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HOUSE BILL 1261

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Hope and Santos

Read first time 01/22/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to the provision of short-term emergency and crisis  
2 care for children removed from their homes; amending RCW 74.15.020;  
3 adding a new section to chapter 74.15 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that when a child is  
6 removed from his or her home due to suspected abuse or neglect it can  
7 take several hours or even days for placement plans to be made for the  
8 child during which time caseworkers have to care for the child while  
9 also trying to locate an appropriate placement for him or her. The  
10 legislature also finds that licensed foster homes are often unwilling  
11 to take a child into their home if his or her care needs have not been  
12 thoroughly assessed or he or she is in immediate need of health care or  
13 social services. The legislature further finds that there are  
14 organizations in our state that are providing or wanting to provide  
15 short-term emergency and crisis care for children under the age of  
16 thirteen; however, there is currently no appropriate, cost-effective  
17 licensure category for organizations to provide these services. The  
18 legislature intends to create a receiving care center license for  
19 agencies to provide short-term emergency and crisis care for children

1 ages birth through twelve, or for children ages thirteen through  
2 seventeen who have a sibling under thirteen years of age who have been  
3 removed from their homes by child protective services or law  
4 enforcement.

5 **Sec. 2.** RCW 74.15.020 and 2012 c 10 s 61 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter and  
8 RCW 74.13.031 unless the context clearly requires otherwise.

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

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

21 (b) "Community facility" means a group care facility operated for  
22 the care of juveniles committed to the department under RCW 13.40.185.  
23 A county detention facility that houses juveniles committed to the  
24 department under RCW 13.40.185 pursuant to a contract with the  
25 department is not a community facility;

26 (c) "Crisis residential center" means an agency which is a  
27 temporary protective residential facility operated to perform the  
28 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
29 74.13.032 through 74.13.036;

30 (d) "Emergency respite center" is an agency that may be commonly  
31 known as a crisis nursery, that provides emergency and crisis care for  
32 up to seventy-two hours to children who have been admitted by their  
33 parents or guardians to prevent abuse or neglect. Emergency respite  
34 centers may operate for up to twenty-four hours a day, and for up to  
35 seven days a week. Emergency respite centers may provide care for  
36 children ages birth through seventeen, and for persons eighteen through  
37 twenty with developmental disabilities who are admitted with a sibling

1 or siblings through age seventeen. Emergency respite centers may not  
2 substitute for crisis residential centers or HOPE centers, or any other  
3 services defined under this section, and may not substitute for  
4 services which are required under chapter 13.32A or 13.34 RCW;

5 (e) "Foster-family home" means an agency which regularly provides  
6 care on a twenty-four hour basis to one or more children, expectant  
7 mothers, or persons with developmental disabilities in the family abode  
8 of the person or persons under whose direct care and supervision the  
9 child, expectant mother, or person with a developmental disability is  
10 placed;

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

14 (g) "HOPE center" means an agency licensed by the secretary to  
15 provide temporary residential placement and other services to street  
16 youth. A street youth may remain in a HOPE center for thirty days  
17 while services are arranged and permanent placement is coordinated. No  
18 street youth may stay longer than thirty days unless approved by the  
19 department and any additional days approved by the department must be  
20 based on the unavailability of a long-term placement option. A street  
21 youth whose parent wants him or her returned to home may remain in a  
22 HOPE center until his or her parent arranges return of the youth, not  
23 longer. All other street youth must have court approval under chapter  
24 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

25 (h) "Maternity service" means an agency which provides or arranges  
26 for care or services to expectant mothers, before or during  
27 confinement, or which provides care as needed to mothers and their  
28 infants after confinement;

29 (i) "Responsible living skills program" means an agency licensed by  
30 the secretary that provides residential and transitional living  
31 services to persons ages sixteen to eighteen who are dependent under  
32 chapter 13.34 RCW and who have been unable to live in his or her  
33 legally authorized residence and, as a result, the minor lived outdoors  
34 or in another unsafe location not intended for occupancy by the minor.  
35 Dependent minors ages fourteen and fifteen may be eligible if no other  
36 placement alternative is available and the department approves the  
37 placement;

1 (j) "Service provider" means the entity that operates a community  
2 facility.

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

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

6 (i) Any blood relative, including those of half-blood, and  
7 including first cousins, second cousins, nephews or nieces, and persons  
8 of preceding generations as denoted by prefixes of grand, great, or  
9 great-great;

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

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

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

17 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this  
18 subsection (2)(a), of any half sibling of the child; or

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

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

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

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

36 (e) A person, partnership, corporation, or other entity that  
37 provides placement or similar services to international children who  
38 have entered the country by obtaining visas that meet the criteria for

1 medical care as established by the United States citizenship and  
2 immigration services, or persons who have the care of such an  
3 international child in their home;

4 (f) Schools, including boarding schools, which are engaged  
5 primarily in education, operate on a definite school year schedule,  
6 follow a stated academic curriculum, accept only school-age children  
7 and do not accept custody of children;

8 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
9 performing functions defined in chapter 70.41 RCW, nursing homes  
10 licensed under chapter 18.51 RCW and assisted living facilities  
11 licensed under chapter 18.20 RCW;

12 (h) Licensed physicians or lawyers;

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

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

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

23 (l) An agency operated by any unit of local, state, or federal  
24 government or an agency licensed by an Indian tribe pursuant to RCW  
25 74.15.190;

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

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

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

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

36 (5) "Performance-based contracts" or "contracting" means the  
37 structuring of all aspects of the procurement of services around the  
38 purpose of the work to be performed and the desired results with the

1 contract requirements set forth in clear, specific, and objective terms  
2 with measurable outcomes. Contracts may also include provisions that  
3 link the performance of the contractor to the level and timing of the  
4 reimbursement.

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

8 (7) "Receiving care center" means an agency that provides short-  
9 term emergency and crisis care for a period up to seven days to  
10 children who have been removed from their parents or guardians care by  
11 child protective services or law enforcement.

12 (8) "Requirement" means any rule, regulation, or standard of care  
13 to be maintained by an agency.

14 ((+8)) (9) "Secretary" means the secretary of social and health  
15 services.

16 ((+9)) (10) "Street youth" means a person under the age of  
17 eighteen who lives outdoors or in another unsafe location not intended  
18 for occupancy by the minor and who is not residing with his or her  
19 parent or at his or her legally authorized residence.

20 ((+10)) (11) "Supervising agency" means an agency licensed by the  
21 state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that  
22 has entered into a performance-based contract with the department to  
23 provide child welfare services.

24 ((+11)) (12) "Transitional living services" means at a minimum, to  
25 the extent funds are available, the following:

26 (a) Educational services, including basic literacy and  
27 computational skills training, either in local alternative or public  
28 high schools or in a high school equivalency program that leads to  
29 obtaining a high school equivalency degree;

30 (b) Assistance and counseling related to obtaining vocational  
31 training or higher education, job readiness, job search assistance, and  
32 placement programs;

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

36 (d) Individual and group counseling; and

37 (e) Establishing networks with federal agencies and state and local  
38 organizations such as the United States department of labor, employment

1 and training administration programs including the workforce investment  
2 act which administers private industry councils and the job corps;  
3 vocational rehabilitation; and volunteer programs.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.15 RCW  
5 to read as follows:

6 (1) The secretary is authorized to license receiving care centers.  
7 The department may adopt rules to specify licensing requirements for  
8 receiving care centers. Rules adopted by the department shall allow:

9 (a) A sufficient number of trained volunteers to meet staffing  
10 requirements;

11 (b) Flexibility in hours of operation; and

12 (c) The ability to operate in a residential area.

13 (2) Receiving care centers licensed under this section may:

14 (a) Provide care for children ages birth through twelve, or for  
15 children ages thirteen through seventeen who have a sibling or siblings  
16 under thirteen years of age who are being admitted to the receiving  
17 care center; and

18 (b) Operate up to twenty-four hours per day, and for up to seven  
19 days per week.

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