

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1261

Chapter 105, Laws of 2013

63rd Legislature
2013 Regular Session

CHILD ABUSE OR NEGLECT--CHILD PLACEMENT--EMERGENCY AND CRISIS CARE

EFFECTIVE DATE: 07/28/13

Passed by the House March 6, 2013
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 16, 2013
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 1, 2013, 2:05 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1261** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 1, 2013

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1261

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Hope and Santos)

READ FIRST TIME 02/20/13.

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 unable to
11 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 resource and assessment center license
19 for agencies to provide short-term emergency and crisis care for

1 children ages birth through twelve, or for children ages thirteen
2 through seventeen who have a sibling under thirteen years of age who
3 have been removed from their homes by child protective services or law
4 enforcement. The legislature further intends that resource and
5 assessment centers be reimbursed at the same rate as foster family
6 homes.

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

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

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

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

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

28 (c) "Crisis residential center" means an agency which is a
29 temporary protective residential facility operated to perform the
30 duties specified in chapter 13.32A RCW, in the manner provided in RCW
31 74.13.032 through 74.13.036;

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

1 children ages birth through seventeen, and for persons eighteen through
2 twenty with developmental disabilities who are admitted with a sibling
3 or siblings through age seventeen. Emergency respite centers may not
4 substitute for crisis residential centers or HOPE centers, or any other
5 services defined under this section, and may not substitute for
6 services which are required under chapter 13.32A or 13.34 RCW;

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

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

16 (g) "HOPE center" means an agency licensed by the secretary to
17 provide temporary residential placement and other services to street
18 youth. A street youth may remain in a HOPE center for thirty days
19 while services are arranged and permanent placement is coordinated. No
20 street youth may stay longer than thirty days unless approved by the
21 department and any additional days approved by the department must be
22 based on the unavailability of a long-term placement option. A street
23 youth whose parent wants him or her returned to home may remain in a
24 HOPE center until his or her parent arranges return of the youth, not
25 longer. All other street youth must have court approval under chapter
26 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

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

31 (i) "Resource and assessment center" means an agency that provides
32 short-term emergency and crisis care for a period up to seventy-two
33 hours, excluding Saturdays, Sundays, and holidays to children who have
34 been removed from their parent's or guardian's care by child protective
35 services or law enforcement;

36 (j) "Responsible living skills program" means an agency licensed by
37 the secretary that provides residential and transitional living
38 services to persons ages sixteen to eighteen who are dependent under

1 chapter 13.34 RCW and who have been unable to live in his or her
2 legally authorized residence and, as a result, the minor lived outdoors
3 or in another unsafe location not intended for occupancy by the minor.
4 Dependent minors ages fourteen and fifteen may be eligible if no other
5 placement alternative is available and the department approves the
6 placement;

7 ~~((+j))~~ (k) "Service provider" means the entity that operates a
8 community facility.

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

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

12 (i) Any blood relative, including those of half-blood, and
13 including first cousins, second cousins, nephews or nieces, and persons
14 of preceding generations as denoted by prefixes of grand, great, or
15 great-great;

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

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

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

23 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
24 subsection ~~((+a))~~, of any half sibling of the child; or

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

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

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

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

5 (e) A person, partnership, corporation, or other entity that
6 provides placement or similar services to international children who
7 have entered the country by obtaining visas that meet the criteria for
8 medical care as established by the United States citizenship and
9 immigration services, or persons who have the care of such an
10 international child in their home;

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

15 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
16 performing functions defined in chapter 70.41 RCW, nursing homes
17 licensed under chapter 18.51 RCW and assisted living facilities
18 licensed under chapter 18.20 RCW;

19 (h) Licensed physicians or lawyers;

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

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

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

30 (l) An agency operated by any unit of local, state, or federal
31 government or an agency licensed by an Indian tribe pursuant to RCW
32 74.15.190;

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

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

1 (3) "Department" means the state department of social and health
2 services.

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

6 (5) "Performance-based contracts" or "contracting" means the
7 structuring of all aspects of the procurement of services around the
8 purpose of the work to be performed and the desired results with the
9 contract requirements set forth in clear, specific, and objective terms
10 with measurable outcomes. Contracts may also include provisions that
11 link the performance of the contractor to the level and timing of the
12 reimbursement.

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

16 (7) "Requirement" means any rule, regulation, or standard of care
17 to be maintained by an agency.

18 (8) "Secretary" means the secretary of social and health services.

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

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

27 (11) "Transitional living services" means at a minimum, to the
28 extent funds are available, the following:

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

33 (b) Assistance and counseling related to obtaining vocational
34 training or higher education, job readiness, job search assistance, and
35 placement programs;

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

- 1 (d) Individual and group counseling; and
- 2 (e) Establishing networks with federal agencies and state and local
- 3 organizations such as the United States department of labor, employment
- 4 and training administration programs including the workforce investment
- 5 act which administers private industry councils and the job corps;
- 6 vocational rehabilitation; and volunteer programs.

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

9 (1) The secretary is authorized to license resource and assessment
10 centers if the agency meets the following requirements:

11 (a) There is a demonstrated need in the local community for a
12 resource and assessment center;

13 (b) The resource and assessment center will be primarily staffed by
14 trained volunteers; and

15 (c) The resource and assessment center demonstrates it is not
16 financially dependent on reimbursement from the state to operate.

17 (2) The department may adopt rules to specify licensing
18 requirements for resource and assessment centers. Rules adopted by the
19 department shall allow:

20 (a) A sufficient number of trained volunteers to meet staffing
21 requirements;

22 (b) Flexibility in hours of operation and not require the resource
23 and assessment center to be open if there are no children in its care;
24 and

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

26 (3) Resource and assessment centers licensed under this section
27 may:

28 (a) Provide care for children ages birth through twelve, or for
29 children ages thirteen through seventeen who have a sibling or siblings
30 under thirteen years of age who are being admitted to the resource and
31 assessment center; and

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

34 (4) Resource and assessment centers may not be used to address
35 placement disruptions for children who have been removed from a foster

1 home because of behavior or safety concerns.

Passed by the House March 6, 2013.

Passed by the Senate April 16, 2013.

Approved by the Governor May 1, 2013.

Filed in Office of Secretary of State May 1, 2013.