

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2440**

Chapter 166, Laws of 2016

64th Legislature  
2016 Regular Session

HOST HOME PROGRAMS--LICENSING--EXEMPTION

EFFECTIVE DATE: 6/9/2016

Passed by the House March 10, 2016  
Yeas 98 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 10, 2016  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved April 1, 2016 3:15 PM

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 2440** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

April 4, 2016

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2440**

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AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

**State of Washington                      64th Legislature                      2016 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Kagi, Smith, McBride, Hargrove, McCaslin, Dent, Clibborn, Walsh, Walkinshaw, Scott, Sawyer, Ortiz-Self, Caldier, Hudgins, Senn, Robinson, Ormsby, Cody, Jinkins, Fey, Zeiger, Frame, Kilduff, Bergquist, and Goodman)

READ FIRST TIME 02/01/16.

1            AN ACT Relating to host home programs for youth; amending RCW  
2 74.15.020 and 26.44.030; adding a new section to chapter 24.03 RCW;  
3 and creating a new section.

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

5            **Sec. 1.** RCW 74.15.020 and 2013 c 105 s 2 are each amended to  
6 read 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,  
11 or 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  
15 or placement of children for adoption, and shall include the  
16 following irrespective of whether there is compensation to the agency  
17 or to the children, expectant mothers, or persons with developmental  
18 disabilities for services rendered:

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

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

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

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

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

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

32 (g) "HOPE center" means an agency licensed by the secretary to  
33 provide temporary residential placement and other services to street  
34 youth. A street youth may remain in a HOPE center for thirty days  
35 while services are arranged and permanent placement is coordinated.  
36 No street youth may stay longer than thirty days unless approved by  
37 the department and any additional days approved by the department  
38 must be based on the unavailability of a long-term placement option.  
39 A street youth whose parent wants him or her returned to home may  
40 remain in a HOPE center until his or her parent arranges return of

1 the youth, not longer. All other street youth must have court  
2 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
3 up to thirty days;

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

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

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

22 (k) "Service provider" means the entity that operates a community  
23 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
30 performing functions defined in chapter 70.41 RCW, nursing homes  
31 licensed under chapter 18.51 RCW and assisted living facilities  
32 licensed under chapter 18.20 RCW;

33 (h) Licensed physicians or lawyers;

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

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

39 (k) Persons who have a child in their home for purposes of  
40 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if  
2 a replacement report has been filed under chapter 26.33 RCW and the  
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal  
5 government or an agency licensed by an Indian tribe pursuant to RCW  
6 74.15.190;

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

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

12 (o) A host home program, and host home, operated by a tax exempt  
13 organization for youth not in the care of or receiving services from  
14 the department, if that program: (i) Recruits and screens potential  
15 homes in the program, including performing background checks on  
16 individuals over the age of eighteen residing in the home through the  
17 Washington state patrol or equivalent law enforcement agency and  
18 performing physical inspections of the home; (ii) screens and  
19 provides case management services to youth in the program; (iii)  
20 obtains a notarized permission slip or limited power of attorney from  
21 the parent or legal guardian of the youth authorizing the youth to  
22 participate in the program and the authorization is updated every six  
23 months when a youth remains in a host home longer than six months;  
24 (iv) obtains insurance for the program through an insurance provider  
25 authorized under Title 48 RCW; (v) provides mandatory reporter and  
26 confidentiality training; and (vi) registers with the secretary of  
27 state as provided in section 3 of this act. A host home is a private  
28 home that volunteers to host youth in need of temporary placement  
29 that is associated with a host home program. Any host home program  
30 that receives local, state, or government funding shall report the  
31 following information to the office of homeless youth prevention and  
32 protection programs annually by December 1st of each year: The number  
33 of children the program served, why the child was placed with a host  
34 home, and where the child went after leaving the host home, including  
35 but not limited to returning to the parents, running away, reaching  
36 the age of majority, or becoming a dependent of the state. A host  
37 home program shall not receive more than one hundred thousand dollars  
38 per year of public funding, including local, state, and federal  
39 funding. A host home shall not receive any local, state, or  
40 government funding.

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  
10 terms with measurable outcomes. Contracts may also include provisions  
11 that link the performance of the contractor to the level and timing  
12 of the reimbursement.

13 (6) "Probationary license" means a license issued as a  
14 disciplinary measure to an agency that has previously been issued a  
15 full license but 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  
19 services.

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

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

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

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

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

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

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

7 NEW SECTION. **Sec. 2.** By July 1, 2017, the department of  
8 commerce must report to the governor and the legislature  
9 recommendations and best practices for host home programs.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 24.03  
11 RCW to read as follows:

12 (1) Host home programs have the same meaning as described in RCW  
13 74.15.020.

14 (2) Host home programs shall register with the secretary of  
15 state's office. This registration may occur when the host home  
16 program files articles of incorporation or registers as a nonprofit  
17 organization under this chapter.

18 (3) The host home program registration must include a notarized  
19 statement by the host home program that it meets all of the statutory  
20 requirements as provided for in RCW 74.15.020.

21 (4) The secretary of state has no duty to confirm that a host  
22 home program is meeting its statutory requirements.

23 (5) Any filing under this section does not imply an endorsement  
24 by the secretary of state.

25 (6) The secretary of state may adopt rules as necessary to carry  
26 out its duties under this section.

27 **Sec. 4.** RCW 26.44.030 and 2015 1st sp.s. c 6 s 1 are each  
28 amended to read as follows:

29 (1)(a) When any practitioner, county coroner or medical examiner,  
30 law enforcement officer, professional school personnel, registered or  
31 licensed nurse, social service counselor, psychologist, pharmacist,  
32 employee of the department of early learning, licensed or certified  
33 child care providers or their employees, employee of the department,  
34 juvenile probation officer, placement and liaison specialist,  
35 responsible living skills program staff, HOPE center staff, ((~~or~~))  
36 state family and children's ombuds or any volunteer in the ombuds's  
37 office, or host home program has reasonable cause to believe that a



1 child has suffered abuse or neglect, he or she shall report such  
2 incident, or cause a report to be made, to the proper law enforcement  
3 agency or to the department as provided in RCW 26.44.040.

4 (b) When any person, in his or her official supervisory capacity  
5 with a nonprofit or for-profit organization, has reasonable cause to  
6 believe that a child has suffered abuse or neglect caused by a person  
7 over whom he or she regularly exercises supervisory authority, he or  
8 she shall report such incident, or cause a report to be made, to the  
9 proper law enforcement agency, provided that the person alleged to  
10 have caused the abuse or neglect is employed by, contracted by, or  
11 volunteers with the organization and coaches, trains, educates, or  
12 counsels a child or children or regularly has unsupervised access to  
13 a child or children as part of the employment, contract, or voluntary  
14 service. No one shall be required to report under this section when  
15 he or she obtains the information solely as a result of a privileged  
16 communication as provided in RCW 5.60.060.

17 Nothing in this subsection (1)(b) shall limit a person's duty to  
18 report under (a) of this subsection.

19 For the purposes of this subsection, the following definitions  
20 apply:

21 (i) "Official supervisory capacity" means a position, status, or  
22 role created, recognized, or designated by any nonprofit or for-  
23 profit organization, either for financial gain or without financial  
24 gain, whose scope includes, but is not limited to, overseeing,  
25 directing, or managing another person who is employed by, contracted  
26 by, or volunteers with the nonprofit or for-profit organization.

27 (ii) "Organization" includes a sole proprietor, partnership,  
28 corporation, limited liability company, trust, association, financial  
29 institution, governmental entity, other than the federal government,  
30 and any other individual or group engaged in a trade, occupation,  
31 enterprise, governmental function, charitable function, or similar  
32 activity in this state whether or not the entity is operated as a  
33 nonprofit or for-profit entity.

34 (iii) "Reasonable cause" means a person witnesses or receives a  
35 credible written or oral report alleging abuse, including sexual  
36 contact, or neglect of a child.

37 (iv) "Regularly exercises supervisory authority" means to act in  
38 his or her official supervisory capacity on an ongoing or continuing  
39 basis with regards to a particular person.

40 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

1 (c) The reporting requirement also applies to department of  
2 corrections personnel who, in the course of their employment, observe  
3 offenders or the children with whom the offenders are in contact. If,  
4 as a result of observations or information received in the course of  
5 his or her employment, any department of corrections personnel has  
6 reasonable cause to believe that a child has suffered abuse or  
7 neglect, he or she shall report the incident, or cause a report to be  
8 made, to the proper law enforcement agency or to the department as  
9 provided in RCW 26.44.040.

10 (d) The reporting requirement shall also apply to any adult who  
11 has reasonable cause to believe that a child who resides with them,  
12 has suffered severe abuse, and is able or capable of making a report.  
13 For the purposes of this subsection, "severe abuse" means any of the  
14 following: Any single act of abuse that causes physical trauma of  
15 sufficient severity that, if left untreated, could cause death; any  
16 single act of sexual abuse that causes significant bleeding, deep  
17 bruising, or significant external or internal swelling; or more than  
18 one act of physical abuse, each of which causes bleeding, deep  
19 bruising, significant external or internal swelling, bone fracture,  
20 or unconsciousness.

21 (e) The reporting requirement also applies to guardians ad litem,  
22 including court-appointed special advocates, appointed under Titles  
23 11((7)) and 13((7)) RCW and ((26-RCW)) this title, who in the course  
24 of their representation of children in these actions have reasonable  
25 cause to believe a child has been abused or neglected.

26 (f) The reporting requirement in (a) of this subsection also  
27 applies to administrative and academic or athletic department  
28 employees, including student employees, of institutions of higher  
29 education, as defined in RCW 28B.10.016, and of private institutions  
30 of higher education.

31 (g) The report must be made at the first opportunity, but in no  
32 case longer than forty-eight hours after there is reasonable cause to  
33 believe that the child has suffered abuse or neglect. The report must  
34 include the identity of the accused if known.

35 (2) The reporting requirement of subsection (1) of this section  
36 does not apply to the discovery of abuse or neglect that occurred  
37 during childhood if it is discovered after the child has become an  
38 adult. However, if there is reasonable cause to believe other  
39 children are or may be at risk of abuse or neglect by the accused,

1 the reporting requirement of subsection (1) of this section does  
2 apply.

3 (3) Any other person who has reasonable cause to believe that a  
4 child has suffered abuse or neglect may report such incident to the  
5 proper law enforcement agency or to the department of social and  
6 health services as provided in RCW 26.44.040.

7 (4) The department, upon receiving a report of an incident of  
8 alleged abuse or neglect pursuant to this chapter, involving a child  
9 who has died or has had physical injury or injuries inflicted upon  
10 him or her other than by accidental means or who has been subjected  
11 to alleged sexual abuse, shall report such incident to the proper law  
12 enforcement agency, including military law enforcement, if  
13 appropriate. In emergency cases, where the child's welfare is  
14 endangered, the department shall notify the proper law enforcement  
15 agency within twenty-four hours after a report is received by the  
16 department. In all other cases, the department shall notify the law  
17 enforcement agency within seventy-two hours after a report is  
18 received by the department. If the department makes an oral report, a  
19 written report must also be made to the proper law enforcement agency  
20 within five days thereafter.

21 (5) Any law enforcement agency receiving a report of an incident  
22 of alleged abuse or neglect pursuant to this chapter, involving a  
23 child who has died or has had physical injury or injuries inflicted  
24 upon him or her other than by accidental means, or who has been  
25 subjected to alleged sexual abuse, shall report such incident in  
26 writing as provided in RCW 26.44.040 to the proper county prosecutor  
27 or city attorney for appropriate action whenever the law enforcement  
28 agency's investigation reveals that a crime may have been committed.  
29 The law enforcement agency shall also notify the department of all  
30 reports received and the law enforcement agency's disposition of  
31 them. In emergency cases, where the child's welfare is endangered,  
32 the law enforcement agency shall notify the department within twenty-  
33 four hours. In all other cases, the law enforcement agency shall  
34 notify the department within seventy-two hours after a report is  
35 received by the law enforcement agency.

36 (6) Any county prosecutor or city attorney receiving a report  
37 under subsection (5) of this section shall notify the victim, any  
38 persons the victim requests, and the local office of the department,  
39 of the decision to charge or decline to charge a crime, within five  
40 days of making the decision.

1 (7) The department may conduct ongoing case planning and  
2 consultation with those persons or agencies required to report under  
3 this section, with consultants designated by the department, and with  
4 designated representatives of Washington Indian tribes if the client  
5 information exchanged is pertinent to cases currently receiving child  
6 protective services. Upon request, the department shall conduct such  
7 planning and consultation with those persons required to report under  
8 this section if the department determines it is in the best interests  
9 of the child. Information considered privileged by statute and not  
10 directly related to reports required by this section must not be  
11 divulged without a valid written waiver of the privilege.

12 (8) Any case referred to the department by a physician licensed  
13 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
14 opinion that child abuse, neglect, or sexual assault has occurred and  
15 that the child's safety will be seriously endangered if returned  
16 home, the department shall file a dependency petition unless a second  
17 licensed physician of the parents' choice believes that such expert  
18 medical opinion is incorrect. If the parents fail to designate a  
19 second physician, the department may make the selection. If a  
20 physician finds that a child has suffered abuse or neglect but that  
21 such abuse or neglect does not constitute imminent danger to the  
22 child's health or safety, and the department agrees with the  
23 physician's assessment, the child may be left in the parents' home  
24 while the department proceeds with reasonable efforts to remedy  
25 parenting deficiencies.

26 (9) Persons or agencies exchanging information under subsection  
27 (7) of this section shall not further disseminate or release the  
28 information except as authorized by state or federal statute.  
29 Violation of this subsection is a misdemeanor.

30 (10) Upon receiving a report of alleged abuse or neglect, the  
31 department shall make reasonable efforts to learn the name, address,  
32 and telephone number of each person making a report of abuse or  
33 neglect under this section. The department shall provide assurances  
34 of appropriate confidentiality of the identification of persons  
35 reporting under this section. If the department is unable to learn  
36 the information required under this subsection, the department shall  
37 only investigate cases in which:

38 (a) The department believes there is a serious threat of  
39 substantial harm to the child;

1 (b) The report indicates conduct involving a criminal offense  
2 that has, or is about to occur, in which the child is the victim; or

3 (c) The department has a prior founded report of abuse or neglect  
4 with regard to a member of the household that is within three years  
5 of receipt of the referral.

6 (11)(a) Upon receiving a report of alleged abuse or neglect, the  
7 department shall use one of the following discrete responses to  
8 reports of child abuse or neglect that are screened in and accepted  
9 for departmental response:

10 (i) Investigation; or

11 (ii) Family assessment.

12 (b) In making the response in (a) of this subsection the  
13 department shall:

14 (i) Use a method by which to assign cases to investigation or  
15 family assessment which are based on an array of factors that may  
16 include the presence of: Imminent danger, level of risk, number of  
17 previous child abuse or neglect reports, or other presenting case  
18 characteristics, such as the type of alleged maltreatment and the age  
19 of the alleged victim. Age of the alleged victim shall not be used as  
20 the sole criterion for determining case assignment;

21 (ii) Allow for a change in response assignment based on new  
22 information that alters risk or safety level;

23 (iii) Allow families assigned to family assessment to choose to  
24 receive an investigation rather than a family assessment;

25 (iv) Provide a full investigation if a family refuses the initial  
26 family assessment;

27 (v) Provide voluntary services to families based on the results  
28 of the initial family assessment. If a family refuses voluntary  
29 services, and the department cannot identify specific facts related  
30 to risk or safety that warrant assignment to investigation under this  
31 chapter, and there is not a history of reports of child abuse or  
32 neglect related to the family, then the department must close the  
33 family assessment response case. However, if at any time the  
34 department identifies risk or safety factors that warrant an  
35 investigation under this chapter, then the family assessment response  
36 case must be reassigned to investigation;

37 (vi) Conduct an investigation, and not a family assessment, in  
38 response to an allegation that, the department determines based on  
39 the intake assessment:

1 (A) Poses a risk of "imminent harm" consistent with the  
2 definition provided in RCW 13.34.050, which includes, but is not  
3 limited to, sexual abuse and sexual exploitation as defined in this  
4 chapter;

5 (B) Poses a serious threat of substantial harm to a child;

6 (C) Constitutes conduct involving a criminal offense that has, or  
7 is about to occur, in which the child is the victim;

8 (D) The child is an abandoned child as defined in RCW 13.34.030;

9 (E) The child is an adjudicated dependent child as defined in RCW  
10 13.34.030, or the child is in a facility that is licensed, operated,  
11 or certified for care of children by the department under chapter  
12 74.15 RCW, or by the department of early learning.

13 (c) The department may not be held civilly liable for the  
14 decision to respond to an allegation of child abuse or neglect by  
15 using the family assessment response under this section unless the  
16 state or its officers, agents, or employees acted with reckless  
17 disregard.

18 (12)(a) For reports of alleged abuse or neglect that are accepted  
19 for investigation by the department, the investigation shall be  
20 conducted within time frames established by the department in rule.  
21 In no case shall the investigation extend longer than ninety days  
22 from the date the report is received, unless the investigation is  
23 being conducted under a written protocol pursuant to RCW 26.44.180  
24 and a law enforcement agency or prosecuting attorney has determined  
25 that a longer investigation period is necessary. At the completion of  
26 the investigation, the department shall make a finding that the  
27 report of child abuse or neglect is founded or unfounded.

28 (b) If a court in a civil or criminal proceeding, considering the  
29 same facts or circumstances as are contained in the report being  
30 investigated by the department, makes a judicial finding by a  
31 preponderance of the evidence or higher that the subject of the  
32 pending investigation has abused or neglected the child, the  
33 department shall adopt the finding in its investigation.

34 (13) For reports of alleged abuse or neglect that are responded  
35 to through family assessment response, the department shall:

36 (a) Provide the family with a written explanation of the  
37 procedure for assessment of the child and the family and its  
38 purposes;

39 (b) Collaborate with the family to identify family strengths,  
40 resources, and service needs, and develop a service plan with the

1 goal of reducing risk of harm to the child and improving or restoring  
2 family well-being;

3 (c) Complete the family assessment response within forty-five  
4 days of receiving the report; however, upon parental agreement, the  
5 family assessment response period may be extended up to ninety days;

6 (d) Offer services to the family in a manner that makes it clear  
7 that acceptance of the services is voluntary;

8 (e) Implement the family assessment response in a consistent and  
9 cooperative manner;

10 (f) Have the parent or guardian sign an agreement to participate  
11 in services before services are initiated that informs the parents of  
12 their rights under family assessment response, all of their options,  
13 and the options the department has if the parents do not sign the  
14 consent form.

15 (14)(a) In conducting an investigation or family assessment of  
16 alleged abuse or neglect, the department or law enforcement agency:

17 (i) May interview children. If the department determines that the  
18 response to the allegation will be family assessment response, the  
19 preferred practice is to request a parent's, guardian's, or  
20 custodian's permission to interview the child before conducting the  
21 child interview unless doing so would compromise the safety of the  
22 child or the integrity of the assessment. The interviews may be  
23 conducted on school premises, at day-care facilities, at the child's  
24 home, or at other suitable locations outside of the presence of  
25 parents. If the allegation is investigated, parental notification of  
26 the interview must occur at the earliest possible point in the  
27 investigation that will not jeopardize the safety or protection of  
28 the child or the course of the investigation. Prior to commencing the  
29 interview the department or law enforcement agency shall determine  
30 whether the child wishes a third party to be present for the  
31 interview and, if so, shall make reasonable efforts to accommodate  
32 the child's wishes. Unless the child objects, the department or law  
33 enforcement agency shall make reasonable efforts to include a third  
34 party in any interview so long as the presence of the third party  
35 will not jeopardize the course of the investigation; and

36 (ii) Shall have access to all relevant records of the child in  
37 the possession of mandated reporters and their employees.

38 (b) The Washington state school directors' association shall  
39 adopt a model policy addressing protocols when an interview, as  
40 authorized by this subsection, is conducted on school premises. In

1 formulating its policy, the association shall consult with the  
2 department and the Washington association of sheriffs and police  
3 chiefs.

4 (15) If a report of alleged abuse or neglect is founded and  
5 constitutes the third founded report received by the department  
6 within the last twelve months involving the same child or family, the  
7 department shall promptly notify the office of the family and  
8 children's ombuds of the contents of the report. The department shall  
9 also notify the ombuds of the disposition of the report.

10 (16) In investigating and responding to allegations of child  
11 abuse and neglect, the department may conduct background checks as  
12 authorized by state and federal law.

13 (17)(a) The department shall maintain investigation records and  
14 conduct timely and periodic reviews of all founded cases of abuse and  
15 neglect. The department shall maintain a log of screened-out  
16 nonabusive cases.

17 (b) In the family assessment response, the department shall not  
18 make a finding as to whether child abuse or neglect occurred. No one  
19 shall be named as a perpetrator and no investigative finding shall be  
20 entered in the department's child abuse or neglect database.

21 (18) The department shall use a risk assessment process when  
22 investigating alleged child abuse and neglect referrals. The  
23 department shall present the risk factors at all hearings in which  
24 the placement of a dependent child is an issue. Substance abuse must  
25 be a risk factor.

26 (19) Upon receipt of a report of alleged abuse or neglect the law  
27 enforcement agency may arrange to interview the person making the  
28 report and any collateral sources to determine if any malice is  
29 involved in the reporting.

30 (20) Upon receiving a report of alleged abuse or neglect  
31 involving a child under the court's jurisdiction under chapter 13.34  
32 RCW, the department shall promptly notify the child's guardian ad  
33 litem of the report's contents. The department shall also notify the  
34 guardian ad litem of the disposition of the report. For purposes of  
35 this subsection, "guardian ad litem" has the meaning provided in RCW  
36 13.34.030.

37 (21) The department shall make efforts as soon as practicable to  
38 determine the military status of parents whose children are subject  
39 to abuse or neglect allegations. If the department determines that a  
40 parent or guardian is in the military, the department shall notify a



1 department of defense family advocacy program that there is an  
2 allegation of abuse and neglect that is screened in and open for  
3 investigation that relates to that military parent or guardian.

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Passed by the Senate March 10, 2016.

Approved by the Governor April 1, 2016.

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