
SENATE BILL 5506

State of Washington

60th Legislature

2007 Regular Session

By Senators Stevens and Shin

Read first time 01/22/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to creating the department of family and children's
2 services; amending RCW 43.17.010, 43.17.020, 42.17.2401, 26.44.020,
3 13.34.025, 13.34.050, 13.70.010, and 74.13.640; adding a new section to
4 chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new
5 sections; providing an expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds it is necessary to
8 realign Washington's child welfare system over time. The legislature
9 finds that although it is the stated mission of the children's
10 administration in the department of social and health services to
11 protect children, help families care for and parent their children, and
12 find safe homes for children, the mission may be compromised by the
13 goals, objectives, size, and complexity of the larger agency of which
14 it is a part.

15 The legislature intends for there to be accountability for the
16 safety and protection of children in the system. The legislature
17 believes that the children's administration is unable to implement its
18 own policies because it is distracted from its goals by its location in
19 the department of social and health services, a large umbrella agency.

1 The legislature believes that an independent agency will be more
2 efficient and more effective than under the current umbrella agency and
3 that a small operational and administrative structure will improve
4 employee morale.

5 The legislature intends that it be the mission of the new
6 department of family and children's services to first protect abused
7 and neglected children, support the efforts of families to care for and
8 parent their own children safely, and provide quality care and
9 permanent families for children, in partnership with tribes, foster
10 parents, and communities. The legislature intends that the new
11 department of family and children's services will be responsible to and
12 accountable for the stable placement of children, the obtaining of
13 mental health services for families and their children, the improvement
14 of foster parent training and support, identifying and correcting
15 unsafe and inappropriate placements, ensuring that siblings are not
16 separated from each other when placed in out-of-home care, increasing
17 the quality and frequency of contact and visitation between siblings in
18 out-of-home placement, and ensuring services to adolescents.

19 The legislature intends that the separate agency focus on timely
20 recruitment and retention of high quality permanent families for
21 children and the provision of adequate support for foster parents. A
22 single state agency can develop a true partnership with tribes, foster
23 parents, and communities around the need for permanent homes for
24 children in a more effective way than as part of a large umbrella
25 agency.

26 The legislature also expects the new department to collaborate with
27 and when possible to work with tribes, foster parents, and communities
28 to anticipate problems and prevent child abuse and neglect, and to
29 provide effective services to protect children and strengthen families
30 when child abuse and neglect have occurred. The legislature finds that
31 to learn how to prevent abuse and neglect of children, and to gain a
32 greater understanding of the prevalence and location of this abuse,
33 valid research data and program statistics must be shared. The
34 legislature finds that high quality services will be provided when
35 accountability is expected and there is motivation for higher quality
36 strategies for protecting children.

37 The legislature finds that the public does not have confidence in
38 the department of social and health services' ability to fulfill the

1 mission of protecting children, helping their parents, and finding
2 families for children, in a cost-effective manner. The legislature
3 finds that confidence in government is critical to achieving the goals
4 of the mission. The legislature finds that this confidence is built by
5 the willingness to take responsibility. The current children's
6 administration does not adequately take responsibility and the umbrella
7 agency does not hold it accountable for meeting its goals and
8 objectives.

9 The legislature intends that there will be more accountability for
10 the safety, well-being, and permanence for children in a separate
11 department of family and children's services.

12 The legislature intends that adequate attention paid to families
13 and children with regard to preventing and reducing the incidences of
14 abuse and neglect will help reduce delinquency and juvenile crime.

15 The legislature intends that families will be better supported in
16 their efforts to care for and parent their own children if the services
17 are located in a single accountable agency. The current children's
18 administration has many methods set in guidelines but does not produce
19 the results needed to ensure the mission is accomplished. The
20 legislature intends that the separate state agency leadership be held
21 accountable to produce results.

22 **PART 1**

23 **DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES**

24 NEW SECTION. **Sec. 101.** The definitions in this section apply
25 throughout this chapter unless the context clearly requires otherwise.

26 (1) "Agency" means any person, firm, partnership, association,
27 corporation, or facility that receives children, expectant mothers, or
28 persons with developmental disabilities for control, care, or
29 maintenance outside their own homes, or that places, arranges the
30 placement of, or assists in the placement of children, expectant
31 mothers, or persons with developmental disabilities for foster care or
32 placement of children for adoption, and includes the following
33 irrespective of whether there is compensation to the agency or to the
34 children, expectant mothers, or persons with developmental disabilities
35 for services rendered:

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

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

8 (c) "Crisis residential center" means an agency that is a temporary
9 protective residential facility operated to perform the duties
10 specified in chapter 13.32A RCW, in the manner provided in RCW
11 74.13.032 through 74.13.036;

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

24 (e) "Foster family home" means an agency that regularly provides
25 care on a twenty-four hour basis to one or more children, expectant
26 mothers, or persons with developmental disabilities in the family abode
27 of the person or persons under whose direct care and supervision the
28 child, expectant mother, or person with a developmental disability is
29 placed;

30 (f) "Group care facility" means an agency, other than a foster
31 family home, that is maintained and operated for the care of a group of
32 children on a twenty-four hour basis;

33 (g) "HOPE center" means an agency licensed by the director to
34 provide temporary residential placement and other services to street
35 youth. A street youth may remain in a HOPE center for thirty days
36 while services are arranged and permanent placement is coordinated. No
37 street youth may stay longer than thirty days unless approved by the
38 department and any additional days approved by the department must be

1 based on the unavailability of a long-term placement option. A street
2 youth whose parent wants him or her returned to home may remain in a
3 HOPE center until his or her parent arranges return of the youth, not
4 longer. All other street youth must have court approval under chapter
5 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

6 (h) "Maternity service" means an agency that provides or arranges
7 for care or services to expectant mothers, before or during
8 confinement, or that provides care as needed to mothers and their
9 infants after confinement;

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

19 (j) "Service provider" means the entity that operates a community
20 facility.

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

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

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

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

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

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

34 (v) Extended family members, as defined by the law or custom of the
35 Indian child's tribe or, in the absence of such law or custom, a person
36 who has reached the age of eighteen and who is the Indian child's
37 grandparent, aunt or uncle, brother or sister, brother-in-law or

1 sister-in-law, niece or nephew, first or second cousin, or stepparent
2 who provides care in the family abode on a twenty-four hour basis to an
3 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

6 (c) Persons who care for a neighbor's or friend's child or
7 children, with or without compensation, where the parent and person
8 providing care on a twenty-four hour basis have agreed to the placement
9 in writing and the state is not providing any payment for the care;

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

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

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

24 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
25 performing functions defined in chapter 70.41 RCW, nursing homes
26 licensed under chapter 18.51 RCW, and boarding homes licensed under
27 chapter 18.20 RCW;

28 (h) Licensed physicians or lawyers;

29 (i) Facilities approved and certified under chapter 71A.22 RCW;

30 (j) Any agency having been in operation in this state ten years
31 before June 8, 1967, and not seeking or accepting moneys or assistance
32 from any state or federal agency, and is supported in part by an
33 endowment or trust fund;

34 (k) Persons who have a child in their home for purposes of
35 adoption, if the child was placed in such home by a licensed child-
36 placing agency, an authorized public or tribal agency, or court or if
37 a replacement report has been filed under chapter 26.33 RCW and the
38 placement has been approved by the court;

1 (1) An agency operated by any unit of local, state, or federal
2 government or an agency licensed by an Indian tribe pursuant to RCW
3 74.15.190;

4 (m) A maximum or medium security program for juvenile offenders
5 operated by or under contract with the juvenile rehabilitation
6 administration;

7 (n) An agency located on a federal military reservation, except
8 where the military authorities request that such agency be subject to
9 the licensing requirements of this chapter.

10 (3) "Department" means the department of family and children's
11 services.

12 (4) "Director" means the director of the department.

13 NEW SECTION. **Sec. 102.** The director shall have the power and it
14 shall be the director's duty to:

15 (1) In consultation with the children's services advisory
16 committee, and with the advice and assistance of persons representative
17 of the various type agencies to be licensed, designate categories of
18 facilities for which separate or different requirements shall be
19 developed as may be appropriate whether because of variations in the
20 ages, sex, and other characteristics of persons served, variations in
21 the purposes and services offered, or size or structure of the agencies
22 to be licensed under this chapter, or because of any other factor
23 relevant thereto;

24 (2) In consultation with the children's services advisory
25 committee, and with the advice and assistance of persons representative
26 of the various type agencies to be licensed, adopt and publish minimum
27 requirements for licensing applicable to each of the various categories
28 of agencies to be licensed. The minimum requirements shall be limited
29 to:

30 (a) The size and suitability of a facility and the plan of
31 operation for carrying out the purpose for which an applicant seeks a
32 license;

33 (b) The character, suitability, and competence of an agency and
34 other persons associated with an agency directly responsible for the
35 care and treatment of children, expectant mothers, or persons with
36 developmental disabilities. In consultation with law enforcement
37 personnel, the director shall investigate the conviction record or

1 pending charges and dependency record information under chapter 43.43
2 RCW of each agency and its staff seeking licensure or relicensure. No
3 unfounded allegation of child abuse or neglect as defined in RCW
4 26.44.020 may be disclosed to a child-placing agency, private adoption
5 agency, or any other provider licensed under this chapter. In order to
6 determine the suitability of applicants for an agency license,
7 licensees, their employees, and other persons who have unsupervised
8 access to children in care, and who have not resided in the state of
9 Washington during the three-year period before being authorized to care
10 for children shall be fingerprinted. The fingerprints shall be
11 forwarded to the Washington state patrol and federal bureau of
12 investigation for a criminal history record investigation. The
13 fingerprint criminal history record information shall be at the expense
14 of the licensee except that in the case of a foster family home, if
15 this expense would work a hardship on the licensee, the department
16 shall pay the expense. The licensee may not pass this cost on to the
17 employee or prospective employee, unless the employee is determined to
18 be unsuitable due to his or her criminal history record. The director
19 shall use the information solely for the purpose of determining
20 eligibility for a license and for determining the character,
21 suitability, and competence of those persons or agencies, excluding
22 parents, not required to be licensed who are authorized to care for
23 children, expectant mothers, and persons with developmental
24 disabilities. Criminal justice agencies shall provide the director
25 such information as they may have and that the director may require for
26 such purpose;

27 (c) The number of qualified persons required to render the type of
28 care and treatment for which an agency seeks a license;

29 (d) The safety, cleanliness, and general adequacy of the premises
30 to provide for the comfort, care, and well-being of children, expectant
31 mothers, or persons with developmental disabilities;

32 (e) The provision of necessary care, including food, clothing,
33 supervision, and discipline; physical, mental, and social well-being;
34 and educational, recreational, and spiritual opportunities for those
35 served;

36 (f) The financial ability of an agency to comply with minimum
37 requirements established under chapter 74.15 RCW and RCW 74.13.031; and

1 (g) The maintenance of records pertaining to the admission,
2 progress, health, and discharge of persons served;

3 (3) Investigate any person, including relatives by blood or
4 marriage except for parents, for character, suitability, and competence
5 in the care and treatment of children, expectant mothers, and persons
6 with developmental disabilities before authorizing that person to care
7 for children, expectant mothers, and persons with developmental
8 disabilities. However, if a child is placed with a relative under RCW
9 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
10 and competent to provide care and treatment, the criminal history
11 record information required by this section need not be completed
12 before placement, but shall be completed as soon as possible after
13 placement;

14 (4) On reports of alleged child abuse and neglect, investigate
15 agencies in accordance with chapter 26.44 RCW, including child day care
16 centers and family day care homes, to determine whether the alleged
17 abuse or neglect has occurred, and whether child protective services or
18 referral to a law enforcement agency is appropriate;

19 (5) Issue, revoke, or deny licenses to agencies under chapter 74.15
20 RCW and RCW 74.13.031. Licenses shall specify the category of care
21 that an agency is authorized to render and the ages, sex, and number of
22 persons to be served;

23 (6) Prescribe the procedures and the form and contents of reports
24 necessary for the administration of chapter 74.15 RCW and RCW 74.13.031
25 and to require regular reports from each licensee;

26 (7) Inspect agencies periodically to determine whether or not there
27 is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
28 requirements adopted under this chapter;

29 (8) Review requirements adopted under this chapter at least every
30 two years and adopt appropriate changes after consultation with the
31 children's services advisory committee for requirements for other
32 agencies;

33 (9) Engage in negotiated rule making under RCW 34.05.310(2)(a) with
34 the exclusive representative of the family child care licensees
35 selected in accordance with RCW 74.15.035 and with other affected
36 interests before adopting requirements that affect family child care
37 licensees; and

1 (10) Consult with public and private agencies in order to help them
2 improve their methods and facilities for the care of children,
3 expectant mothers, and persons with developmental disabilities.

4 NEW SECTION. **Sec. 103.** (1) The executive head and appointing
5 authority of the department is the director. The director shall be
6 appointed by the governor with the consent of the senate, and shall
7 serve at the pleasure of the governor. The director shall be paid a
8 salary to be fixed by the governor in accordance with RCW 43.03.040.
9 If a vacancy occurs in the position of director while the senate is not
10 in session, the governor shall make a temporary appointment until the
11 next meeting of the senate when the governor's nomination for the
12 office of director shall be presented.

13 (2) The director may employ staff members, who shall be exempt from
14 chapter 41.06 RCW, and any additional staff members as are necessary to
15 administer this chapter. The director may delegate any power or duty
16 vested in him or her by this chapter, including authority to make final
17 decisions and enter final orders in hearings conducted under chapter
18 34.05 RCW.

19 NEW SECTION. **Sec. 104.** It is the intent of the legislature
20 wherever possible to place the internal affairs of the department under
21 the control of the director in order that the director may institute
22 therein the flexible, alert, and intelligent management of its business
23 that changing contemporary circumstances require. Therefore, whenever
24 the director's authority is not specifically limited by law, the
25 director has complete charge and supervisory powers over the
26 department. The director may create such administrative structures as
27 the director considers appropriate, except as otherwise specified by
28 law. The director may employ such assistants and personnel as
29 necessary for the general administration of the department. This
30 employment shall be in accordance with the state civil service law,
31 chapter 41.06 RCW, except as otherwise provided.

32 NEW SECTION. **Sec. 105.** The director may appoint such advisory
33 committees or councils as may be required by any federal legislation as
34 a condition to the receipt of federal funds by the department. The
35 director may also appoint statewide committees or councils on such

1 subject matters as are or come within the department's
2 responsibilities. The committees or councils shall be constituted as
3 required by federal law or as the director may determine.

4 Members of such state advisory committees or councils may be paid
5 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

6 NEW SECTION. **Sec. 106.** In furtherance of the policy of the state
7 to cooperate with the federal government in all of the programs under
8 the jurisdiction of the department, such rules as may become necessary
9 to entitle the state to participate in federal funds may be adopted,
10 unless expressly prohibited by law. Any internal reorganization
11 carried out under the terms of this chapter shall meet federal
12 requirements that are a necessary condition to state receipt of federal
13 funds. Any section or provision of law dealing with the department
14 that may be susceptible to more than one construction shall be
15 interpreted in favor of the construction most likely to comply with
16 federal laws entitling this state to receive federal funds for the
17 various programs of the department.

18 NEW SECTION. **Sec. 107.** A new section is added to chapter 41.06
19 RCW to read as follows:

20 In addition to the exemptions under RCW 41.06.070, the provisions
21 of this chapter shall not apply in the department of family and
22 children's services to the director and the director's personal
23 secretary.

24 **Sec. 108.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to
25 read as follows:

26 There shall be departments of the state government which shall be
27 known as (1) the department of social and health services, (2) the
28 department of ecology, (3) the department of labor and industries, (4)
29 the department of agriculture, (5) the department of fish and wildlife,
30 (6) the department of transportation, (7) the department of licensing,
31 (8) the department of general administration, (9) the department of
32 community, trade, and economic development, (10) the department of
33 veterans affairs, (11) the department of revenue, (12) the department
34 of retirement systems, (13) the department of corrections, (14) the
35 department of health, (15) the department of financial institutions,

1 (16) the department of archaeology and historic preservation, (~~and~~)
2 (17) the department of early learning, and (18) the department of
3 family and children's services, which shall be charged with the
4 execution, enforcement, and administration of such laws, and invested
5 with such powers and required to perform such duties, as the
6 legislature may provide.

7 **Sec. 109.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
8 read as follows:

9 There shall be a chief executive officer of each department to be
10 known as: (1) The secretary of social and health services, (2) the
11 director of ecology, (3) the director of labor and industries, (4) the
12 director of agriculture, (5) the director of fish and wildlife, (6) the
13 secretary of transportation, (7) the director of licensing, (8) the
14 director of general administration, (9) the director of community,
15 trade, and economic development, (10) the director of veterans affairs,
16 (11) the director of revenue, (12) the director of retirement systems,
17 (13) the secretary of corrections, (14) the secretary of health, (15)
18 the director of financial institutions, (16) the director of the
19 department of archaeology and historic preservation, (~~and~~) (17) the
20 director of early learning, and (18) the director of the department of
21 family and children's services.

22 Such officers, except the director of fish and wildlife, shall be
23 appointed by the governor, with the consent of the senate, and hold
24 office at the pleasure of the governor. The director of fish and
25 wildlife shall be appointed by the fish and wildlife commission as
26 prescribed by RCW 77.04.055.

27 **Sec. 110.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
28 read as follows:

29 For the purposes of RCW 42.17.240, the term "executive state
30 officer" includes:

31 (1) The chief administrative law judge, the director of
32 agriculture, the administrator of the Washington basic health plan, the
33 director of the department of services for the blind, the director of
34 the state system of community and technical colleges, the director of
35 community, trade, and economic development, the secretary of
36 corrections, the director of early learning, the director of ecology,

1 the commissioner of employment security, the chair of the energy
2 facility site evaluation council, the director of family and children's
3 services, the secretary of the state finance committee, the director of
4 financial management, the director of fish and wildlife, the executive
5 secretary of the forest practices appeals board, the director of the
6 gambling commission, the director of general administration, the
7 secretary of health, the administrator of the Washington state health
8 care authority, the executive secretary of the health care facilities
9 authority, the executive secretary of the higher education facilities
10 authority, the executive secretary of the horse racing commission, the
11 executive secretary of the human rights commission, the executive
12 secretary of the indeterminate sentence review board, the director of
13 the department of information services, the director of the interagency
14 committee for outdoor recreation, the executive director of the state
15 investment board, the director of labor and industries, the director of
16 licensing, the director of the lottery commission, the director of the
17 office of minority and women's business enterprises, the director of
18 parks and recreation, the director of personnel, the executive director
19 of the public disclosure commission, the director of retirement
20 systems, the director of revenue, the secretary of social and health
21 services, the chief of the Washington state patrol, the executive
22 secretary of the board of tax appeals, the secretary of transportation,
23 the secretary of the utilities and transportation commission, the
24 director of veterans affairs, the president of each of the regional and
25 state universities and the president of The Evergreen State College,
26 and each district and each campus president of each state community
27 college;

- 28 (2) Each professional staff member of the office of the governor;
29 (3) Each professional staff member of the legislature; and
30 (4) Central Washington University board of trustees, board of
31 trustees of each community college, each member of the state board for
32 community and technical colleges, state convention and trade center
33 board of directors, committee for deferred compensation, Eastern
34 Washington University board of trustees, Washington economic
35 development finance authority, The Evergreen State College board of
36 trustees, executive ethics board, forest practices appeals board,
37 forest practices board, gambling commission, life sciences discovery
38 fund authority board of trustees, Washington health care facilities

1 authority, each member of the Washington health services commission,
2 higher education coordinating board, higher education facilities
3 authority, horse racing commission, state housing finance commission,
4 human rights commission, indeterminate sentence review board, board of
5 industrial insurance appeals, information services board, interagency
6 committee for outdoor recreation, state investment board, commission on
7 judicial conduct, legislative ethics board, liquor control board,
8 lottery commission, marine oversight board, Pacific Northwest electric
9 power and conservation planning council, parks and recreation
10 commission, (~~personnel appeals board,~~) board of pilotage
11 commissioners, pollution control hearings board, public disclosure
12 commission, public pension commission, shorelines hearing board, public
13 employees' benefits board, salmon recovery funding board, board of tax
14 appeals, transportation commission, University of Washington board of
15 regents, utilities and transportation commission, Washington state
16 maritime commission, Washington personnel resources board, Washington
17 public power supply system executive board, Washington State University
18 board of regents, Western Washington University board of trustees, and
19 fish and wildlife commission.

20 NEW SECTION. **Sec. 111.** (1) All powers, duties, and functions of
21 the department of social and health services pertaining to children and
22 family services are transferred to the department of family and
23 children's services. All references to the secretary or the department
24 of social and health services in the Revised Code of Washington shall
25 be construed to mean the director or the department of family and
26 children's services when referring to the functions transferred in this
27 section.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the department of
30 social and health services pertaining to the powers, functions, and
31 duties transferred shall be delivered to the custody of the department
32 of family and children's services. All cabinets, furniture, office
33 equipment, motor vehicles, and other tangible property employed by the
34 department of social and health services in carrying out the powers,
35 functions, and duties transferred shall be made available to the
36 department of family and children's services. All funds, credits, or

1 other assets held in connection with the powers, functions, and duties
2 transferred shall be assigned to the department of family and
3 children's services.

4 (b) Any appropriations made to the department of social and health
5 services for carrying out the powers, functions, and duties transferred
6 shall, on the effective date of this section, be transferred and
7 credited to the department of family and children's services.

8 (c) Whenever any question arises as to the transfer of any
9 personnel, funds, books, documents, records, papers, files, equipment,
10 or other tangible property used or held in the exercise of the powers
11 and the performance of the duties and functions transferred, the
12 director of financial management shall make a determination as to the
13 proper allocation and certify the same to the state agencies concerned.

14 (3) All employees of the department of social and health services
15 engaged in performing the powers, functions, and duties transferred are
16 transferred to the jurisdiction of the department of family and
17 children's services. All employees classified under chapter 41.06 RCW,
18 the state civil service law, are assigned to the department of family
19 and children's services to perform their usual duties upon the same
20 terms as formerly, without any loss of rights, subject to any action
21 that may be appropriate thereafter in accordance with the laws and
22 rules governing state civil service.

23 (4) All rules and all pending business before the department of
24 social and health services pertaining to the powers, functions, and
25 duties transferred shall be continued and acted upon by the department
26 of family and children's services. All existing contracts and
27 obligations shall remain in full force and shall be performed by the
28 department of family and children's services.

29 (5) The transfer of the powers, duties, functions, and personnel of
30 the department of social and health services shall not affect the
31 validity of any act performed before the effective date of this
32 section.

33 (6) If apportionments of budgeted funds are required because of the
34 transfers directed by this section, the director of financial
35 management shall certify the apportionments to the agencies affected,
36 the state auditor, and the state treasurer. Each of these shall make
37 the appropriate transfer and adjustments in funds and appropriation
38 accounts and equipment records in accordance with the certification.

1 (7) Nothing contained in this section may be construed to alter any
2 existing collective bargaining unit or the provisions of any existing
3 collective bargaining agreement until the agreement has expired or
4 until the bargaining unit has been modified by action of the public
5 employment relations commission as provided by law.

6 NEW SECTION. **Sec. 112.** (1) The director of financial management
7 and the secretary of social and health services shall jointly develop
8 a reorganization implementation plan to implement this act. The plan
9 shall take into account recommendations from interested individuals.

10 (2) The plan shall detail the implementation steps to effectuate
11 the transfer of the:

12 (a) Children's administration relating to children to the
13 department of family and children's services; and

14 (b) Juvenile rehabilitation administration to the department of
15 family and children's services.

16 (3) In developing the recommendations required under this section,
17 the director and the secretary shall consult with the directors of the
18 departments of general administration and personnel to ensure that no
19 duplication of functions occurs between the departments of general
20 administration and personnel, and other departments.

21 (4) The completed reorganization implementation plan shall be
22 submitted to the governor and appropriate committees of the legislature
23 by November 1, 2007.

24 (5) The plan shall include details addressing the following areas
25 of legislative, public, and departmental concerns:

26 (a) Assessment and increased accountability measures over all
27 transferred functions;

28 (b) Quantifiable outcomes for all transferred functions;

29 (c) Equitable cost-effective coordinated service delivery and
30 continuity of care enhancements, including coordination with all
31 relevant service delivery components at the state, local, and private
32 level for the family and individuals in need;

33 (d) Staffing support and caseload management enhancements;

34 (e) Federal requirements, including but not limited to federal
35 reforms and the ability to continue participating to the maximum extent
36 possible in the receipt of federal funds and grants;

37 (f) Promotion of public and private partnerships; and

1 (g) Retention of centralized core administrative services such as
2 payment, financial, and information systems, until at least the year
3 2008.

4 (6) By November 1, 2007, the director of financial management and
5 the secretary of the department of social and health services shall
6 jointly submit to the governor and appropriate committees of the
7 legislature any proposed legislation necessary to implement the
8 reorganization implementation plan.

9 (7) This section expires June 30, 2008.

10 **PART 2**

11 **STATUTORY REFERENCES**

12 **Sec. 201.** RCW 26.44.020 and 2006 c 339 s 108 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Court" means the superior court of the state of Washington,
17 juvenile department.

18 (2) "Law enforcement agency" means the police department, the
19 prosecuting attorney, the state patrol, the director of public safety,
20 or the office of the sheriff.

21 (3) "Practitioner of the healing arts" or "practitioner" means a
22 person licensed by this state to practice podiatric medicine and
23 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
24 medicine and surgery, or medicine and surgery or to provide other
25 health services. The term "practitioner" includes a duly accredited
26 Christian Science practitioner: PROVIDED, HOWEVER, That a person who
27 is being furnished Christian Science treatment by a duly accredited
28 Christian Science practitioner will not be considered, for that reason
29 alone, a neglected person for the purposes of this chapter.

30 (4) "Institution" means a private or public hospital or any other
31 facility providing medical diagnosis, treatment or care.

32 (5) "Department" means the ((state)) department of ((~~social and~~
33 ~~health~~)) family and children's services.

34 (6) "Child" or "children" means any person under the age of
35 eighteen years of age.

1 (7) "Professional school personnel" include, but are not limited
2 to, teachers, counselors, administrators, child care facility
3 personnel, and school nurses.

4 (8) "Social service counselor" means anyone engaged in a
5 professional capacity during the regular course of employment in
6 encouraging or promoting the health, welfare, support or education of
7 children, or providing social services to adults or families, including
8 mental health, drug and alcohol treatment, and domestic violence
9 programs, whether in an individual capacity, or as an employee or agent
10 of any public or private organization or institution.

11 (9) "Psychologist" means any person licensed to practice psychology
12 under chapter 18.83 RCW, whether acting in an individual capacity or as
13 an employee or agent of any public or private organization or
14 institution.

15 (10) "Pharmacist" means any registered pharmacist under chapter
16 18.64 RCW, whether acting in an individual capacity or as an employee
17 or agent of any public or private organization or institution.

18 (11) "Clergy" means any regularly licensed or ordained minister,
19 priest, or rabbi of any church or religious denomination, whether
20 acting in an individual capacity or as an employee or agent of any
21 public or private organization or institution.

22 (12) "Abuse or neglect" means sexual abuse, sexual exploitation, or
23 injury of a child by any person under circumstances which cause harm to
24 the child's health, welfare, or safety, excluding conduct permitted
25 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
26 child by a person responsible for or providing care to the child. An
27 abused child is a child who has been subjected to child abuse or
28 neglect as defined in this section.

29 (13) "Child protective services section" means the child protective
30 services section of the department.

31 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
32 encouraging a child to engage in prostitution by any person; or (b)
33 allowing, permitting, encouraging, or engaging in the obscene or
34 pornographic photographing, filming, or depicting of a child by any
35 person.

36 (15) "Negligent treatment or maltreatment" means an act or a
37 failure to act, or the cumulative effects of a pattern of conduct,
38 behavior, or inaction, that evidences a serious disregard of

1 consequences of such magnitude as to constitute a clear and present
2 danger to a child's health, welfare, or safety, including but not
3 limited to conduct prohibited under RCW 9A.42.100. When considering
4 whether a clear and present danger exists, evidence of a parent's
5 substance abuse as a contributing factor to negligent treatment or
6 maltreatment shall be given great weight. The fact that siblings share
7 a bedroom is not, in and of itself, negligent treatment or
8 maltreatment. Poverty, homelessness, or exposure to domestic violence
9 as defined in RCW 26.50.010 that is perpetrated against someone other
10 than the child does not constitute negligent treatment or maltreatment
11 in and of itself.

12 (16) "Child protective services" means those services provided by
13 the department designed to protect children from child abuse and
14 neglect and safeguard such children from future abuse and neglect, and
15 conduct investigations of child abuse and neglect reports.
16 Investigations may be conducted regardless of the location of the
17 alleged abuse or neglect. Child protective services includes referral
18 to services to ameliorate conditions that endanger the welfare of
19 children, the coordination of necessary programs and services relevant
20 to the prevention, intervention, and treatment of child abuse and
21 neglect, and services to children to ensure that each child has a
22 permanent home. In determining whether protective services should be
23 provided, the department shall not decline to provide such services
24 solely because of the child's unwillingness or developmental inability
25 to describe the nature and severity of the abuse or neglect.

26 (17) "Malice" or "maliciously" means an evil intent, wish, or
27 design to vex, annoy, or injure another person. Such malice may be
28 inferred from an act done in willful disregard of the rights of
29 another, or an act wrongfully done without just cause or excuse, or an
30 act or omission of duty betraying a willful disregard of social duty.

31 (18) "Sexually aggressive youth" means a child who is defined in
32 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

33 (19) "Unfounded" means available information indicates that, more
34 likely than not, child abuse or neglect did not occur. No unfounded
35 allegation of child abuse or neglect may be disclosed to a child-
36 placing agency, private adoption agency, or any other provider licensed
37 under chapter 74.15 RCW.

1 **Sec. 202.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read
2 as follows:

3 The department of (~~social and health~~) family and children's
4 services shall develop methods for coordination of services to parents
5 and children in child dependency cases. To the maximum extent possible
6 under current funding levels, the department must:

7 (1) Coordinate and integrate services to children and families,
8 using service plans and activities that address the children's and
9 families' multiple needs, including ensuring that siblings have regular
10 visits with each other, as appropriate. Assessment criteria should
11 screen for multiple needs;

12 (2) Develop treatment plans for the individual needs of the client
13 in a manner that minimizes the number of contacts the client is
14 required to make; and

15 (3) Access training for department staff to increase skills across
16 disciplines to assess needs for mental health, substance abuse,
17 developmental disabilities, and other areas.

18 **Sec. 203.** RCW 13.34.050 and 2005 c 512 s 9 are each amended to
19 read as follows:

20 (1) The court may enter an order directing a law enforcement
21 officer, probation counselor, or child protective services official to
22 take a child into custody if: (a) A petition is filed with the
23 juvenile court alleging that the child is dependent and that the
24 child's health, safety, and welfare will be seriously endangered if not
25 taken into custody; (b) an affidavit or declaration is filed by the
26 department of family and children's services in support of the petition
27 setting forth specific factual information evidencing reasonable
28 grounds that the child's health, safety, and welfare will be seriously
29 endangered if not taken into custody and at least one of the grounds
30 set forth demonstrates a risk of imminent harm to the child. "Imminent
31 harm" for purposes of this section shall include, but not be limited
32 to, circumstances of sexual abuse, sexual exploitation as defined in
33 RCW 26.44.020, and a parent's failure to perform basic parental
34 functions, obligations, and duties as the result of substance abuse;
35 and (c) the court finds reasonable grounds to believe the child is
36 dependent and that the child's health, safety, and welfare will be
37 seriously endangered if not taken into custody.

1 (2) Any petition that does not have the necessary affidavit or
2 declaration demonstrating a risk of imminent harm requires that the
3 parents are provided notice and an opportunity to be heard before the
4 order may be entered.

5 (3) The petition and supporting documentation must be served on the
6 parent, and if the child is in custody at the time the child is
7 removed, on the entity with custody other than the parent. Failure to
8 effect service does not invalidate the petition if service was
9 attempted and the parent could not be found.

10 **Sec. 204.** RCW 13.70.010 and 1991 c 127 s 3 are each amended to
11 read as follows:

12 Unless the context requires otherwise, the definitions in this
13 section apply throughout this chapter.

14 (1) "Board" means the local citizen review board established
15 pursuant to this chapter.

16 (2) "Child" means a person less than eighteen years of age.

17 (3) "Committee" means a local Indian child welfare advisory
18 committee established pursuant to WAC 388-70-610, as now existing or
19 hereafter amended by the department.

20 (4) "Conflict of interest" means that a person appointed to a board
21 has a personal or pecuniary interest in a case being reviewed by that
22 board.

23 (5) "Court" means the juvenile court.

24 (6) "Custodian" means that person who has legal custody of the
25 child.

26 (7) "Department" means the department of ~~((social and health))~~
27 family and children's services.

28 (8) "Mature child" means a child who is able to understand and
29 participate in the decision-making process without excessive anxiety or
30 fear. A child twelve years old or over shall be rebuttably presumed to
31 be a mature child.

32 (9) "Parent" or "parents" means the biological or adoptive parents
33 of a child unless the legal rights of that person have been terminated
34 by judicial proceedings.

35 (10) "Placement episode" means the period of time that begins with
36 the date the child was removed from the home of the parent or legal

1 custodian for the purposes of placement in substitute care and
2 continues until the child returns home or an adoption decree or
3 guardianship order is entered.

4 (11) "Records" means any information in written form, pictures,
5 photographs, charts, graphs, recordings, or documents pertaining to a
6 case.

7 (12) "Resides" or "residence," when used in reference to the
8 residence of a child, means the place where the child is actually
9 living and not the legal residence or domicile of the parent or
10 guardian.

11 (13) "Substitute care" means an out-of-home placement of a child
12 for purposes related to the provision of child welfare services in
13 accordance with chapter 74.13 RCW where the child is in the care,
14 custody, and control of the department pursuant to a proceeding under
15 chapter 13.34 RCW or pursuant to the written consent of the child's
16 parent or parents or custodian.

17 **Sec. 205.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read
18 as follows:

19 (1) The department of (~~social and health~~) family and children's
20 services shall conduct a child fatality review in the event of an
21 unexpected death of a minor in the state who is in the care of or
22 receiving services described in chapter 74.13 RCW from the department
23 or who has been in the care of or received services described in
24 chapter 74.13 RCW from the department within one year preceding the
25 minor's death.

26 (2) Upon conclusion of a child fatality review required pursuant to
27 subsection (1) of this section, the department shall issue a report on
28 the results of the review to the appropriate committees of the
29 legislature and shall make copies of the report available to the public
30 upon request.

31 (3) The department shall develop and implement procedures to carry
32 out the requirements of subsections (1) and (2) of this section.

33 **PART 3**

34 **MISCELLANEOUS PROVISIONS**

1 NEW SECTION. **Sec. 301.** Part headings used in this act are not any
2 part of the law.

3 NEW SECTION. **Sec. 302.** Sections 1, 101 through 106, and 111 of
4 this act constitute a new chapter in Title 43 RCW.

5 NEW SECTION. **Sec. 303.** Section 112 of this act is necessary for
6 the immediate preservation of the public peace, health, or safety, or
7 support of the state government and its existing public institutions,
8 and takes effect immediately.

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