law enforcement agency's disposition of them. In emergency cases,
28 where the child's welfare is endangered, the law enforcement agency
29 shall notify the department within twenty-four hours. In all other
30 cases, the law enforcement agency shall notify the department within
31 seventy-two hours after a report is received by the law enforcement
32 agency.

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

1 (7) The department may conduct ongoing case planning and
2 consultation with those persons or agencies required to report under
3 this section, with consultants designated by the department, and with
4 designated representatives of Washington Indian tribes if the client
5 information exchanged is pertinent to cases currently receiving child
6 protective services. Upon request, the department shall conduct such
7 planning and consultation with those persons required to report under
8 this section if the department determines it is in the best interests
9 of the child. Information considered privileged by statute and not
10 directly related to reports required by this section must not be
11 divulged without a valid written waiver of the privilege.

12 (8) Any case referred to the department by a physician licensed
13 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
14 opinion that child abuse, neglect, or sexual assault has occurred and
15 that the child's safety will be seriously endangered if returned home,
16 the department shall file a dependency petition unless a second
17 licensed physician of the parents' choice believes that such expert
18 medical opinion is incorrect. If the parents fail to designate a
19 second physician, the department may make the selection. If a
20 physician finds that a child has suffered abuse or neglect but that
21 such abuse or neglect does not constitute imminent danger to the
22 child's health or safety, and the department agrees with the
23 physician's assessment, the child may be left in the parents' home
24 while the department proceeds with reasonable efforts to remedy
25 parenting deficiencies.

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

30 (10) Upon receiving reports of alleged abuse or neglect, the
31 department or law enforcement agency may interview children. The
32 interviews may be conducted on school premises, at day-care facilities,
33 at the child's home, or at other suitable locations outside of the
34 presence of parents. Parental notification of the interview must occur
35 at the earliest possible point in the investigation that will not
36 jeopardize the safety or protection of the child or the course of the
37 investigation. Prior to commencing the interview the department or law
38 enforcement agency shall determine whether the child wishes a third

1 party to be present for the interview and, if so, shall make reasonable
2 efforts to accommodate the child's wishes. Unless the child objects,
3 the department or law enforcement agency shall make reasonable efforts
4 to include a third party in any interview so long as the presence of
5 the third party will not jeopardize the course of the investigation.

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

10 (12) The department shall maintain investigation records and
11 conduct timely and periodic reviews of all cases constituting abuse and
12 neglect. The department shall maintain a log of screened-out
13 nonabusive cases.

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

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

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

27 (15) The department shall make reasonable efforts to learn the
28 name, address, and telephone number of each person making a report of
29 abuse or neglect under this section. The department shall provide
30 assurances of appropriate confidentiality of the identification of
31 persons reporting under this section. If the department is unable to
32 learn the information required under this subsection, the department
33 shall only investigate cases in which: (a) The department believes
34 there is a serious threat of substantial harm to the child; (b) the
35 report indicates conduct involving a criminal offense that has, or is
36 about to occur, in which the child is the victim; or (c) the department
37 has, after investigation, a report of abuse or neglect that has been

1 founded with regard to a member of the household within three years of
2 receipt of the referral.

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

5 (1) The secretary shall submit guidelines pertaining to the nature
6 of the security to be imposed on youth placed in his or her custody
7 based on the age, offense(s), and criminal history of the juvenile
8 offender. Such guidelines shall be submitted to the legislature for
9 its review no later than November 1st of each year. ~~((At the same time
10 the secretary shall submit a report on security at juvenile facilities
11 during the preceding year. The report shall include the number of
12 escapes from each juvenile facility, the most serious offense for which
13 each escapee had been confined, the number and nature of offenses found
14 to have been committed by juveniles while on escape status, the number
15 of authorized leaves granted, the number of failures to comply with
16 leave requirements, the number and nature of offenses committed while
17 on leave, and the number and nature of offenses committed by juveniles
18 while in the community on minimum security status; to the extent this
19 information is available to the secretary.))~~ The department shall
20 include security status definitions in the security guidelines it
21 submits to the legislature pursuant to this section.

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

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

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

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

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

36 (1) The department, in consultation with opiate substitution

1 treatment service providers and counties and cities, shall establish
2 statewide treatment standards for certified opiate substitution
3 treatment programs. The department shall enforce these treatment
4 standards. The treatment standards shall include, but not be limited
5 to, reasonable provisions for all appropriate and necessary medical
6 procedures, counseling requirements, urinalysis, and other suitable
7 tests as needed to ensure compliance with this chapter.

8 (2) The department, in consultation with opiate substitution
9 treatment programs and counties, shall establish statewide operating
10 standards for certified opiate substitution treatment programs. The
11 department shall enforce these operating standards. The operating
12 standards shall include, but not be limited to, reasonable provisions
13 necessary to enable the department and counties to monitor certified
14 and licensed opiate substitution treatment programs for compliance with
15 this chapter and the treatment standards authorized by this chapter and
16 to minimize the impact of the opiate substitution treatment programs
17 upon the business and residential neighborhoods in which the program is
18 located.

19 (3) The department shall establish criteria for evaluating the
20 compliance of opiate substitution treatment programs with the goals and
21 standards established under this chapter. As a condition of
22 certification, opiate substitution programs shall submit an annual
23 report to the department and county legislative authority, including
24 data as specified by the department necessary for outcome analysis.
25 The department shall analyze and evaluate the data submitted by each
26 treatment program and take corrective action where necessary to ensure
27 compliance with the goals and standards enumerated under this chapter.

28 ~~((4) Before January 1st of each year, the secretary shall submit~~
29 ~~a report to the legislature and governor. The report shall include the~~
30 ~~number of persons enrolled in each treatment program during the period~~
31 ~~covered by the report, the number of persons who leave each treatment~~
32 ~~program voluntarily and involuntarily, and an outcome analysis of each~~
33 ~~treatment program. For purposes of this subsection, "outcome analysis"~~
34 ~~shall include but not be limited to: The number of people who, as a~~
35 ~~result of participation in the program, are able to abstain from~~
36 ~~opiates; reduction in use of opiates; reduction in criminal conduct;~~
37 ~~achievement of economic independence; and reduction in utilization of~~

1 ~~health care. The report shall include information on an annual and~~
2 ~~cumulative basis beginning on July 22, 2001.)~~)

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

5 The department shall prioritize expenditures for treatment provided
6 under RCW 13.40.165. The department shall provide funds for inpatient
7 and outpatient treatment providers that are the most successful, using
8 the standards developed by the University of Washington under section
9 27, chapter 338, Laws of 1997. The department may consider variations
10 between the nature of the programs provided and clients served but must
11 provide funds first for those programs that demonstrate the greatest
12 success in treatment within categories of treatment and the nature of
13 the persons receiving treatment.

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

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

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

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

- 26 The secretary shall:
- 27 (1)(a) Consult with relevant qualified professionals to develop a
28 set of minimum guidelines to be used for identifying all children who
29 are in a state-assisted support system, whether at-home or out-of-home,
30 who are likely to need long-term care or assistance, because they face
31 physical, emotional, medical, mental, or other long-term challenges;
 - 32 (b) The guidelines must, at a minimum, consider the following
33 criteria for identifying children in need of long-term care or
34 assistance:
 - 35 (i) Placement within the foster care system for two years or more;

- 1 (ii) Multiple foster care placements;
- 2 (iii) Repeated unsuccessful efforts to be placed with a permanent
3 adoptive family;
- 4 (iv) Chronic behavioral or educational problems;
- 5 (v) Repetitive criminal acts or offenses;
- 6 (vi) Failure to comply with court-ordered disciplinary actions and
7 other imposed guidelines of behavior, including drug and alcohol
8 rehabilitation; and
- 9 (vii) Chronic physical, emotional, medical, mental, or other
10 similar conditions necessitating long-term care or assistance;
- 11 (2) Develop programs that are necessary for the long-term care of
12 children and youth that are identified for the purposes of this
13 section. Programs must: (a) Effectively address the educational,
14 physical, emotional, mental, and medical needs of children and youth;
15 and (b) incorporate an array of family support options, to individual
16 needs and choices of the child and family. The programs must be ready
17 for implementation by January 1, 1995;
- 18 (3) Conduct an evaluation of all children currently within the
19 foster care agency caseload to identify those children who meet the
20 criteria set forth in this section. All children entering the foster
21 care system must be evaluated for identification of long-term needs
22 within thirty days of placement;
- 23 (4) As a result of the passage of chapter 232, Laws of 2000, the
24 department is conducting a pilot project to do a comparative analysis
25 of a variety of assessment instruments to determine the most effective
26 tools and methods for evaluation of children. The pilot project may
27 extend through August 31, 2001. The department shall report to the
28 appropriate committees in the senate and house of representatives by
29 September 30, 2001, on the results of the pilot project. The
30 department shall select an assessment instrument that can be
31 implemented within available resources. The department shall complete
32 statewide implementation by December 31, 2001. The department shall
33 report to the appropriate committees in the senate and house of
34 representatives on how the use of the selected assessment instrument
35 has affected department policies, by no later than December 31, 2002,
36 December 31, 2004, and December 31, 2006;
- 37 (5) Use the assessment tool developed pursuant to subsection (4) of
38 this section in making out-of-home placement decisions for children;

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

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

5 ~~(b) The tool or tools used to evaluate children, including the~~
6 ~~content of the tool and the method by which the tool was validated:~~

7 ~~(c) The findings from the evaluation regarding the children's~~
8 ~~needs:~~

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

11 ~~(e) Whether and how the evaluation results assisted the department~~
12 ~~in providing appropriate services to the child, matching the child with~~
13 ~~an appropriate care provider early on in the child's placement and~~
14 ~~achieving the child's permanency plan in a timely fashion:~~

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

24 ~~((8))~~ (7) The department shall report to the legislature by
25 December 15, 2000, on how it will use the foster care assessment
26 program model to assess children as they enter out-of-home care;

27 ~~((9))~~ (8) The department is to accomplish the tasks listed in
28 subsections (4) through ~~((8))~~ (7) of this section within existing
29 resources;

30 ~~((10))~~ (9) Study and develop a comprehensive plan for the
31 evaluation and identification of all children and youth in need of
32 long-term care or assistance, including, but not limited to, the
33 mentally ill, developmentally disabled, medically fragile, seriously
34 emotionally or behaviorally disabled, and physically impaired;

35 ~~((11))~~ (10) Study and develop a plan for the children and youth
36 in need of long-term care or assistance to ensure the coordination of
37 services between the department's divisions and between other state
38 agencies who are involved with the child or youth;

- 1 (~~(12)~~) (11) Study and develop guidelines for transitional
- 2 services, between long-term care programs, based on the person's age or
- 3 mental, physical, emotional, or medical condition; and
- 4 (~~(13)~~) (12) Study and develop a statutory proposal for the
- 5 emancipation of minors.

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

8 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY**
 9 **SERVICES PROGRAM**

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

19 The appropriations in this section are subject to the following
 20 conditions and limitations:

21 (1) \$2,237,000 of the fiscal year 2002 general fund--state
 22 appropriation, \$2,288,000 of the fiscal year 2003 general fund--state
 23 appropriation, and \$1,590,000 of the general fund--federal
 24 appropriation are provided solely for the category of services titled
 25 "intensive family preservation services."

26 (2) \$685,000 of the general fund--state fiscal year 2002
 27 appropriation and \$701,000 of the general fund--state fiscal year 2003
 28 appropriation are provided to contract for the operation of one
 29 pediatric interim care facility. The facility shall provide
 30 residential care for up to thirteen children through two years of age.
 31 Seventy-five percent of the children served by the facility must be in
 32 need of special care as a result of substance abuse by their mothers.
 33 The facility shall also provide on-site training to biological,
 34 adoptive, or foster parents. The facility shall provide at least three
 35 months of consultation and support to parents accepting placement of
 36 children from the facility. The facility may recruit new and current

1 foster and adoptive parents for infants served by the facility. The
2 department shall not require case management as a condition of the
3 contract.

4 (3) \$524,000 of the general fund--state fiscal year 2002
5 appropriation and \$536,000 of the general fund--state fiscal year 2003
6 appropriation are provided for up to three nonfacility-based programs
7 for the training, consultation, support, and recruitment of biological,
8 foster, and adoptive parents of children through age three in need of
9 special care as a result of substance abuse by their mothers, except
10 that each program may serve up to three medically fragile nonsubstance-
11 abuse-affected children. In selecting nonfacility-based programs,
12 preference shall be given to programs whose federal or private funding
13 sources have expired or that have successfully performed under the
14 existing pediatric interim care program.

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

28 (5) \$2,215,000 of the fiscal year 2002 general fund--state
29 appropriation, \$4,394,000 of the fiscal year 2003 general fund--state
30 appropriation, and \$5,604,000 of the general fund--federal
31 appropriation are provided solely for reducing the average caseload
32 level per case-carrying social worker. Average caseload reductions are
33 intended to increase the amount of time social workers spend in direct
34 contact with the children, families, and foster parents involved with
35 their open cases. The department shall use some of the funds provided
36 in several local offices to increase staff that support case-carrying
37 social workers in ways that will allow social workers to increase
38 direct contact time with children, families, and foster parents. To

1 achieve the goal of reaching an average caseload ratio of 1:24 by the
2 end of fiscal year 2003, the department shall develop a plan for
3 redeploying 30 FTEs to case-carrying social worker and support
4 positions from other areas in the children and family services budget.
5 The FTE redeployment plan shall be submitted to the fiscal committees
6 of the legislature by December 1, 2001.

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

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

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

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

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

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

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

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

31 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL**
32 **DISABILITIES PROGRAM**

33 (1) COMMUNITY SERVICES

34 General Fund--State Appropriation (FY 2002)	\$231,693,000
35 General Fund--State Appropriation (FY 2003)	\$242,347,000
36 General Fund--Federal Appropriation	\$396,151,000
37 Health Services Account--State	

1	Appropriation	\$741,000
2	TOTAL APPROPRIATION	\$870,932,000

3 The appropriations in this subsection are subject to the following
4 conditions and limitations:

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

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

32 (c) \$1,440,000 of the general fund--state appropriation for fiscal
33 year 2002, \$3,041,000 of the general fund--state appropriation for
34 fiscal year 2003, and \$4,311,000 of the general fund--federal
35 appropriation are provided solely for expanded community services for
36 persons with developmental disabilities who also have community
37 protection issues or are diverted or discharged from state psychiatric
38 hospitals. The department shall ensure that the average cost per day

1 for all program services other than start-up costs shall not exceed
2 \$275. The department shall report to the appropriate committees of the
3 legislature, within 45 days following each fiscal year quarter, the
4 number of persons served with these additional community services,
5 where they were residing, what kinds of services they were receiving
6 prior to placement, and the actual expenditures for all community
7 services to support these clients.

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

26 (e) \$1,000,000 of the general fund--state appropriation for fiscal
27 year 2002 and \$1,000,000 of the general fund--state appropriation for
28 fiscal year 2003 are provided solely for employment, or other day
29 activities and training programs, for young adults with developmental
30 disabilities who complete their high school curriculum in 2001 or 2002.
31 These services are intended to assist with the transition to work and
32 more independent living. Funding shall be used to the greatest extent
33 possible for vocational rehabilitation services matched with federal
34 funding. In recent years, the state general fund appropriation for
35 employment and day programs has been underspent. These surpluses,
36 built into the carry forward level budget, shall be redeployed for high
37 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
37	General Fund--State Appropriation (FY 2003)	\$2,623,000

1 General Fund--Federal Appropriation \$2,413,000
 2 TOTAL APPROPRIATION \$7,637,000

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

9 (4) SPECIAL PROJECTS

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

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

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

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

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

22 (1) \$282,081,000 of the general fund--state appropriation for
 23 fiscal year 2002, \$278,277,000 of the general fund--state appropriation
 24 for fiscal year 2003, \$1,254,197,000 of the general fund--federal
 25 appropriation, and \$29,352,000 of the general fund--local appropriation
 26 are provided solely for the WorkFirst program and child support
 27 operations. WorkFirst expenditures include TANF grants, diversion
 28 services, subsidized child care, employment and training, other
 29 WorkFirst related services, allocated field services operating costs,
 30 and allocated economic services program administrative costs. Within
 31 the amounts provided in this subsection, the department shall:

32 (a) Continue to implement WorkFirst program improvements that are
 33 designed to achieve progress against outcome measures specified in RCW
 34 74.08A.410. Valid outcome measures of job retention and wage
 35 progression shall be developed (~~and reported quarterly to appropriate~~
 36 ~~fiscal and policy committees of the legislature for families who leave~~

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

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

1 ~~shall not be "other." The report shall identify barriers to informing~~
2 ~~families about work support benefits and describe existing and future~~
3 ~~actions to overcome such barriers.))~~

4 (c) From the amounts provided in this subsection, provide \$50,000
5 from the general fund--state appropriation for fiscal year 2002 and
6 \$50,000 from the general fund--state appropriation for fiscal year 2003
7 to the Washington institute for public policy for continuation of the
8 WorkFirst evaluation database.

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

15 (2) \$48,341,000 of the general fund--state appropriation for fiscal
16 year 2002 and \$48,341,000 of the general fund--state appropriation for
17 fiscal year 2003 are provided solely for cash assistance and other
18 services to recipients in the general assistance--unemployable program.
19 Within these amounts, the department may expend funds for services that
20 assist recipients to reduce their dependence on public assistance,
21 provided that expenditures for these services and cash assistance do
22 not exceed the funds provided.

23 (3) \$5,632,000 of the general fund--state appropriation for fiscal
24 year 2002 and \$5,632,000 of the general fund--state appropriation for
25 fiscal year 2003 are provided solely for the food assistance program
26 for legal immigrants. The level of benefits shall be equivalent to the
27 benefits provided by the federal food stamp program.

28 (4) \$48,000 of the general fund--state appropriation for fiscal
29 year 2002 is provided solely to implement chapter 111, Laws of 2001
30 (veterans/Philippines).

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

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

37 The (~~department~~) administrator for the courts shall (~~within~~

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

17 NEW SECTION. Sec. 14. The following acts or parts of acts are
18 each repealed:

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

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

23 NEW SECTION. Sec. 15. The following acts or parts of acts are
24 each repealed:

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

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

31 (3) RCW 72.23.450 (Annual report to the legislature) and 2000 c 22
32 s 8.

Passed by the House April 21, 2003.

Passed by the Senate April 14, 2003.

Approved by the Governor May 9, 2003.

Filed in Office of Secretary of State May 9, 2003.