

2ESSB 5890 - H AMD

By Representative Kagi

ADOPTED AND ENGROSSED 6/30/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 74.13.270 and 1990 c 284 s 8 are each amended to
4 read as follows:

5 (1) The legislature recognizes the need for temporary short-term
6 relief for foster parents who care for children with emotional,
7 mental, or physical handicaps. For purposes of this section, respite
8 care means appropriate, temporary, short-term care for these foster
9 children placed with licensed foster parents. The purpose of this
10 care is to give the foster parents temporary relief from the stresses
11 associated with the care of these foster children. The department
12 shall design a program of respite care that will minimize disruptions
13 to the child and will serve foster parents within these priorities,
14 based on input from foster parents, foster parent associations, and
15 reliable research if available.

16 (2)(a) For the purposes of this section, and subject to funding
17 appropriated specifically for this purpose, short-term support shall
18 include case aides who provide temporary assistance to foster parents
19 as needed with the overall goal of supporting the parental efforts of
20 the foster parents except that this assistance shall not include
21 overnight assistance. The department shall contract with nonprofit
22 community-based organizations in each region to establish a statewide
23 pool of individuals to provide the support described in this
24 subsection. These individuals shall be hired by the nonprofit
25 community-based organization and shall have the appropriate training,
26 background checks, and qualifications as determined by the
27 department. Short-term support as described in this subsection shall
28 be available to all licensed foster parents in the state as funding
29 is available and shall be phased in by geographic region. To obtain
30 the assistance of a case aide for this purpose, the foster parent may
31 request the services from the nonprofit community-based organization
32 and the nonprofit community-based organization may offer assistance

1 to licensed foster families. If the requests for the short-term
2 support provided in this subsection exceed the funding available, the
3 nonprofit community-based organization shall have discretion to
4 determine the assignment of case aides. The nonprofit community-based
5 organization shall report all short-term support provided under this
6 subsection to the department.

7 (b) Subject to funding appropriated specifically for this
8 purpose, the Washington state institute for public policy shall
9 prepare an outcome evaluation of the short-term support described in
10 this subsection. The evaluation will, to the maximum extent possible,
11 assess the impact of the short-term support services described in
12 this subsection on the retention of foster homes and the number of
13 placements a foster child receives while in out-of-home care as well
14 as the return on investment to the state. The institute shall submit
15 a preliminary report to the appropriate committees of the legislature
16 and the governor by December 1, 2018, that describes the initial
17 implementation of these services and descriptive statistics of the
18 families utilizing these services. A final report shall be submitted
19 to the appropriate committees of the legislature by June 30, 2020. At
20 no cost to the institute, the department shall provide all data
21 necessary to discharge this duty.

22 (c) Costs associated with case aides as described in this
23 subsection shall not be included in the forecast.

24 (d) Pursuant to RCW 41.06.142(3), performance-based contracting
25 under (a) of this subsection is expressly mandated by the legislature
26 and is not subject to the processes set forth in RCW 41.06.142 (1),
27 (4), and (5).

28 NEW SECTION. Sec. 2. (1) No later than December 31, 2017, the
29 department of social and health services, in consultation with
30 stakeholders, including child placing agencies, foster parents,
31 foster care advocates, and biological parents shall identify a system
32 of support services to be provided to foster parents to assist foster
33 parents in their parental efforts with foster children and a plan to
34 implement these support services statewide, which may include
35 contracts with community-based organizations.

36 (2) For the purpose of this section, "support services" shall
37 include, but shall not be limited to, counseling, educational
38 assistance, respite care, and hands-on assistance for children with
39 high-risk behaviors.

1 (3) The department of social and health services shall submit the
2 final plan, which shall include estimated costs to implement these
3 support services and recommendations for implementing these support
4 services in a phased-in manner to the appropriate committees and the
5 legislature no later than January 15, 2018.

6 (4) This section expires February 1, 2018.

7 NEW SECTION. **Sec. 3.** (1) No later than December 31, 2017, the
8 office of innovation, alignment, and accountability, in consultation
9 with stakeholders, including child placing agencies, foster parents,
10 foster care advocates, and biological parents shall identify a system
11 of support services to be provided to foster parents to assist foster
12 parents in their parental efforts with foster children and a plan to
13 implement these support services statewide, which may include
14 contracts with community-based organizations.

15 (2) For the purpose of this section, "support services" shall
16 include, but shall not be limited to, counseling, educational
17 assistance, respite care, and hands-on assistance for children with
18 high-risk behaviors.

19 (3) The office of innovation, alignment, and accountability shall
20 submit the final plan, which shall include estimated costs to
21 implement these support services and recommendations for implementing
22 these support services in a phased-in manner to the appropriate
23 committees of the legislature no later than January 15, 2018.

24 (4) This section expires February 1, 2018.

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

27 (1) The department shall design and implement an expedited foster
28 licensing process.

29 (2) The expedited foster licensing process described in this
30 section shall be available to individuals who:

31 (a) Were licensed within the last five years;

32 (b) Were not the subject of an adverse licensing action or a
33 voluntary relinquishment;

34 (c) Seek licensure for the same residence for which he or she was
35 previously licensed provided that any changes to family constellation
36 since the previous license is limited to individuals leaving the
37 family constellation; and

1 (d) Apply to the same agency for which he or she was previously
2 licensed, with the understanding that the agency must be agreeable to
3 supervise the home.

4 (3) The department shall make every effort to ensure that
5 individuals qualifying for and seeking an expedited license are able
6 to become licensed within forty days of the department receiving his
7 or her application.

8 (4) The department shall only issue a foster license pursuant to
9 this section after receiving a completed fingerprint-based background
10 check, and may delay issuance of an expedited license solely based on
11 awaiting the results of a background check.

12 (5) The department may issue a provisional expedited license
13 pursuant to this section before completing a home study, but shall
14 complete the home study as soon as possible after issuing a
15 provisional expedited license.

16 (6) The department and its officers, agents, employees, and
17 volunteers are not liable for injuries caused by the expedited foster
18 licensing process.

19 **Sec. 5.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
20 each reenacted and amended to read as follows:

21 (1) The Washington state patrol identification and criminal
22 history section shall disclose conviction records as follows:

23 (a) An applicant's conviction record, upon the request of a
24 business or organization as defined in RCW 43.43.830, a
25 developmentally disabled person, or a vulnerable adult as defined in
26 RCW 43.43.830 or his or her guardian;

27 (b) The conviction record of an applicant for certification, upon
28 the request of the Washington professional educator standards board;

29 (c) Any conviction record to aid in the investigation and
30 prosecution of child, developmentally disabled person, and vulnerable
31 adult abuse cases and to protect children and adults from further
32 incidents of abuse, upon the request of a law enforcement agency, the
33 office of the attorney general, prosecuting authority, or the
34 department of social and health services; and

35 (d) A prospective client's or resident's conviction record, upon
36 the request of a business or organization that qualifies for
37 exemption under section 501(c)(3) of the internal revenue code of
38 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter

1 or transitional housing for children, persons with developmental
2 disabilities, or vulnerable adults.

3 (2) The secretary of the department of social and health services
4 must establish rules and set standards to require specific action
5 when considering the information received pursuant to subsection (1)
6 of this section, and when considering additional information
7 including but not limited to civil adjudication proceedings as
8 defined in RCW 43.43.830 and any out-of-state equivalent, in the
9 following circumstances:

10 (a) When considering persons for state employment in positions
11 directly responsible for the supervision, care, or treatment of
12 children, vulnerable adults, or individuals with mental illness or
13 developmental disabilities provided that: For persons residing in a
14 home that will be utilized to provide foster care for dependent
15 youth, a criminal background check will be required for all persons
16 aged sixteen and older and the department of social and health
17 services may require a criminal background check for persons who are
18 younger than sixteen in situations where it may be warranted to
19 ensure the safety of youth in foster care;

20 (b) When considering persons for state positions involving
21 unsupervised access to vulnerable adults to conduct comprehensive
22 assessments, financial eligibility determinations, licensing and
23 certification activities, investigations, surveys, or case
24 management; or for state positions otherwise required by federal law
25 to meet employment standards;

26 (c) When licensing agencies or facilities with individuals in
27 positions directly responsible for the care, supervision, or
28 treatment of children, developmentally disabled persons, or
29 vulnerable adults, including but not limited to agencies or
30 facilities licensed under chapter 74.15 or 18.51 RCW;

31 (d) When contracting with individuals or businesses or
32 organizations for the care, supervision, case management, or
33 treatment, including peer counseling, of children, developmentally
34 disabled persons, or vulnerable adults, including but not limited to
35 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
36 or 74.39A RCW or Title 71A RCW;

37 (e) When individual providers are paid by the state or providers
38 are paid by home care agencies to provide in-home services involving
39 unsupervised access to persons with physical, mental, or
40 developmental disabilities or mental illness, or to vulnerable adults

1 as defined in chapter 74.34 RCW, including but not limited to
2 services provided under chapter 74.39 or 74.39A RCW.

3 (3) The director of the department of early learning shall
4 investigate the conviction records, pending charges, and other
5 information including civil adjudication proceeding records of
6 current employees and of any person actively being considered for any
7 position with the department who will or may have unsupervised access
8 to children, or for state positions otherwise required by federal law
9 to meet employment standards. "Considered for any position" includes
10 decisions about (a) initial hiring, layoffs, reallocations,
11 transfers, promotions, or demotions, or (b) other decisions that
12 result in an individual being in a position that will or may have
13 unsupervised access to children as an employee, an intern, or a
14 volunteer.

15 (4) The director of the department of early learning shall adopt
16 rules and investigate conviction records, pending charges, and other
17 information including civil adjudication proceeding records, in the
18 following circumstances:

19 (a) When licensing or certifying agencies with individuals in
20 positions that will or may have unsupervised access to children who
21 are in child day care, in early learning programs, or receiving early
22 childhood education services, including but not limited to licensees,
23 agency staff, interns, volunteers, contracted providers, and persons
24 living on the premises who are sixteen years of age or older;

25 (b) When authorizing individuals who will or may have
26 unsupervised access to children who are in child day care, in early
27 learning programs, or receiving early childhood learning education
28 services in licensed or certified agencies, including but not limited
29 to licensees, agency staff, interns, volunteers, contracted
30 providers, and persons living on the premises who are sixteen years
31 of age or older;

32 (c) When contracting with any business or organization for
33 activities that will or may have unsupervised access to children who
34 are in child day care, in early learning programs, or receiving early
35 childhood learning education services;

36 (d) When establishing the eligibility criteria for individual
37 providers to receive state paid subsidies to provide child day care
38 or early learning services that will or may involve unsupervised
39 access to children.

1 (5) Whenever a state conviction record check is required by state
2 law, persons may be employed or engaged as volunteers or independent
3 contractors on a conditional basis pending completion of the state
4 background investigation. Whenever a national criminal record check
5 through the federal bureau of investigation is required by state law,
6 a person may be employed or engaged as a volunteer or independent
7 contractor on a conditional basis pending completion of the national
8 check. The Washington personnel resources board shall adopt rules to
9 accomplish the purposes of this subsection as it applies to state
10 employees.

11 (6)(a) For purposes of facilitating timely access to criminal
12 background information and to reasonably minimize the number of
13 requests made under this section, recognizing that certain health
14 care providers change employment frequently, health care facilities
15 may, upon request from another health care facility, share copies of
16 completed criminal background inquiry information.

17 (b) Completed criminal background inquiry information may be
18 shared by a willing health care facility only if the following
19 conditions are satisfied: The licensed health care facility sharing
20 the criminal background inquiry information is reasonably known to be
21 the person's most recent employer, no more than twelve months has
22 elapsed from the date the person was last employed at a licensed
23 health care facility to the date of their current employment
24 application, and the criminal background information is no more than
25 two years old.

26 (c) If criminal background inquiry information is shared, the
27 health care facility employing the subject of the inquiry must
28 require the applicant to sign a disclosure statement indicating that
29 there has been no conviction or finding as described in RCW 43.43.842
30 since the completion date of the most recent criminal background
31 inquiry.

32 (d) Any health care facility that knows or has reason to believe
33 that an applicant has or may have a disqualifying conviction or
34 finding as described in RCW 43.43.842, subsequent to the completion
35 date of their most recent criminal background inquiry, shall be
36 prohibited from relying on the applicant's previous employer's
37 criminal background inquiry information. A new criminal background
38 inquiry shall be requested pursuant to RCW 43.43.830 through
39 43.43.842.

1 (e) Health care facilities that share criminal background inquiry
2 information shall be immune from any claim of defamation, invasion of
3 privacy, negligence, or any other claim in connection with any
4 dissemination of this information in accordance with this subsection.

5 (f) Health care facilities shall transmit and receive the
6 criminal background inquiry information in a manner that reasonably
7 protects the subject's rights to privacy and confidentiality.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34
9 RCW to read as follows:

10 (1) Within the department's appropriations, the department shall
11 ensure that a case review panel reviews cases involving dependent
12 children where permanency is not achieved for children within
13 eighteen months after being placed in out-of-home care.

14 (2) The case review panel shall be comprised of, at a minimum, a
15 lead social services specialist and either the office of the family
16 and children's ombuds or another external organization with child
17 welfare experience.

18 (3) Beginning September 1, 2018, the panel shall review all cases
19 where, after the effective date of this section, a dependent child
20 reaches eighteen months in out-of-home placement and has not achieved
21 permanency. This review must occur by the child's nineteenth month in
22 out-of-home placement. At each case review, the panel must develop a
23 plan of action, including recommended next steps for the department
24 to take, to achieve permanency.

25 (4) The department is encouraged to convene the case review panel
26 regularly to review other cases involving dependent children as
27 needed to ensure stability and permanency is achieved and length of
28 stay for children in out-of-home placement is reduced.

29 **Sec. 7.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to
30 read as follows:

31 (1) The department and supervising agencies shall develop,
32 administer, supervise, and monitor a coordinated and comprehensive
33 plan that establishes, aids, and strengthens services for the
34 protection and care of runaway, dependent, or neglected children.

35 (2) Within available resources, the department and supervising
36 agencies shall recruit an adequate number of prospective adoptive and
37 foster homes, both regular and specialized, i.e. homes for children
38 of ethnic minority, including Indian homes for Indian children,

1 sibling groups, handicapped and emotionally disturbed, teens,
2 pregnant and parenting teens, and the department shall annually
3 report to the governor and the legislature concerning the
4 department's and supervising agency's success in: (a) Meeting the
5 need for adoptive and foster home placements; (b) reducing the foster
6 parent turnover rate; (c) completing home studies for legally free
7 children; and (d) implementing and operating the passport program
8 required by RCW 74.13.285. The report shall include a section
9 entitled "Foster Home Turn-Over, Causes and Recommendations."

10 (3) The department shall investigate complaints of any recent act
11 or failure to act on the part of a parent or caretaker that results
12 in death, serious physical or emotional harm, or sexual abuse or
13 exploitation, or that presents an imminent risk of serious harm, and
14 on the basis of the findings of such investigation, offer child
15 welfare services in relation to the problem to such parents, legal
16 custodians, or persons serving in loco parentis, and/or bring the
17 situation to the attention of an appropriate court, or another
18 community agency. An investigation is not required of nonaccidental
19 injuries which are clearly not the result of a lack of care or
20 supervision by the child's parents, legal custodians, or persons
21 serving in loco parentis. If the investigation reveals that a crime
22 against a child may have been committed, the department shall notify
23 the appropriate law enforcement agency.

24 (4) As provided in RCW 26.44.030(11), the department may respond
25 to a report of child abuse or neglect by using the family assessment
26 response.

27 (5) The department or supervising agencies shall offer, on a
28 voluntary basis, family reconciliation services to families who are
29 in conflict.

30 (6) The department or supervising agencies shall monitor
31 placements of children in out-of-home care and in-home dependencies
32 to assure the safety, well-being, and quality of care being provided
33 is within the scope of the intent of the legislature as defined in
34 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
35 home care and in-home dependencies and their caregivers shall receive
36 a private and individual face-to-face visit each month. The
37 department and the supervising agencies shall randomly select no less
38 than ten percent of the caregivers currently providing care to
39 receive one unannounced face-to-face visit in the caregiver's home
40 per year. No caregiver will receive an unannounced visit through the

1 random selection process for two consecutive years. If the caseworker
2 makes a good faith effort to conduct the unannounced visit to a
3 caregiver and is unable to do so, that month's visit to that
4 caregiver need not be unannounced. The department and supervising
5 agencies are encouraged to group monthly visits to caregivers by
6 geographic area so that in the event an unannounced visit cannot be
7 completed, the caseworker may complete other required monthly visits.
8 The department shall use a method of random selection that does not
9 cause a fiscal impact to the department.

10 The department or supervising agencies shall conduct the monthly
11 visits with children and caregivers to whom it is providing child
12 welfare services.

13 (7) The department and supervising agencies shall have authority
14 to accept custody of children from parents and to accept custody of
15 children from juvenile courts, where authorized to do so under law,
16 to provide child welfare services including placement for adoption,
17 to provide for the routine and necessary medical, dental, and mental
18 health care, or necessary emergency care of the children, and to
19 provide for the physical care of such children and make payment of
20 maintenance costs if needed. Except where required by Public Law
21 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which
22 receives children for adoption from the department shall discriminate
23 on the basis of race, creed, or color when considering applications
24 in their placement for adoption.

25 (8) The department and supervising agency shall have authority to
26 provide temporary shelter to children who have run away from home and
27 who are admitted to crisis residential centers.

28 (9) The department and supervising agency shall have authority to
29 purchase care for children.

30 (10) The department shall establish a children's services
31 advisory committee with sufficient members representing supervising
32 agencies which shall assist the secretary in the development of a
33 partnership plan for utilizing resources of the public and private
34 sectors, and advise on all matters pertaining to child welfare,
35 licensing of child care agencies, adoption, and services related
36 thereto. At least one member shall represent the adoption community.

37 (11)(a) The department and supervising agencies shall provide
38 continued extended foster care services to nonminor dependents who
39 are:

1 (i) Enrolled in a secondary education program or a secondary
2 education equivalency program;

3 (ii) Enrolled and participating in a postsecondary academic or
4 postsecondary vocational education program;

5 (iii) Participating in a program or activity designed to promote
6 employment or remove barriers to employment;

7 (iv) Engaged in employment for eighty hours or more per month; or

8 (v) Not able to engage in any of the activities described in
9 (a)(i) through (iv) of this subsection due to a documented medical
10 condition.

11 (b) To be eligible for extended foster care services, the
12 nonminor dependent must have been dependent and in foster care at the
13 time that he or she reached age eighteen years. If the dependency
14 case of the nonminor dependent was dismissed pursuant to RCW
15 13.34.267, he or she may receive extended foster care services
16 pursuant to a voluntary placement agreement under RCW 74.13.336 or
17 pursuant to an order of dependency issued by the court under RCW
18 13.34.268. A nonminor dependent whose dependency case was dismissed
19 by the court must have requested extended foster care services before
20 reaching age nineteen years.

21 (c) The department shall develop and implement rules regarding
22 youth eligibility requirements.

23 (d) The department shall make efforts to ensure that extended
24 foster care services maximize medicaid reimbursements. This must
25 include the department ensuring that health and mental health
26 extended foster care providers participate in medicaid, unless the
27 condition of the extended foster care youth requires specialty care
28 that is not available among participating medicaid providers or there
29 are no participating medicaid providers in the area. The department
30 shall coordinate other services to maximize federal resources and the
31 most cost-efficient delivery of services to extended foster care
32 youth.

33 (12) The department shall have authority to provide adoption
34 support benefits, or relative guardianship subsidies on behalf of
35 youth ages eighteen to twenty-one years who achieved permanency
36 through adoption or a relative guardianship at age sixteen or older
37 and who meet the criteria described in subsection (11) of this
38 section.

39 (13) The department shall refer cases to the division of child
40 support whenever state or federal funds are expended for the care and

1 maintenance of a child, including a child with a developmental
2 disability who is placed as a result of an action under chapter 13.34
3 RCW, unless the department finds that there is good cause not to
4 pursue collection of child support against the parent or parents of
5 the child. Cases involving individuals age eighteen through twenty
6 shall not be referred to the division of child support unless
7 required by federal law.

8 (14) The department and supervising agencies shall have authority
9 within funds appropriated for foster care services to purchase care
10 for Indian children who are in the custody of a federally recognized
11 Indian tribe or tribally licensed child-placing agency pursuant to
12 parental consent, tribal court order, or state juvenile court order.
13 The purchase of such care is exempt from the requirements of chapter
14 74.13B RCW and may be purchased from the federally recognized Indian
15 tribe or tribally licensed child-placing agency, and shall be subject
16 to the same eligibility standards and rates of support applicable to
17 other children for whom the department purchases care.

18 Notwithstanding any other provision of RCW 13.32A.170 through
19 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and
20 74.13.036, or of this section all services to be provided by the
21 department under subsections (4), (7), and (8) of this section,
22 subject to the limitations of these subsections, may be provided by
23 any program offering such services funded pursuant to Titles II and
24 III of the federal juvenile justice and delinquency prevention act of
25 1974.

26 (15) Within amounts appropriated for this specific purpose, the
27 supervising agency or department shall provide preventive services to
28 families with children that prevent or shorten the duration of an
29 out-of-home placement.

30 (16) The department and supervising agencies shall have authority
31 to provide independent living services to youths, including
32 individuals who have attained eighteen years of age, and have not
33 attained twenty-one years of age who are or have been in foster care.

34 (17) The department and supervising agencies shall consult at
35 least quarterly with foster parents, including members of the foster
36 parent association of Washington state, for the purpose of receiving
37 information and comment regarding how the department and supervising
38 agencies are performing the duties and meeting the obligations
39 specified in this section and RCW 74.13.250 and 74.13.320 regarding
40 the recruitment of foster homes, reducing foster parent turnover

1 rates, providing effective training for foster parents, and
2 administering a coordinated and comprehensive plan that strengthens
3 services for the protection of children. Consultation shall occur at
4 the regional and statewide levels.

5 (18)(a) The department shall, within current funding levels,
6 place on its public web site a document listing the duties and
7 responsibilities the department has to a child subject to a
8 dependency petition including, but not limited to, the following:

9 (i) Reasonable efforts, including the provision of services,
10 toward reunification of the child with his or her family;

11 (ii) Sibling visits subject to the restrictions in RCW
12 13.34.136(2)(b)(ii);

13 (iii) Parent-child visits;

14 (iv) Statutory preference for placement with a relative or other
15 suitable person, if appropriate; and

16 (v) Statutory preference for an out-of-home placement that allows
17 the child to remain in the same school or school district, if
18 practical and in the child's best interests.

19 (b) The document must be prepared in conjunction with a
20 community-based organization and must be updated as needed.

21 (19) The department shall have the authority to purchase legal
22 representation for parents of children who are at risk of being
23 dependent, or who are dependent, to establish or modify a parenting
24 plan under chapter 26.09 or 26.26 RCW, when it is necessary for the
25 child's safety, permanence, or well-being. This subsection does not
26 create an entitlement to legal representation purchased by the
27 department and does not create judicial authority to order the
28 department to purchase legal representation for a parent. Such
29 determinations are solely within the department's discretion.

30 **Sec. 8.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to
31 read as follows:

32 The factors to be considered by the secretary in setting the
33 amount of any payment or payments to be made pursuant to RCW
34 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting
35 standards hereunder shall include: The size of the family including
36 the adoptive child, the usual living expenses of the family, the
37 special needs of any family member including education needs, the
38 family income, the family resources and plan for savings, the medical
39 and hospitalization needs of the family, the family's means of

1 purchasing or otherwise receiving such care, and any other expenses
2 likely to be needed by the child to be adopted. In setting the amount
3 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005
4 through 74.13A.080, the secretary is authorized to establish maximum
5 payment amounts that are reasonable and allow permanency planning
6 goals related to adoption of children under RCW 13.34.145 to be
7 achieved at the earliest possible date. To encourage adoption of
8 children between the ages of fourteen and eighteen, and in particular
9 those children between the ages of fourteen and eighteen who are hard
10 to place for adoption, the secretary is authorized to include as part
11 of any new negotiated adoption agreement executed after the effective
12 date of this section continued eligibility for the Washington college
13 bound scholarship pursuant to RCW 28B.118.010.

14 The amounts paid for the support of a child pursuant to RCW
15 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to
16 family and from year to year. Due to changes in economic
17 circumstances or the needs of the child such payments may be
18 discontinued and later resumed.

19 Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080
20 may be continued by the secretary subject to review as provided for
21 herein, if such parent or parents having such child in their custody
22 establish their residence in another state or a foreign jurisdiction.

23 In fixing the standards to govern the amount and character of
24 payments to be made for the support of adopted children pursuant to
25 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing
26 rules and regulations to carry out the provisions of RCW 26.33.320
27 and 74.13A.005 through 74.13A.080, the secretary shall consider the
28 comments and recommendations of the committee designated by the
29 secretary to advise him or her with respect to child welfare.

30 **Sec. 9.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to
31 read as follows:

32 To carry out the program authorized by RCW 26.33.320 and
33 (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the
34 secretary may make continuing payments or lump sum payments of
35 adoption support. In lieu of continuing payments, or in addition to
36 them, the secretary may make one or more specific lump sum payments
37 for or on behalf of a hard to place child either to the adoptive
38 parents or directly to other persons to assist in correcting any
39 condition causing such child to be hard to place for adoption.

1 Consistent with a particular child's needs, continuing adoption
2 support payments shall include, if necessary to facilitate or support
3 the adoption of a special needs child, an amount sufficient to remove
4 any reasonable financial barrier to adoption as determined by the
5 secretary under RCW (~~74.13.112~~) 74.13A.025.

6 After determination by the secretary of the amount of a payment
7 or the initial amount of continuing payments, the prospective parent
8 or parents who desire such support shall sign an agreement with the
9 secretary providing for the payment, in the manner and at the time or
10 times prescribed in regulations to be issued by the secretary subject
11 to the provisions of RCW 26.33.320 and (~~74.13.100 through~~
12 ~~74.13.145~~) 74.13A.005 through 74.13A.080, of the amount or amounts
13 of support so determined.

14 Payments shall be subject to review as provided in RCW 26.33.320
15 and (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080.

16 **Sec. 10.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to
17 read as follows:

18 (1) To ensure expenditures continue to remain within available
19 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
20 shall not set the amount of any adoption assistance payment or
21 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
22 74.13A.080, to more than eighty percent of the foster care
23 maintenance payment for that child had he or she remained in a foster
24 family home during the same period. This subsection applies
25 prospectively to adoption assistance agreements established on or
26 after July 1, 2013, through June 30, 2017.

27 (2)(a) To ensure expenditures continue to remain within available
28 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
29 shall not set the amount of any adoption assistance payment or
30 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
31 74.13A.080, to more than the following:

32 (i) For a child under the age of five, no more than eighty
33 percent of the foster care maintenance payment for that child had he
34 or she remained in a foster family home during the same period.

35 (ii) For a child aged five through nine, no more than ninety
36 percent of the foster care maintenance payment for that child had he
37 or she remained in a foster family home during the same period.

38 (iii) For a child aged ten through eighteen, no more than ninety-
39 five percent of the foster care maintenance payment for that child

1 had he or she remained in a foster family home during the same
2 period.

3 (b) This subsection applies prospectively to adoption assistance
4 agreements established on or after the effective date of this
5 section.

6 (3) The department must establish a central unit of adoption
7 support negotiators to help ensure consistent negotiation of adoption
8 support agreements that will balance the needs of adoptive families
9 with the state's need to remain fiscally responsible.

10 ~~((+3))~~ (4) The department must request, in writing, that
11 adoptive families with existing adoption support contracts
12 renegotiate their contracts to establish lower adoption assistance
13 payments if it is fiscally feasible for the family to do so. The
14 department shall explain that adoption support contracts may be
15 renegotiated as needs arise.

16 **Sec. 11.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each
17 amended to read as follows:

18 The office of student financial assistance shall design the
19 Washington college bound scholarship program in accordance with this
20 section and in alignment with the state need grant program in chapter
21 28B.92 RCW unless otherwise provided in this section.

22 (1) "Eligible students" are those students who:

23 (a) Qualify for free or reduced-price lunches. If a student
24 qualifies in the seventh grade, the student remains eligible even if
25 the student does not receive free or reduced-price lunches
26 thereafter; ~~((ø))~~

27 (b) Are dependent pursuant to chapter 13.34 RCW and:

28 (i) In grade seven through twelve; or

29 (ii) Are between the ages of eighteen and twenty-one and have not
30 graduated from high school; or

31 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
32 between the ages of fourteen and eighteen with a negotiated adoption
33 agreement that includes continued eligibility for the Washington
34 state college bound scholarship program pursuant to RCW 74.13A.025.

35 (2) Eligible students shall be notified of their eligibility for
36 the Washington college bound scholarship program beginning in their
37 seventh grade year. Students shall also be notified of the
38 requirements for award of the scholarship.

1 (3)(a) To be eligible for a Washington college bound scholarship,
2 a student eligible under subsection (1)(a) of this section must sign
3 a pledge during seventh or eighth grade that includes a commitment to
4 graduate from high school with at least a C average and with no
5 felony convictions. The pledge must be witnessed by a parent or
6 guardian and forwarded to the office of student financial assistance
7 by mail or electronically, as indicated on the pledge form.

8 (b) A student eligible under subsection (1)(b) of this section
9 shall be automatically enrolled, with no action necessary by the
10 student or the student's family, and the enrollment form must be
11 forwarded by the department of social and health services to the
12 higher education coordinating board or its successor by mail or
13 electronically, as indicated on the form.

14 (4)(a) Scholarships shall be awarded to eligible students
15 graduating from public high schools, approved private high schools
16 under chapter 28A.195 RCW, or who received home-based instruction
17 under chapter 28A.200 RCW.

18 (b)(i) To receive the Washington college bound scholarship, a
19 student must graduate with at least a "C" average from a public high
20 school or an approved private high school under chapter 28A.195 RCW
21 in Washington or have received home-based instruction under chapter
22 28A.200 RCW, must have no felony convictions, and must be a resident
23 student as defined in RCW 28B.15.012(2) (a) through (d).

24 (ii) For eligible children as defined in subsection (1)(b) and
25 (c) of this section, to receive the Washington college bound
26 scholarship, a student must have received a high school equivalency
27 certificate as provided in RCW 28B.50.536 or have graduated with at
28 least a "C" average from a public high school or an approved private
29 high school under chapter 28A.195 RCW in Washington or have received
30 home-based instruction under chapter 28A.200 RCW, must have no felony
31 convictions, and must be a resident student as defined in RCW
32 28B.15.012(2) (a) through (d).

33 For a student who does not meet the "C" average requirement, and
34 who completes fewer than two quarters in the running start program,
35 under chapter 28A.600 RCW, the student's first quarter of running
36 start course grades must be excluded from the student's overall grade
37 point average for purposes of determining their eligibility to
38 receive the scholarship.

39 (5) A student's family income will be assessed upon graduation
40 before awarding the scholarship.

1 (6) If at graduation from high school the student's family income
2 does not exceed sixty-five percent of the state median family income,
3 scholarship award amounts shall be as provided in this section.

4 (a) For students attending two or four-year institutions of
5 higher education as defined in RCW 28B.10.016, the value of the award
6 shall be (i) the difference between the student's tuition and
7 required fees, less the value of any state-funded grant, scholarship,
8 or waiver assistance the student receives; (ii) plus five hundred
9 dollars for books and materials.

10 (b) For students attending private four-year institutions of
11 higher education in Washington, the award amount shall be the
12 representative average of awards granted to students in public
13 research universities in Washington or the representative average of
14 awards granted to students in public research universities in
15 Washington in the 2014-15 academic year, whichever is greater.

16 (c) For students attending private vocational schools in
17 Washington, the award amount shall be the representative average of
18 awards granted to students in public community and technical colleges
19 in Washington or the representative average of awards granted to
20 students in public community and technical colleges in Washington in
21 the 2014-15 academic year, whichever is greater.

22 (7) Recipients may receive no more than four full-time years'
23 worth of scholarship awards.

24 (8) Institutions of higher education shall award the student all
25 need-based and merit-based financial aid for which the student would
26 otherwise qualify. The Washington college bound scholarship is
27 intended to replace unmet need, loans, and, at the student's option,
28 work-study award before any other grants or scholarships are reduced.

29 (9) The first scholarships shall be awarded to students
30 graduating in 2012.

31 (10) The state of Washington retains legal ownership of tuition
32 units awarded as scholarships under this chapter until the tuition
33 units are redeemed. These tuition units shall remain separately held
34 from any tuition units owned under chapter 28B.95 RCW by a Washington
35 college bound scholarship recipient.

36 (11) The scholarship award must be used within five years of
37 receipt. Any unused scholarship tuition units revert to the
38 Washington college bound scholarship account.

39 (12) Should the recipient terminate his or her enrollment for any
40 reason during the academic year, the unused portion of the

1 scholarship tuition units shall revert to the Washington college
2 bound scholarship account.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 41.04
4 RCW to read as follows:

5 (1) The foster parent shared leave pool is created to allow
6 employees to donate leave to be used as shared leave for any employee
7 who is a foster parent needing to care for or preparing to accept a
8 foster child in their home. Participation in the pool shall, at all
9 times, be voluntary on the part of the employee. The department of
10 social and health services, in consultation with the office of
11 financial management, shall administer the foster parent shared leave
12 pool.

13 (2) Employees, as defined in RCW 41.04.655, may donate leave to
14 the foster parent shared leave pool.

15 (3) An employee, as defined in RCW 41.04.655, who is also a
16 foster parent licensed pursuant to RCW 74.15.040 may request shared
17 leave from the foster parent shared leave pool.

18 (4) Shared leave under this section may not be granted unless the
19 pool has a sufficient balance to fund the requested shared leave.

20 (5) Shared leave paid under this section must not exceed the
21 level of the employee's state monthly salary.

22 (6) Any leave donated must be removed from the personally
23 accumulated leave balance of the employee donating the leave.

24 (7) An employee who receives shared leave from the pool is not
25 required to recontribute such leave to the pool, except as otherwise
26 provided in this section.

27 (8) Leave that may be donated or received by any one employee
28 shall be calculated as in RCW 41.04.665.

29 (9) As used in this section, "monthly salary" includes monthly
30 salary and special pay and shift differential, or the monthly
31 equivalent for hourly employees. "Monthly salary" does not include:

- 32 (a) Overtime pay;
- 33 (b) Call back pay;
- 34 (c) Standby pay; or
- 35 (d) Performance bonuses.

36 (10) The office of financial management, in consultation with the
37 department of social and health services, shall adopt rules and
38 policies governing the donation and use of shared leave from the
39 foster parent shared leave pool, including definitions of pay and

1 allowances and guidelines for agencies to use in recordkeeping
2 concerning shared leave.

3 (11) Agencies must investigate any alleged abuse of the foster
4 parent shared leave pool and on a finding of wrongdoing, the employee
5 may be required to repay all of the shared leave received from the
6 foster parent shared leave pool.

7 (12) Higher education institutions shall adopt policies
8 consistent with the needs of the employees under their respective
9 jurisdictions.

10 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.06
11 RCW to read as follows:

12 Within the office of the governor's appropriations, the governor
13 shall regularly acknowledge the contributions of foster parents to
14 the state of Washington with, at a minimum, a letter signed by the
15 governor. The department of social and health services shall provide
16 to the office of the governor all data necessary to discharge this
17 duty.

18 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.13
19 RCW to read as follows:

20 (1) The child welfare system improvement account is created in
21 the state treasury. Moneys in the account may be spent only after
22 appropriation. Moneys in the account may be expended solely for the
23 following: (a) Foster home licensing; (b) achieving permanency for
24 children; (c) support and assistance provided to foster parents in
25 order to improve foster home retention and stability of placements;
26 (d) improving and increasing placement options for youth in out-of-
27 home care; and (e) preventing out-of-home placement.

28 (2) Revenues to the child welfare system improvement account
29 consist of: (a) Legislative appropriations; and (b) any other public
30 or private funds appropriated to or deposited in the account.

31 NEW SECTION. **Sec. 15.** RCW 74.13.107 (Child and family
32 reinvestment account—Methodology for calculating savings resulting
33 from reductions in foster care caseloads and per capita costs) and
34 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

1 NEW SECTION. **Sec. 16.** RCW 74.12.037 (Income eligibility—
2 Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s
3 4 are each repealed, effective July 1, 2018.

4 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
5 repealed:

6 (1) RCW 43.131.415 (Child and family reinvestment account and
7 methodology for calculating savings—Termination) and 2012 c 204 s 4;
8 and

9 (2) RCW 43.131.416 (Child and family reinvestment account and
10 methodology for calculating savings—Repeal) and 2013 c 332 s 13 &
11 2012 c 204 s 5.

12 NEW SECTION. **Sec. 18.** Any residual balance of funds remaining
13 in the child and family reinvestment account repealed by section 17
14 of this act must be transferred to the general fund.

15 NEW SECTION. **Sec. 19.** Pursuant to RCW 41.06.142(3), the
16 competitive procurement process and contract provisions in this act
17 are expressly mandated by the legislature and are not subject to the
18 processes of RCW 41.06.142 (1), (4), and (5).

19 NEW SECTION. **Sec. 20.** Section 17 of this act is necessary for
20 the immediate preservation of the public peace, health, or safety, or
21 support of the state government and its existing public institutions,
22 and takes effect June 30, 2017.

23 NEW SECTION. **Sec. 21.** Section 18 of this act is necessary for
24 the immediate preservation of the public peace, health, or safety, or
25 support of the state government and its existing public institutions,
26 and takes effect July 1, 2017.

27 NEW SECTION. **Sec. 22.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 23.** If any part of this act is found to be in
32 conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal

1 requirements that are a prescribed condition to the allocation of
2 federal funds to the state, the conflicting part of this act is
3 inoperative solely to the extent of the conflict and with respect to
4 the agencies directly affected, and this finding does not affect the
5 operation of the remainder of this act in its application to the
6 agencies concerned. Rules adopted under this act must meet federal
7 requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and
8 federal requirements that are a necessary condition to the receipt of
9 federal funds by the state.

10 **Sec. 24.** RCW 26.44.030 and 2017 c 118 s 1 are each amended to
11 read as follows:

12 (1)(a) When any practitioner, county coroner or medical examiner,
13 law enforcement officer, professional school personnel, registered or
14 licensed nurse, social service counselor, psychologist, pharmacist,
15 employee of the department of early learning, licensed or certified
16 child care providers or their employees, employee of the department,
17 juvenile probation officer, placement and liaison specialist,
18 responsible living skills program staff, HOPE center staff, state
19 family and children's ombuds or any volunteer in the ombuds's office,
20 or host home program has reasonable cause to believe that a child has
21 suffered abuse or neglect, he or she shall report such incident, or
22 cause a report to be made, to the proper law enforcement agency or to
23 the department as provided in RCW 26.44.040.

24 (b) When any person, in his or her official supervisory capacity
25 with a nonprofit or for-profit organization, has reasonable cause to
26 believe that a child has suffered abuse or neglect caused by a person
27 over whom he or she regularly exercises supervisory authority, he or
28 she shall report such incident, or cause a report to be made, to the
29 proper law enforcement agency, provided that the person alleged to
30 have caused the abuse or neglect is employed by, contracted by, or
31 volunteers with the organization and coaches, trains, educates, or
32 counsels a child or children or regularly has unsupervised access to
33 a child or children as part of the employment, contract, or voluntary
34 service. No one shall be required to report under this section when
35 he or she obtains the information solely as a result of a privileged
36 communication as provided in RCW 5.60.060.

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

1 For the purposes of this subsection, the following definitions
2 apply:

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

9 (ii) "Organization" includes a sole proprietor, partnership,
10 corporation, limited liability company, trust, association, financial
11 institution, governmental entity, other than the federal government,
12 and any other individual or group engaged in a trade, occupation,
13 enterprise, governmental function, charitable function, or similar
14 activity in this state whether or not the entity is operated as a
15 nonprofit or for-profit entity.

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

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

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

23 (c) The reporting requirement also applies to department of
24 corrections personnel who, in the course of their employment, observe
25 offenders or the children with whom the offenders are in contact. If,
26 as a result of observations or information received in the course of
27 his or her employment, any department of corrections personnel has
28 reasonable cause to believe that a child has suffered abuse or
29 neglect, he or she shall report the incident, or cause a report to be
30 made, to the proper law enforcement agency or to the department as
31 provided in RCW 26.44.040.

32 (d) The reporting requirement shall also apply to any adult who
33 has reasonable cause to believe that a child who resides with them,
34 has suffered severe abuse, and is able or capable of making a report.
35 For the purposes of this subsection, "severe abuse" means any of the
36 following: Any single act of abuse that causes physical trauma of
37 sufficient severity that, if left untreated, could cause death; any
38 single act of sexual abuse that causes significant bleeding, deep
39 bruising, or significant external or internal swelling; or more than
40 one act of physical abuse, each of which causes bleeding, deep

1 bruising, significant external or internal swelling, bone fracture,
2 or unconsciousness.

3 (e) The reporting requirement also applies to guardians ad litem,
4 including court-appointed special advocates, appointed under Titles
5 11 and 13 RCW and this title, who in the course of their
6 representation of children in these actions have reasonable cause to
7 believe a child has been abused or neglected.

8 (f) The reporting requirement in (a) of this subsection also
9 applies to administrative and academic or athletic department
10 employees, including student employees, of institutions of higher
11 education, as defined in RCW 28B.10.016, and of private institutions
12 of higher education.

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

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

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

28 (4) The department, upon receiving a report of an incident of
29 alleged abuse or neglect pursuant to this chapter, involving a child
30 who has died or has had physical injury or injuries inflicted upon
31 him or her other than by accidental means or who has been subjected
32 to alleged sexual abuse, shall report such incident to the proper law
33 enforcement agency, including military law enforcement, if
34 appropriate. In emergency cases, where the child's welfare is
35 endangered, the department shall notify the proper law enforcement
36 agency within twenty-four hours after a report is received by the
37 department. In all other cases, the department shall notify the law
38 enforcement agency within seventy-two hours after a report is
39 received by the department. If the department makes an oral report, a

1 written report must also be made to the proper law enforcement agency
2 within five days thereafter.

3 (5) Any law enforcement agency receiving a report of an incident
4 of alleged abuse or neglect pursuant to this chapter, involving a
5 child who has died or has had physical injury or injuries inflicted
6 upon him or her other than by accidental means, or who has been
7 subjected to alleged sexual abuse, shall report such incident in
8 writing as provided in RCW 26.44.040 to the proper county prosecutor
9 or city attorney for appropriate action whenever the law enforcement
10 agency's investigation reveals that a crime may have been committed.
11 The law enforcement agency shall also notify the department of all
12 reports received and the law enforcement agency's disposition of
13 them. In emergency cases, where the child's welfare is endangered,
14 the law enforcement agency shall notify the department within twenty-
15 four hours. In all other cases, the law enforcement agency shall
16 notify the department within seventy-two hours after a report is
17 received by the law enforcement agency.

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

23 (7) The department may conduct ongoing case planning and
24 consultation with those persons or agencies required to report under
25 this section, with consultants designated by the department, and with
26 designated representatives of Washington Indian tribes if the client
27 information exchanged is pertinent to cases currently receiving child
28 protective services. Upon request, the department shall conduct such
29 planning and consultation with those persons required to report under
30 this section if the department determines it is in the best interests
31 of the child. Information considered privileged by statute and not
32 directly related to reports required by this section must not be
33 divulged without a valid written waiver of the privilege.

34 (8) Any case referred to the department by a physician licensed
35 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
36 opinion that child abuse, neglect, or sexual assault has occurred and
37 that the child's safety will be seriously endangered if returned
38 home, the department shall file a dependency petition unless a second
39 licensed physician of the parents' choice believes that such expert
40 medical opinion is incorrect. If the parents fail to designate a

1 second physician, the department may make the selection. If a
2 physician finds that a child has suffered abuse or neglect but that
3 such abuse or neglect does not constitute imminent danger to the
4 child's health or safety, and the department agrees with the
5 physician's assessment, the child may be left in the parents' home
6 while the department proceeds with reasonable efforts to remedy
7 parenting deficiencies.

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

12 (10) Upon receiving a report of alleged abuse or neglect, the
13 department shall make reasonable efforts to learn the name, address,
14 and telephone number of each person making a report of abuse or
15 neglect under this section. The department shall provide assurances
16 of appropriate confidentiality of the identification of persons
17 reporting under this section. If the department is unable to learn
18 the information required under this subsection, the department shall
19 only investigate cases in which:

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

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

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

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

31 (i) Investigation; or

32 (ii) Family assessment.

33 (b) In making the response in (a) of this subsection the
34 department shall:

35 (i) Use a method by which to assign cases to investigation or
36 family assessment which are based on an array of factors that may
37 include the presence of: Imminent danger, level of risk, number of
38 previous child abuse or neglect reports, or other presenting case
39 characteristics, such as the type of alleged maltreatment and the age

1 of the alleged victim. Age of the alleged victim shall not be used as
2 the sole criterion for determining case assignment;

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

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

7 (iv) Provide a full investigation if a family refuses the initial
8 family assessment;

9 (v) Provide voluntary services to families based on the results
10 of the initial family assessment. If a family refuses voluntary
11 services, and the department cannot identify specific facts related
12 to risk or safety that warrant assignment to investigation under this
13 chapter, and there is not a history of reports of child abuse or
14 neglect related to the family, then the department must close the
15 family assessment response case. However, if at any time the
16 department identifies risk or safety factors that warrant an
17 investigation under this chapter, then the family assessment response
18 case must be reassigned to investigation;

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

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

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

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

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

30 (E) The child is an adjudicated dependent child as defined in RCW
31 13.34.030, or the child is in a facility that is licensed, operated,
32 or certified for care of children by the department under chapter
33 74.15 RCW, or by the department of early learning.

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

39 (12)(a) For reports of alleged abuse or neglect that are accepted
40 for investigation by the department, the investigation shall be

1 conducted within time frames established by the department in rule.
2 In no case shall the investigation extend longer than ninety days
3 from the date the report is received, unless the investigation is
4 being conducted under a written protocol pursuant to RCW 26.44.180
5 and a law enforcement agency or prosecuting attorney has determined
6 that a longer investigation period is necessary. At the completion of
7 the investigation, the department shall make a finding that the
8 report of child abuse or neglect is founded or unfounded.

9 (b) If a court in a civil or criminal proceeding, considering the
10 same facts or circumstances as are contained in the report being
11 investigated by the department, makes a judicial finding by a
12 preponderance of the evidence or higher that the subject of the
13 pending investigation has abused or neglected the child, the
14 department shall adopt the finding in its investigation.

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

17 (a) Provide the family with a written explanation of the
18 procedure for assessment of the child and the family and its
19 purposes;

20 (b) Collaborate with the family to identify family strengths,
21 resources, and service needs, and develop a service plan with the
22 goal of reducing risk of harm to the child and improving or restoring
23 family well-being;

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

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

29 (e) Implement the family assessment response in a consistent and
30 cooperative manner;

31 (f) Have the parent or guardian (~~(sign an agreement)~~) agree to
32 participate in services before services are initiated (~~(that)~~). The
33 department shall inform(~~(s)~~) the parents of their rights under family
34 assessment response, all of their options, and the options the
35 department has if the parents do not (~~(sign the consent form)~~) agree
36 to participate in services.

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

39 (i) May interview children. If the department determines that the
40 response to the allegation will be family assessment response, the

1 preferred practice is to request a parent's, guardian's, or
2 custodian's permission to interview the child before conducting the
3 child interview unless doing so would compromise the safety of the
4 child or the integrity of the assessment. The interviews may be
5 conducted on school premises, at day-care facilities, at the child's
6 home, or at other suitable locations outside of the presence of
7 parents. If the allegation is investigated, parental notification of
8 the interview must occur at the earliest possible point in the
9 investigation that will not jeopardize the safety or protection of
10 the child or the course of the investigation. Prior to commencing the
11 interview the department or law enforcement agency shall determine
12 whether the child wishes a third party to be present for the
13 interview and, if so, shall make reasonable efforts to accommodate
14 the child's wishes. Unless the child objects, the department or law
15 enforcement agency shall make reasonable efforts to include a third
16 party in any interview so long as the presence of the third party
17 will not jeopardize the course of the investigation; and

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

20 (b) The Washington state school directors' association shall
21 adopt a model policy addressing protocols when an interview, as
22 authorized by this subsection, is conducted on school premises. In
23 formulating its policy, the association shall consult with the
24 department and the Washington association of sheriffs and police
25 chiefs.

26 (15) If a report of alleged abuse or neglect is founded and
27 constitutes the third founded report received by the department
28 within the last twelve months involving the same child or family, the
29 department shall promptly notify the office of the family and
30 children's ombuds of the contents of the report. The department shall
31 also notify the ombuds of the disposition of the report.

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

35 (17)(a) The department shall maintain investigation records and
36 conduct timely and periodic reviews of all founded cases of abuse and
37 neglect. The department shall maintain a log of screened-out
38 nonabusive cases.

39 (b) In the family assessment response, the department shall not
40 make a finding as to whether child abuse or neglect occurred. No one

1 shall be named as a perpetrator and no investigative finding shall be
2 entered in the department's child abuse or neglect database.

3 (18) The department shall use a risk assessment process when
4 investigating alleged child abuse and neglect referrals. The
5 department shall present the risk factors at all hearings in which
6 the placement of a dependent child is an issue. Substance abuse must
7 be a risk factor.

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

12 (20) Upon receiving a report of alleged abuse or neglect
13 involving a child under the court's jurisdiction under chapter 13.34
14 RCW, the department shall promptly notify the child's guardian ad
15 litem of the report's contents. The department shall also notify the
16 guardian ad litem of the disposition of the report. For purposes of
17 this subsection, "guardian ad litem" has the meaning provided in RCW
18 13.34.030.

19 (21) The department shall make efforts as soon as practicable to
20 determine the military status of parents whose children are subject
21 to abuse or neglect allegations. If the department determines that a
22 parent or guardian is in the military, the department shall notify a
23 department of defense family advocacy program that there is an
24 allegation of abuse and neglect that is screened in and open for
25 investigation that relates to that military parent or guardian.

26 (22) The department shall make available on its public web site a
27 downloadable and printable poster that includes the reporting
28 requirements included in this section. The poster must be no smaller
29 than eight and one-half by eleven inches with all information on one
30 side. The poster must be made available in both the English and
31 Spanish languages. Organizations that include employees or volunteers
32 subject to the reporting requirements of this section must clearly
33 display this poster in a common area. At a minimum, this poster must
34 include the following:

- 35 (a) Who is required to report child abuse and neglect;
- 36 (b) The standard of knowledge to justify a report;
- 37 (c) The definition of reportable crimes;
- 38 (d) Where to report suspected child abuse and neglect; and
- 39 (e) What should be included in a report and the appropriate
40 timing.

1 NEW SECTION. **Sec. 25.** (1) The department of social and health
2 services, with technical consultation from the caseload forecast
3 council and associated technical work groups, shall review the
4 forecasts of licensed foster care to ensure that all youth in
5 licensed foster care are included in the caseload forecast and that
6 maintenance level costs associated with these youth, not including
7 costs associated with behavioral rehabilitation services, are
8 accurately calculated.

9 (2) The department of social and health services shall submit a
10 report detailing their findings and any recommendations associated
11 with this review to the governor and the appropriate committees of
12 the legislature no later than December 1, 2017.

13 (3) This section expires January 1, 2018.

14 NEW SECTION. **Sec. 26.** Section 2 of this act takes effect only
15 if neither Second Engrossed Second Substitute House Bill No. 1661
16 (including any later amendments or substitutes) nor Substitute Senate
17 Bill No. 5498 (including any later amendments or substitutes) is
18 signed into law by the governor by the effective date of this
19 section.

20 NEW SECTION. **Sec. 27.** Section 3 of this act takes effect only
21 if Second Engrossed Second Substitute House Bill No. 1661 (including
22 any later amendments or substitutes) or Substitute Senate Bill No.
23 5498 (including any later amendments or substitutes) is signed into
24 law by the governor by the effective date of this section.

25 NEW SECTION. **Sec. 28.** APPROPRIATIONS FOR THE OFFICE OF CIVIL
26 LEGAL AID. (1) The sums of \$648,000 from the state general fund for
27 fiscal year 2018 and \$648,000 from the state general fund for fiscal
28 year 2019, or so much thereof as may be necessary, are each
29 appropriated to the office of civil legal aid and are provided solely
30 for the office to provide legal representation for foster children in
31 two counties at the initial shelter care hearing in dependency
32 proceedings prior to termination of parental rights in conjunction
33 with the research assessment authorized in subsection (2) of this
34 section.

35 (2)(a) The sum of \$75,000, or so much thereof as may be
36 necessary, is appropriated from the state general fund for fiscal
37 year 2019 to the office of civil legal aid and is provided solely for

1 the office to contract with the Washington state center for court
2 research for a statistically reliable assessment of differential
3 outcomes in dependency proceedings prior to termination of parental
4 rights. The assessment must involve a randomized control test or
5 other appropriate research methodology. The center may engage or
6 otherwise associate with other researcher organizations, as
7 appropriate, to help with data design, collection, and analysis. The
8 assessment must compare impacts and outcomes for foster children who
9 receive standards-based legal representation to those who are not
10 represented by an attorney before termination of parental rights. The
11 assessment must focus on dependent children in Grant, Lewis, Douglas,
12 and Whatcom counties. The assessment must quantify differentials, if
13 any, between the experience of children who are represented in the
14 dependency proceeding and those who are not in relation to the
15 following:

- 16 (i) The time to achieve permanency and permanency outcomes; and
17 (ii) Educational, social, or other relevant child welfare
18 indicators as determined relevant by the center including, but not
19 limited to, relevant child welfare indicators identified through
20 consultation with foster children, youth, and other stakeholders
21 involved in the research assessment.

22 The assessment must also identify and project cost savings to the
23 state, if any, as a result of providing legal representation for
24 children at the shelter care hearing.

25 (b) The office of the superintendent of public instruction and
26 the children's administration or a successor agency shall provide, in
27 compliance with the federal family education rights and privacy act,
28 the center with necessary data including necessary personal
29 identifiers. The office of the superintendent of public instruction
30 shall consult with the center to ensure the validity of data elements
31 and the interpretation of results.

32 (c) The Washington state center for court research shall report
33 its initial findings to the legislature by December 31, 2019. Subject
34 to the availability of amounts appropriated during the 2019-2021
35 fiscal biennium or obtained from other sources, the center may
36 continue the research assessment through December 31, 2021, and
37 submit a supplemental report to the legislature. The report or
38 reports may not include personal identifiers, or any personally
39 identifiable information, as defined in the federal family
40 educational rights and privacy act.

1 (d) The office of civil legal aid may apply for and receive
2 grants, donations, or other contributions to help underwrite this
3 research assessment effort."

4 Correct the title.

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