

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 3182

Chapter 90, Laws of 2006

59th Legislature
2006 Regular Session

TRIBAL FOSTER CARE LICENSING

EFFECTIVE DATE: 6/7/06

Passed by the House March 4, 2006
Yeas 96 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 28, 2006
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 17, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 3182** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 17, 2006 - 10:48 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 3182

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew and Santos)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to tribal foster care licensing; amending RCW
2 74.15.190; and reenacting and amending RCW 74.15.020.

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

4 **Sec. 1.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001
5 c 137 s 3 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (h) Schools, including boarding schools, which are engaged
36 primarily in education, operate on a definite school year schedule,
37 follow a stated academic curriculum, accept only school-age children
38 and do not accept custody of children;

1 (i) Seasonal camps of three months' or less duration engaged
2 primarily in recreational or educational activities;

3 (j) Hospitals licensed pursuant to chapter 70.41 RCW when
4 performing functions defined in chapter 70.41 RCW, nursing homes
5 licensed under chapter 18.51 RCW and boarding homes licensed under
6 chapter 18.20 RCW;

7 (k) Licensed physicians or lawyers;

8 (l) Facilities providing care to children for periods of less than
9 twenty-four hours whose parents remain on the premises to participate
10 in activities other than employment;

11 (m) Facilities approved and certified under chapter 71A.22 RCW;

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

16 (o) Persons who have a child in their home for purposes of
17 adoption, if the child was placed in such home by a licensed child-
18 placing agency, an authorized public or tribal agency or court or if a
19 replacement report has been filed under chapter 26.33 RCW and the
20 placement has been approved by the court;

21 (p) An agency operated by any unit of local, state, or federal
22 government or an agency(~~(, located within the boundaries of a federally~~
23 ~~recognized Indian reservation,~~) licensed by ((the)) an Indian tribe
24 pursuant to RCW 74.15.190;

25 (q) A maximum or medium security program for juvenile offenders
26 operated by or under contract with the department;

27 (r) An agency located on a federal military reservation, except
28 where the military authorities request that such agency be subject to
29 the licensing requirements of this chapter.

30 (3) "Department" means the state department of social and health
31 services.

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

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

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

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

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

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

10 (a) Educational services, including basic literacy and
11 computational skills training, either in local alternative or public
12 high schools or in a high school equivalency program that leads to
13 obtaining a high school equivalency degree;

14 (b) Assistance and counseling related to obtaining vocational
15 training or higher education, job readiness, job search assistance, and
16 placement programs;

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

20 (d) Individual and group counseling; and

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

26 **Sec. 2.** RCW 74.15.190 and 1987 c 170 s 13 are each amended to read
27 as follows:

28 (1)(a) The state of Washington recognizes the authority of Indian
29 tribes within the state to license agencies, located within the
30 boundaries of a federally recognized Indian reservation, to receive
31 children for control, care, and maintenance outside their own homes, or
32 to place, receive, arrange the placement of, or assist in the placement
33 of children for foster care or adoption.

34 (b) The state of Washington recognizes the ability of the Indian
35 tribes within the state to enter into agreements with the state to
36 license agencies located on or near the federally recognized Indian
37 reservation or, for those federally recognized tribes that do not have

1 a reservation, then on or near the federally designated service
2 delivery area, to receive children for control, care, and maintenance
3 outside their own homes, or to place, receive, arrange the placement
4 of, or assist in the placement of children for foster care.

5 (c) The department and state licensed child-placing agencies may
6 place children in tribally licensed facilities if the requirements of
7 RCW 74.15.030 (2)(b) and (3) and supporting rules are satisfied before
8 placing the children in such facilities by the department or any state
9 licensed child-placing agency.

10 (2) The department may enter into written agreements with Indian
11 tribes within the state to define the terms under which the tribe may
12 license agencies pursuant to subsection (1) of this section. The
13 agreements shall include a definition of what are the geographic
14 boundaries of the tribe for the purposes of licensing and may include
15 locations on or near the federally recognized Indian reservation or,
16 for those federally recognized tribes that do not have a reservation,
17 then on or near the federally designated service delivery area.

18 (3) The department and its employees are immune from civil
19 liability for damages arising from the conduct of agencies licensed by
20 a tribe.

Passed by the House March 4, 2006.

Passed by the Senate February 28, 2006.

Approved by the Governor March 17, 2006.

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