
SUBSTITUTE HOUSE BILL 2536

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By House Early Learning & Human Services (originally sponsored by Representatives Dickerson, Johnson, Goodman, Hinkle, Kretz, Pettigrew, Warnick, Cody, Harris, Kenney, Kagi, Darneille, Orwall, Condotta, Ladenburg, Appleton, Jinkins, and Maxwell)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to the use of evidence-based practices for the
2 delivery of services to children and juveniles; amending RCW 13.40.020
3 and 71.24.025; reenacting and amending RCW 74.13.020; adding a new
4 section to chapter 13.40 RCW; adding a new section to chapter 71.24
5 RCW; adding a new section to chapter 74.13 RCW; adding new sections to
6 chapter 43.20A RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the use
9 of evidence-based practices plays a very important role in the delivery
10 of services to children and juveniles. Especially in times of
11 diminished resources, it is critical to fund practices which are known
12 to provide desired outcomes rather than continue to expend moneys on
13 programs that may be familiar but less effective.

14 (2) Evidence-based practices or programs are those that are
15 cost-effective and include at least two randomized or statistically
16 controlled evaluations demonstrating that the program or practice is
17 effective in obtaining improved outcomes for its intended population.

18 (3) The legislature intends that prevention and intervention
19 services delivered to children and juveniles in the areas of mental

1 health, child welfare, and juvenile justice must be primarily evidence-
2 based, and it is anticipated that such services will be provided in a
3 manner that is culturally competent.

4 (4) The legislature also acknowledges that the availability of
5 evidence-based practices in each of the areas of mental health, child
6 welfare, juvenile justice, and in different geographic areas of the
7 state may vary. Thus, it would be unwise to require one hundred
8 percent use of evidence-based practices. It is the intention of the
9 legislature to require a graduated approach for each of these areas,
10 the use of emerging best practices or promising practices, rather than
11 evidence-based practices, is also necessary to the graduated goals of
12 increasing the number of evidence-based practices.

13 (5) It is the intent of the legislature that the department of
14 social and health services will ensure that an expansion of the use of
15 evidence-based practices be accomplished using existing resources by
16 coordinating the purchase of evidence-based services, the development
17 of a trained workforce and the implementation of a system of care that
18 supports evidence-based practices by the juvenile rehabilitation
19 administration, the division of behavioral health and recovery
20 services, and the children's administration.

21 (6) It is the intent of the legislature that agencies that provide
22 children's mental health and child welfare services and services within
23 the juvenile justice system must meet their goals regarding the use of
24 evidence-based practices in contracted programs within six years.

25 (7) The legislature recognizes that in order to effectively provide
26 evidence-based practices, contractors must have a workforce trained in
27 these programs, and there must be an evaluation of the outcomes from
28 their use.

29 **Sec. 2.** RCW 13.40.020 and 2010 c 181 s 10 are each amended to read
30 as follows:

31 For the purposes of this chapter:

32 (1) "Community-based rehabilitation" means one or more of the
33 following: Employment; attendance of information classes; literacy
34 classes; counseling, outpatient substance abuse treatment programs,
35 outpatient mental health programs, anger management classes, education
36 or outpatient treatment programs to prevent animal cruelty, or other
37 services; or attendance at school or other educational programs

1 appropriate for the juvenile as determined by the school district.
2 Placement in community-based rehabilitation programs is subject to
3 available funds;

4 (2) "Community-based sanctions" may include one or more of the
5 following:

6 (a) A fine, not to exceed five hundred dollars;

7 (b) Community restitution not to exceed one hundred fifty hours of
8 community restitution;

9 (3) "Community restitution" means compulsory service, without
10 compensation, performed for the benefit of the community by the
11 offender as punishment for committing an offense. Community
12 restitution may be performed through public or private organizations or
13 through work crews;

14 (4) "Community supervision" means an order of disposition by the
15 court of an adjudicated youth not committed to the department or an
16 order granting a deferred disposition. A community supervision order
17 for a single offense may be for a period of up to two years for a sex
18 offense as defined by RCW 9.94A.030 and up to one year for other
19 offenses. As a mandatory condition of any term of community
20 supervision, the court shall order the juvenile to refrain from
21 committing new offenses. As a mandatory condition of community
22 supervision, the court shall order the juvenile to comply with the
23 mandatory school attendance provisions of chapter 28A.225 RCW and to
24 inform the school of the existence of this requirement. Community
25 supervision is an individualized program comprised of one or more of
26 the following:

27 (a) Community-based sanctions;

28 (b) Community-based rehabilitation;

29 (c) Monitoring and reporting requirements;

30 (d) Posting of a probation bond;

31 (5) "Confinement" means physical custody by the department of
32 social and health services in a facility operated by or pursuant to a
33 contract with the state, or physical custody in a detention facility
34 operated by or pursuant to a contract with any county. The county may
35 operate or contract with vendors to operate county detention
36 facilities. The department may operate or contract to operate
37 detention facilities for juveniles committed to the department.

1 Pretrial confinement or confinement of less than thirty-one days
2 imposed as part of a disposition or modification order may be served
3 consecutively or intermittently, in the discretion of the court;

4 (6) "Court," when used without further qualification, means the
5 juvenile court judge(s) or commissioner(s);

6 (7) "Criminal history" includes all criminal complaints against the
7 respondent for which, prior to the commission of a current offense:

8 (a) The allegations were found correct by a court. If a respondent
9 is convicted of two or more charges arising out of the same course of
10 conduct, only the highest charge from among these shall count as an
11 offense for the purposes of this chapter; or

12 (b) The criminal complaint was diverted by a prosecutor pursuant to
13 the provisions of this chapter on agreement of the respondent and after
14 an advisement to the respondent that the criminal complaint would be
15 considered as part of the respondent's criminal history. A
16 successfully completed deferred adjudication that was entered before
17 July 1, 1998, or a deferred disposition shall not be considered part of
18 the respondent's criminal history;

19 (8) "Department" means the department of social and health
20 services;

21 (9) "Detention facility" means a county facility, paid for by the
22 county, for the physical confinement of a juvenile alleged to have
23 committed an offense or an adjudicated offender subject to a
24 disposition or modification order. "Detention facility" includes
25 county group homes, inpatient substance abuse programs, juvenile basic
26 training camps, and electronic monitoring;

27 (10) "Diversion unit" means any probation counselor who enters into
28 a diversion agreement with an alleged youthful offender, or any other
29 person, community accountability board, youth court under the
30 supervision of the juvenile court, or other entity except a law
31 enforcement official or entity, with whom the juvenile court
32 administrator has contracted to arrange and supervise such agreements
33 pursuant to RCW 13.40.080, or any person, community accountability
34 board, or other entity specially funded by the legislature to arrange
35 and supervise diversion agreements in accordance with the requirements
36 of this chapter. For purposes of this subsection, "community
37 accountability board" means a board comprised of members of the local
38 community in which the juvenile offender resides. The superior court

1 shall appoint the members. The boards shall consist of at least three
2 and not more than seven members. If possible, the board should include
3 a variety of representatives from the community, such as a law
4 enforcement officer, teacher or school administrator, high school
5 student, parent, and business owner, and should represent the cultural
6 diversity of the local community;

7 (11) "Foster care" means temporary physical care in a foster family
8 home or group care facility as defined in RCW 74.15.020 and licensed by
9 the department, or other legally authorized care;

10 (12) "Institution" means a juvenile facility established pursuant
11 to chapters 72.05 and 72.16 through 72.20 RCW;

12 (13) "Intensive supervision program" means a parole program that
13 requires intensive supervision and monitoring, offers an array of
14 individualized treatment and transitional services, and emphasizes
15 community involvement and support in order to reduce the likelihood a
16 juvenile offender will commit further offenses;

17 (14) "Juvenile," "youth," and "child" mean any individual who is
18 under the chronological age of eighteen years and who has not been
19 previously transferred to adult court pursuant to RCW 13.40.110, unless
20 the individual was convicted of a lesser charge or acquitted of the
21 charge for which he or she was previously transferred pursuant to RCW
22 13.40.110 or who is not otherwise under adult court jurisdiction;

23 (15) "Juvenile offender" means any juvenile who has been found by
24 the juvenile court to have committed an offense, including a person
25 eighteen years of age or older over whom jurisdiction has been extended
26 under RCW 13.40.300;

27 (16) "Labor" means the period of time before a birth during which
28 contractions are of sufficient frequency, intensity, and duration to
29 bring about effacement and progressive dilation of the cervix;

30 (17) "Local sanctions" means one or more of the following: (a) 0-
31 30 days of confinement; (b) 0-12 months of community supervision; (c)
32 0-150 hours of community restitution; or (d) \$0-\$500 fine;

33 (18) "Manifest injustice" means a disposition that would either
34 impose an excessive penalty on the juvenile or would impose a serious,
35 and clear danger to society in light of the purposes of this chapter;

36 (19) "Monitoring and reporting requirements" means one or more of
37 the following: Curfews; requirements to remain at home, school, work,
38 or court-ordered treatment programs during specified hours;

1 restrictions from leaving or entering specified geographical areas;
2 requirements to report to the probation officer as directed and to
3 remain under the probation officer's supervision; and other conditions
4 or limitations as the court may require which may not include
5 confinement;

6 (20) "Offense" means an act designated a violation or a crime if
7 committed by an adult under the law of this state, under any ordinance
8 of any city or county of this state, under any federal law, or under
9 the law of another state if the act occurred in that state;

10 (21) "Physical restraint" means the use of any bodily force or
11 physical intervention to control a juvenile offender or limit a
12 juvenile offender's freedom of movement in a way that does not involve
13 a mechanical restraint. Physical restraint does not include momentary
14 periods of minimal physical restriction by direct person-to-person
15 contact, without the aid of mechanical restraint, accomplished with
16 limited force and designed to:

17 (a) Prevent a juvenile offender from completing an act that would
18 result in potential bodily harm to self or others or damage property;

19 (b) Remove a disruptive juvenile offender who is unwilling to leave
20 the area voluntarily; or

21 (c) Guide a juvenile offender from one location to another;

22 (22) "Postpartum recovery" means (a) the entire period a woman or
23 youth is in the hospital, birthing center, or clinic after giving birth
24 and (b) an additional time period, if any, a treating physician
25 determines is necessary for healing after the youth leaves the
26 hospital, birthing center, or clinic;

27 (23) "Probation bond" means a bond, posted with sufficient security
28 by a surety justified and approved by the court, to secure the
29 offender's appearance at required court proceedings and compliance with
30 court-ordered community supervision or conditions of release ordered
31 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
32 cash or posting of other collateral in lieu of a bond if approved by
33 the court;

34 (24) "Respondent" means a juvenile who is alleged or proven to have
35 committed an offense;

36 (25) "Restitution" means financial reimbursement by the offender to
37 the victim, and shall be limited to easily ascertainable damages for
38 injury to or loss of property, actual expenses incurred for medical

1 treatment for physical injury to persons, lost wages resulting from
2 physical injury, and costs of the victim's counseling reasonably
3 related to the offense. Restitution shall not include reimbursement
4 for damages for mental anguish, pain and suffering, or other intangible
5 losses. Nothing in this chapter shall limit or replace civil remedies
6 or defenses available to the victim or offender;

7 (26) "Restraints" means anything used to control the movement of a
8 person's body or limbs and includes:

9 (a) Physical restraint; or

10 (b) Mechanical device including but not limited to: Metal
11 handcuffs, plastic ties, ankle restraints, leather cuffs, other
12 hospital-type restraints, tasers, or batons;

13 (27) "Secretary" means the secretary of the department of social
14 and health services. "Assistant secretary" means the assistant
15 secretary for juvenile rehabilitation for the department;

16 (28) "Services" means services which provide alternatives to
17 incarceration for those juveniles who have pleaded or been adjudicated
18 guilty of an offense or have signed a diversion agreement pursuant to
19 this chapter;

20 (29) "Sex offense" means an offense defined as a sex offense in RCW
21 9.94A.030;

22 (30) "Sexual motivation" means that one of the purposes for which
23 the respondent committed the offense was for the purpose of his or her
24 sexual gratification;

25 (31) "Surety" means an entity licensed under state insurance laws
26 or by the state department of licensing, to write corporate, property,
27 or probation bonds within the state, and justified and approved by the
28 superior court of the county having jurisdiction of the case;

29 (32) "Transportation" means the conveying, by any means, of an
30 incarcerated pregnant youth from the institution or detention facility
31 to another location from the moment she leaves the institution or
32 detention facility to the time of arrival at the other location, and
33 includes the escorting of the pregnant incarcerated youth from the
34 institution or detention facility to a transport vehicle and from the
35 vehicle to the other location;

36 (33) "Violation" means an act or omission, which if committed by an
37 adult, must be proven beyond a reasonable doubt, and is punishable by
38 sanctions which do not include incarceration;

1 (34) "Violent offense" means a violent offense as defined in RCW
2 9.94A.030;

3 (35) "Youth court" means a diversion unit under the supervision of
4 the juvenile court;

5 (36) "Evidence-based" means a program or practice that is cost-
6 effective and includes at least two randomized or statistically
7 controlled evaluations that have demonstrated improved outcomes for its
8 intended population.

9 (37) "Prevention and treatment services" means services and
10 programs for children and youth and their families that are
11 specifically directed to address behaviors and circumstances that have
12 resulted or may result in truancy, abuse or neglect, out-of-home
13 placements, chemical dependency, substance abuse, sexual
14 aggressiveness, or mental or emotional disorders.

15 NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW
16 to read as follows:

17 (1) The department, and any other state agency that administers
18 funds related to juvenile offenders, shall, in accordance with the
19 graduated requirements of subsection (3) of this section:

20 (a) Expend state funds on prevention and treatment programs for
21 juvenile offenders that are evidence-based, as identified by the
22 Washington state institute of public policy, in consultation with a
23 university-based evidence-based practice entity in Washington state;
24 and

25 (b) In consultation with the Washington state institute for public
26 policy and the University of Washington evidence-based practice
27 institute, initiate or continue the review of sound, promising, and
28 research-based practices with the goal of identifying and expanding the
29 number and type of available evidence-based programs that are cost-
30 beneficial and effective at reducing criminal recidivism of the program
31 participants.

32 (2) When necessary to meet the requirements of subsection (3) of
33 this section, the department shall include in its contracts with
34 providers of prevention and treatment for juvenile offenders a
35 provision affirming that the provider shall provide evidence-based
36 services, that the services must be provided by staff who are trained
37 in providing evidence-based services, and that the services must be

1 accompanied by monitoring and quality control procedures that ensure
2 that they are delivered according to the applicable standards. The
3 department may use performance requirements or incentives in
4 determining the amounts payable in contracts or grants.

5 (3)(a) In order to prevent undue disturbance to existing department
6 programs, the department shall ensure that: (i) No less than sixty
7 percent of the funds expended for prevention and treatment services to
8 juvenile offenders meet the requirements of this section during fiscal
9 years 2014 and 2015; (ii) no less than sixty-five percent of the funds
10 expended meet the requirements of this section during fiscal years 2016
11 and 2017; and (iii) no less than seventy-five percent of the funds
12 expended meet the requirements of this section during fiscal years 2018
13 and 2019.

14 (b) The determination of the amount of funds expended for evidence-
15 based prevention and treatment services must include program costs
16 necessary to directly implement evidence-based programs, including
17 discrete staffing and training costs which would not have been incurred
18 but for implementation of an evidence-based program. Funds expended
19 for indirect administrative costs may not be included in the
20 determination of amounts expended for evidence-based services.

21 **Sec. 4.** RCW 71.24.025 and 2008 c 261 s 2 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Acutely mentally ill" means a condition which is limited to a
26 short-term severe crisis episode of:

27 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
28 of a child, as defined in RCW 71.34.020;

29 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
30 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
31 or

32 (c) Presenting a likelihood of serious harm as defined in RCW
33 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

34 (2) "Available resources" means funds appropriated for the purpose
35 of providing community mental health programs, federal funds, except
36 those provided according to Title XIX of the Social Security Act, and
37 state funds appropriated under this chapter or chapter 71.05 RCW by the

1 legislature during any biennium for the purpose of providing
2 residential services, resource management services, community support
3 services, and other mental health services. This does not include
4 funds appropriated for the purpose of operating and administering the
5 state psychiatric hospitals.

6 (3) "Child" means a person under the age of eighteen years.

7 (4) "Chronically mentally ill adult" or "adult who is chronically
8 mentally ill" means an adult who has a mental disorder and meets at
9 least one of the following criteria:

10 (a) Has undergone two or more episodes of hospital care for a
11 mental disorder within the preceding two years; or

12 (b) Has experienced a continuous psychiatric hospitalization or
13 residential treatment exceeding six months' duration within the
14 preceding year; or

15 (c) Has been unable to engage in any substantial gainful activity
16 by reason of any mental disorder which has lasted for a continuous
17 period of not less than twelve months. "Substantial gainful activity"
18 shall be defined by the department by rule consistent with Public Law
19 92-603, as amended.

20 (5) "Clubhouse" means a community-based program that provides
21 rehabilitation services and is certified by the department of social
22 and health services.

23 (6) "Community mental health program" means all mental health
24 services, activities, or programs using available resources.

25 (7) "Community mental health service delivery system" means public
26 or private agencies that provide services specifically to persons with
27 mental disorders as defined under RCW 71.05.020 and receive funding
28 from public sources.

29 (8) "Community support services" means services authorized,
30 planned, and coordinated through resource management services
31 including, at a minimum, assessment, diagnosis, emergency crisis
32 intervention available twenty-four hours, seven days a week,
33 prescreening determinations for persons who are mentally ill being
34 considered for placement in nursing homes as required by federal law,
35 screening for patients being considered for admission to residential
36 services, diagnosis and treatment for children who are acutely mentally
37 ill or severely emotionally disturbed discovered under screening
38 through the federal Title XIX early and periodic screening, diagnosis,

1 and treatment program, investigation, legal, and other nonresidential
2 services under chapter 71.05 RCW, case management services, psychiatric
3 treatment including medication supervision, counseling, psychotherapy,
4 assuring transfer of relevant patient information between service
5 providers, recovery services, and other services determined by regional
6 support networks.

7 (9) "Consensus-based" means a program or practice that has general
8 support among treatment providers and experts, based on experience or
9 professional literature, and may have anecdotal or case study support,
10 or that is agreed but not possible to perform studies with random
11 assignment and controlled groups.

12 (10) "County authority" means the board of county commissioners,
13 county council, or county executive having authority to establish a
14 community mental health program, or two or more of the county
15 authorities specified in this subsection which have entered into an
16 agreement to provide a community mental health program.

17 (11) "Department" means the department of social and health
18 services.

19 (12) "Designated mental health professional" means a mental health
20 professional designated by the county or other authority authorized in
21 rule to perform the duties specified in this chapter.

22 (13) "Emerging best practice" or "promising practice" means a
23 practice that presents, based on preliminary information, potential for
24 becoming a research-based or consensus-based practice.

25 (14) "Evidence-based" means a program or practice that (~~has had~~
26 ~~multiple site random controlled trials across heterogeneous populations~~
27 ~~demonstrating that the program or practice is effective for the~~) is
28 cost-effective and includes at least two randomized or statistically
29 controlled evaluations that have demonstrated improved outcomes for its
30 intended population.

31 (15) "Licensed service provider" means an entity licensed according
32 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
33 minimum standards as a result of accreditation by a recognized
34 behavioral health accrediting body recognized and having a current
35 agreement with the department, that meets state minimum standards or
36 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
37 applies to registered nurses and advanced registered nurse
38 practitioners.

1 (16) "Long-term inpatient care" means inpatient services for
2 persons committed for, or voluntarily receiving intensive treatment
3 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
4 term inpatient care" as used in this chapter does not include: (a)
5 Services for individuals committed under chapter 71.05 RCW who are
6 receiving services pursuant to a conditional release or a court-ordered
7 less restrictive alternative to detention; or (b) services for
8 individuals voluntarily receiving less restrictive alternative
9 treatment on the grounds of the state hospital.

10 (17) "Mental health services" means all services provided by
11 regional support networks and other services provided by the state for
12 persons who are mentally ill.

13 (18) "Mentally ill persons," "persons who are mentally ill," and
14 "the mentally ill" mean persons and conditions defined in subsections
15 (1), (4), (27), and (28) of this section.

16 (19) "Recovery" means the process in which people are able to live,
17 work, learn, and participate fully in their communities.

18 (20) "Regional support network" means a county authority or group
19 of county authorities or other entity recognized by the secretary in
20 contract in a defined region.

21 (21) "Registration records" include all the records of the
22 department, regional support networks, treatment facilities, and other
23 persons providing services to the department, county departments, or
24 facilities which identify persons who are receiving or who at any time
25 have received services for mental illness.

26 (22) "Research-based" means a program or practice that has some
27 research demonstrating effectiveness, but that does not yet meet the
28 standard of evidence-based practices.

29 (23) "Residential services" means a complete range of residences
30 and supports authorized by resource management services and which may
31 involve a facility, a distinct part thereof, or services which support
32 community living, for persons who are acutely mentally ill, adults who
33 are chronically mentally ill, children who are severely emotionally
34 disturbed, or adults who are seriously disturbed and determined by the
35 regional support network to be at risk of becoming acutely or
36 chronically mentally ill. The services shall include at least
37 evaluation and treatment services as defined in chapter 71.05 RCW,
38 acute crisis respite care, long-term adaptive and rehabilitative care,

1 and supervised and supported living services, and shall also include
2 any residential services developed to service persons who are mentally
3 ill in nursing homes, boarding homes, and adult family homes, and may
4 include outpatient services provided as an element in a package of
5 services in a supported housing model. Residential services for
6 children in out-of-home placements related to their mental disorder
7 shall not include the costs of food and shelter, except for children's
8 long-term residential facilities existing prior to January 1, 1991.

9 (24) "Resilience" means the personal and community qualities that
10 enable individuals to rebound from adversity, trauma, tragedy, threats,
11 or other stresses, and to live productive lives.

12 (25) "Resource management services" mean the planning,
13 coordination, and authorization of residential services and community
14 support services administered pursuant to an individual service plan
15 for: (a) Adults and children who are acutely mentally ill; (b) adults
16 who are chronically mentally ill; (c) children who are severely
17 emotionally disturbed; or (d) adults who are seriously disturbed and
18 determined solely by a regional support network to be at risk of
19 becoming acutely or chronically mentally ill. Such planning,
20 coordination, and authorization shall include mental health screening
21 for children eligible under the federal Title XIX early and periodic
22 screening, diagnosis, and treatment program. Resource management
23 services include seven day a week, twenty-four hour a day availability
24 of information regarding enrollment of adults and children who are
25 mentally ill in services and their individual service plan to
26 designated mental health professionals, evaluation and treatment
27 facilities, and others as determined by the regional support network.

28 (26) "Secretary" means the secretary of social and health services.

29 (27) "Seriously disturbed person" means a person who:

30 (a) Is gravely disabled or presents a likelihood of serious harm to
31 himself or herself or others, or to the property of others, as a result
32 of a mental disorder as defined in chapter 71.05 RCW;

33 (b) Has been on conditional release status, or under a less
34 restrictive alternative order, at some time during the preceding two
35 years from an evaluation and treatment facility or a state mental
36 health hospital;

37 (c) Has a mental disorder which causes major impairment in several
38 areas of daily living;

1 (d) Exhibits suicidal preoccupation or attempts; or

2 (e) Is a child diagnosed by a mental health professional, as
3 defined in chapter 71.34 RCW, as experiencing a mental disorder which
4 is clearly interfering with the child's functioning in family or school
5 or with peers or is clearly interfering with the child's personality
6 development and learning.

7 (28) "Severely emotionally disturbed child" or "child who is
8 severely emotionally disturbed" means a child who has been determined
9 by the regional support network to be experiencing a mental disorder as
10 defined in chapter 71.34 RCW, including those mental disorders that
11 result in a behavioral or conduct disorder, that is clearly interfering
12 with the child's functioning in family or school or with peers and who
13 meets at least one of the following criteria:

14 (a) Has undergone inpatient treatment or placement outside of the
15 home related to a mental disorder within the last two years;

16 (b) Has undergone involuntary treatment under chapter 71.34 RCW
17 within the last two years;

18 (c) Is currently served by at least one of the following child-
19 serving systems: Juvenile justice, child-protection/welfare, special
20 education, or developmental disabilities;

21 (d) Is at risk of escalating maladjustment due to:

22 (i) Chronic family dysfunction involving a caretaker who is
23 mentally ill or inadequate;

24 (ii) Changes in custodial adult;

25 (iii) Going to, residing in, or returning from any placement
26 outside of the home, for example, psychiatric hospital, short-term
27 inpatient, residential treatment, group or foster home, or a
28 correctional facility;

29 (iv) Subject to repeated physical abuse or neglect;

30 (v) Drug or alcohol abuse; or

31 (vi) Homelessness.

32 (29) "State minimum standards" means minimum requirements
33 established by rules adopted by the secretary and necessary to
34 implement this chapter for: (a) Delivery of mental health services;
35 (b) licensed service providers for the provision of mental health
36 services; (c) residential services; and (d) community support services
37 and resource management services.

1 (30) "Treatment records" include registration and all other records
2 concerning persons who are receiving or who at any time have received
3 services for mental illness, which are maintained by the department, by
4 regional support networks and their staffs, and by treatment
5 facilities. Treatment records do not include notes or records
6 maintained for personal use by a person providing treatment services
7 for the department, regional support networks, or a treatment facility
8 if the notes or records are not available to others.

9 (31) "Tribal authority," for the purposes of this section and RCW
10 71.24.300 only, means: The federally recognized Indian tribes and the
11 major Indian organizations recognized by the secretary insofar as these
12 organizations do not have a financial relationship with any regional
13 support network that would present a conflict of interest.

14 (32) "Prevention and treatment services" means services and
15 programs for children and youth and their families that are
16 specifically directed to address behaviors and circumstances that have
17 resulted or may result in truancy, abuse or neglect, out-of-home
18 placements, chemical dependency, substance abuse, sexual
19 aggressiveness, or mental or emotional disorders.

20 NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW
21 to read as follows:

22 (1) The department, and any other state agency that administers
23 funds related to prevention, treatment, and care of recipients of
24 children's mental health services, shall, in accordance with the
25 graduated requirements of subsection (3) of this section:

26 (a) Expend state funds on children's mental health prevention and
27 treatment programs or programs that are evidence-based, as identified
28 by the Washington state institute of public policy, in consultation
29 with a university-based evidence-based practice institute entity in
30 Washington state;

31 (b) In consultation with the Washington state institute for public
32 policy and the University of Washington evidence-based practice
33 institute, initiate or continue the ongoing review of sound, promising,
34 and research-based practices with the goal of identifying and expanding
35 the number and type of available evidence-based programs that are cost-
36 beneficial and effective at improving mental health outcomes for
37 participants.

1 (2) When necessary to meet the requirements of subsection (3) of
2 this section, the department shall include in its contracts with
3 regional support networks a provision requiring that the regional
4 support network contracted providers of children's mental health
5 prevention and treatment services provide evidence-based services, that
6 the services must be provided by staff who are trained in providing
7 evidence-based services, and that the services must be accompanied by
8 monitoring and quality control procedures that ensure that they are
9 delivered according to the applicable standards. The department may
10 use performance requirements or incentives in determining the amounts
11 payable in contracts or grants.

12 (3)(a) In order to prevent undue disturbance to existing department
13 programs, and to the extent that the requirements of this subsection do
14 not conflict with any department obligations under a court order or
15 consent decree, the department shall ensure that: (i) No less than
16 fifty percent of the funds expended for recipients of children's mental
17 health prevention and treatment services meet the requirements of this
18 section during fiscal years 2014 and 2015, that no less than sixty-five
19 percent of the funds expended meet the requirements of this section
20 during fiscal years 2016 and 2017; and (ii) seventy-five percent of the
21 funds expended meet the requirements of this section during fiscal
22 years 2018 and 2019.

23 (b) The determination of the amount of funds expended for evidence-
24 based services must include program costs necessary to directly
25 implement evidence-based programs, including discrete staffing and
26 training costs which would not have been incurred but for
27 implementation of an evidence-based program. Funds expended for
28 indirect administrative costs may not be included in the determination
29 of amounts expended for evidence-based services.

30 **Sec. 6.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
31 amended to read as follows:

32 For purposes of this chapter:

33 (1) "Case management" means the management of services delivered to
34 children and families in the child welfare system, including permanency
35 services, caseworker-child visits, family visits, the convening of
36 family group conferences, the development and revision of the case
37 plan, the coordination and monitoring of services needed by the child

1 and family, and the assumption of court-related duties, excluding legal
2 representation, including preparing court reports, attending judicial
3 hearings and permanency hearings, and ensuring that the child is
4 progressing toward permanency within state and federal mandates,
5 including the Indian child welfare act.

6 (2) "Child" means:

7 (a) A person less than eighteen years of age; or

8 (b) A person age eighteen to twenty-one years who is eligible to
9 receive the extended foster care services authorized under RCW
10 74.13.031.

11 (3) "Child protective services" has the same meaning as in RCW
12 26.44.020.

13 (4) "Child welfare services" means social services including
14 voluntary and in-home services, out-of-home care, case management, and
15 adoption services which strengthen, supplement, or substitute for,
16 parental care and supervision for the purpose of:

17 (a) Preventing or remedying, or assisting in the solution of
18 problems which may result in families in conflict, or the neglect,
19 abuse, exploitation, or criminal behavior of children;

20 (b) Protecting and caring for dependent, abused, or neglected
21 children;

22 (c) Assisting children who are in conflict with their parents, and
23 assisting parents who are in conflict with their children, with
24 services designed to resolve such conflicts;

25 (d) Protecting and promoting the welfare of children, including the
26 strengthening of their own homes where possible, or, where needed;

27 (e) Providing adequate care of children away from their homes in
28 foster family homes or day care or other child care agencies or
29 facilities.

30 "Child welfare services" does not include child protection
31 services.

32 (5) "Committee" means the child welfare transformation design
33 committee.

34 (6) "Department" means the department of social and health
35 services.

36 (7) "Extended foster care services" means residential and other
37 support services the department is authorized to provide to foster
38 children. These services include, but are not limited to, placement in

1 licensed, relative, or otherwise approved care, or supervised
2 independent living settings; assistance in meeting basic needs;
3 independent living services; medical assistance; and counseling or
4 treatment.

5 (8) "Measurable effects" means a statistically significant change
6 which occurs as a result of the service or services a supervising
7 agency is assigned in a performance-based contract, in time periods
8 established in the contract.

9 (9) "Out-of-home care services" means services provided after the
10 shelter care hearing to or for children in out-of-home care, as that
11 term is defined in RCW 13.34.030, and their families, including the
12 recruitment, training, and management of foster parents, the
13 recruitment of adoptive families, and the facilitation of the adoption
14 process, family reunification, independent living, emergency shelter,
15 residential group care, and foster care, including relative placement.

16 (10) "Performance-based contracting" means the structuring of all
17 aspects of the procurement of services around the purpose of the work
18 to be performed and the desired results with the contract requirements
19 set forth in clear, specific, and objective terms with measurable
20 outcomes. Contracts shall also include provisions that link the
21 performance of the contractor to the level and timing of reimbursement.

22 (11) "Permanency services" means long-term services provided to
23 secure a child's safety, permanency, and well-being, including foster
24 care services, family reunification services, adoption services, and
25 preparation for independent living services.

26 (12) "Primary prevention services" means services which are
27 designed and delivered for the primary purpose of enhancing child and
28 family well-being and are shown, by analysis of outcomes, to reduce the
29 risk to the likelihood of the initial need for child welfare services.

30 (13) "Supervising agency" means an agency licensed by the state
31 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
32 located in this state under RCW 74.15.190, that has entered into a
33 performance-based contract with the department to provide case
34 management for the delivery and documentation of child welfare
35 services, as defined in this section.

36 (14) "Evidence-based" means a program or practice that is cost-
37 effective and includes at least two randomized or statistically

1 controlled evaluations that have demonstrated improved outcomes for its
2 intended population.

3 (15) "Prevention and treatment services" means services and
4 programs for children and youth and their families that are
5 specifically directed to address behaviors and circumstances that have
6 resulted or may result in truancy, abuse or neglect, out-of-home
7 placements, chemical dependency, substance abuse, sexual
8 aggressiveness, or mental or emotional disorders.

9 NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW
10 to read as follows:

11 (1) The department, and any other state agency that administers
12 funds related to prevention, treatment, and care of recipients of child
13 welfare services, shall, in accordance with the graduated requirements
14 of subsection (3) of this section:

15 (a) Expend state funds on prevention and treatment programs for
16 recipients of child welfare services that are research-based or
17 evidence-based, as identified by the Washington state institute for
18 public policy, in consultation with a university-based evidence-based
19 practice entity in Washington state; and

20 (b) In consultation with the Washington state institute for public
21 policy and a university-based evidence-based practice entity in
22 Washington state, initiate and continue the review of sound, promising,
23 and research-based practices with the goal of identifying and expanding
24 the number and type of available evidence-based programs that are cost-
25 beneficial and effective at reducing abuse and neglect, safely reducing
26 rates of out-of-home placement, decreasing the length of time required
27 to obtain permanency for children in out-of-home care, or improving
28 child well-being for participants.

29 (2) When necessary to meet the requirements of subsection (3) of
30 this section, the department shall include in any contracts with
31 providers of prevention and treatment services for recipients of child
32 welfare services a provision affirming that the provider shall provide
33 research-based and evidence-based services, and that the services must
34 be provided by staff who are trained in providing evidence-based
35 services, and the services must be accompanied by monitoring and
36 quality control procedures that ensure that they are delivered

1 according to the applicable standards. The department may use
2 performance requirements or incentives in determining the amounts
3 payable in contracts or grants.

4 (3)(a) In order to prevent undue disturbance to existing department
5 programs and to allow time for a workforce to be sufficiently trained
6 in evidence-based practices, the requirements of this section are
7 graduated. To the extent that these requirements do not conflict with
8 the department's obligations under any court order or consent decree,
9 the department shall ensure that: (i) No less than thirty-five percent
10 of the funds expended for prevention and treatment services for
11 recipients of child welfare services meet the requirements of this
12 section during fiscal years 2014 and 2015; (ii) no less than fifty
13 percent of the funds expended meet the requirements of this section
14 during fiscal years 2016 and 2017; and (iii) no less than seventy-five
15 percent of the funds expended meet the requirements of this section
16 during fiscal years 2018 and 2019.

17 (b) The determination of the amount of funds expended for research-
18 based or evidence-based services must include program costs necessary
19 to directly implement research-based or evidence-based programs,
20 including discrete staffing and training costs which would not have
21 been incurred but for implementation of a research-based or evidence-
22 based program. Funds expended for indirect administrative costs may
23 not be included in the determination of amounts expended for evidence-
24 based services.

25 NEW SECTION. **Sec. 8.** (1) In order to achieve the requirements of
26 sections 3, 5, and 7 of this act, the department shall, in
27 collaboration with the evidence-based practice council created in
28 section 9 of this act, redirect existing funding resources as necessary
29 to coordinate the purchase of evidence-based prevention and treatment
30 services and the development of a workforce trained to implement
31 evidence-based practices.

32 (2) The department shall report annually to the appropriate
33 legislative committees regarding its progress in the coordination of
34 the purchase of evidence-based prevention and treatment services and of
35 the development of a workforce trained to implement evidence-based
36 practices. A preliminary report must be completed no later than

1 December 31, 2012. A subsequent report must be completed no later than
2 December 31, 2013, and the department shall report annually,
3 thereafter.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.20A RCW
5 to read as follows:

6 (1) The department shall establish an evidence-based practice
7 council to develop a unified and accountable system of care for the
8 coordination and the delivery of prevention and treatment services to
9 children and youth and their families. The council shall act as a
10 central mechanism for implementing evidence-based prevention and
11 treatment programs and providing wraparound care coordination and peer
12 support. The members of the evidence-based council shall include
13 representatives from:

- 14 (a) Child advocacy organizations;
- 15 (b) Tribal authorities;
- 16 (c) The division of behavioral health and recovery services;
- 17 (d) The children's administration;
- 18 (e) The juvenile rehabilitation administration;
- 19 (f) The division of developmental disabilities;
- 20 (g) The health care authority;
- 21 (h) The office of the superintendent of public instruction;
- 22 (i) Family and youth peer support organizations;
- 23 (j) Regional support networks;
- 24 (k) State and local provider organizations;
- 25 (l) The University of Washington evidence-based practice institute;
- 26 and
- 27 (m) The Washington state institute for public policy.

28 (2) The evidence-based practice council must ensure that
29 implementation of evidence-based prevention and treatment programs are
30 accompanied by monitoring and quality control procedures designed to
31 ensure that they are delivered with fidelity to the program and that
32 corrective action is taken when these standards are not met.

33 (3) The evidence-based practice council shall acknowledge any
34 existing system of quality control for the juvenile justice system in
35 place on the effective date of this section and shall work within that
36 system in meeting the graduated requirements set forth in section 3 of
37 this act.

1 (4) The evidence-based practice council must be governed by an
2 executive committee, the members of which must be the secretary or the
3 secretary's designee and the council members who are representatives
4 from the Washington state institute for public policy and the
5 University of Washington evidence-based practice institute.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.20A
7 RCW to read as follows:

8 (1) The department of social and health services shall track and
9 document compliance with sections 3, 5, and 7 of this act.

10 (2) The Washington state institute for public policy, in
11 consultation with a university-based evidence-based practice entity in
12 Washington state, and with any necessary assistance from the
13 department, shall work collaboratively to prepare a report to the
14 appropriate legislative committees. The report must include:

15 (a) An assessment of the amount of funds expended for the evidence-
16 based prevention and treatment services;

17 (b) An assessment of program fidelity to the evidence-based
18 prevention and treatment models;

19 (c) An assessment of outcomes for children and youth who receive
20 evidence-based prevention and treatment services; and

21 (d) A description of the method of the documentation of the
22 department's compliance with the requirements of sections 3, 5, and 7
23 of this act.

24 (3) The first report must be completed no later than July 1, 2013;
25 the second report must be completed no later than July 1, 2015; and the
26 final report must be completed no later than December 1, 2019.

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