
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1661

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford, and Slatter; by request of Office of the Governor)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to creating the department of children, youth,
2 and families; amending RCW 43.215.030, 43.17.010, 43.17.020,
3 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070,
4 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405,
5 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315,
6 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303,
7 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595,
8 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180,
9 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040,
10 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030,
11 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360,
12 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150,
13 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039,
14 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030,
15 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200,
16 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060,
17 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050,
18 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070,
19 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045,
20 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310,
21 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468,
22 13.40.510, 13.40.520, 13.40.540, 13.40.560, 74.14A.030, 74.14A.040,
23 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010,

1 72.05.020, 72.05.130, 72.05.154, 72.05.415, 72.05.435, 72.05.440,
2 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060,
3 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050,
4 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060,
5 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020,
6 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060,
7 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and
8 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010,
9 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010,
10 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section
11 to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW;
12 adding a new chapter to Title 43 RCW; creating new sections;
13 recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050,
14 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090,
15 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102,
16 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130,
17 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137,
18 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195,
19 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215,
20 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230,
21 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270,
22 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307,
23 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335,
24 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370,
25 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415,
26 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440,
27 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457,
28 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476,
29 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502,
30 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530,
31 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550,
32 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900,
33 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909;
34 decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907,
35 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850,
36 43.215.040, and 44.04.220; providing effective dates; providing an
37 expiration date; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** FINDINGS. (1) The legislature finds that
2 state services are not currently organized and delivered in a way
3 that achieves the optimal outcomes for children, youth, and families.
4 The legislature believes that, to improve service delivery and
5 outcomes, existing services must be restructured into a comprehensive
6 agency dedicated to the safety, development, and well-being of
7 children that emphasizes prevention, early childhood development, and
8 early intervention, and supporting parents to be their children's
9 first and most important teachers.

10 (2) The legislature finds that:

11 (a) The early years of a child's life are critical to the child's
12 healthy brain development and that the quality of caregiving during
13 the early years can significantly impact the child's intellectual,
14 social, and emotional development;

15 (b) A successful outcome for every child obtaining a K-12
16 education depends on children being prepared from birth for academic
17 and social success in school. For children at risk of school failure,
18 the opportunity gap often emerges as early as eighteen months of age;

19 (c) A more cohesive and integrated early learning system has been
20 established that provides a solid foundation for further improvements
21 in the quality and availability of early learning programs; and

22 (d) Increasing the availability of high quality services for
23 children ages birth to three and their parents or caregivers will
24 result in improved school and life outcomes.

25 (3) One of the purposes of this act is to safeguard and promote
26 the health, safety, and well-being of children receiving child care
27 and early learning assistance, which is paramount over the right of
28 any person to provide such care.

29 (4) Research is clear that quality early care and education
30 builds the foundation for a child's success in school and in life. In
31 restructuring early learning and child welfare services, the
32 legislature seeks to build on the success of Washington's early
33 learning efforts to assure children most at risk of experiencing
34 adversity are provided high quality early learning experiences.

35 (5) The legislature finds that advancements in research and
36 science have identified indicators of risk, how they impact healthy
37 development, and the critical importance of stable, nurturing
38 relationships, particularly in the early years. Services for families
39 and children should be prioritized for those who are most at risk of
40 neglect, physical harm, and other adverse factors.

1 (6) The legislature finds that a focus on adolescent development
2 is needed to ensure that effective supports and interventions are
3 targeted to support adolescents successfully transitioning to
4 adulthood. Youth known to both the child welfare and juvenile justice
5 systems often suffer from childhood trauma, have multisystem
6 involvement, and experience homelessness. Increased integration of
7 the child welfare and juvenile justice systems can increase
8 opportunities for prevention and improve outcomes for youth in both
9 systems.

10 (7) The legislature finds that children and youth of color are
11 disproportionately impacted at every point in the child welfare and
12 juvenile justice systems. The department of children, youth, and
13 families must prioritize addressing equity, disproportionality, and
14 disparity in service delivery and outcomes, and provide transparent,
15 frequent reporting of outcomes by race, ethnicity, and geography. The
16 legislature finds that the state values the partnership with tribes
17 in providing services for our children and youth and intends to honor
18 the government-to-government relationship between the state and
19 tribes embodied by the Centennial Accord.

20 (8) The department of children, youth, and families must be
21 anchored in a culture of innovation, transparency, accountability,
22 rigorous data analysis, and reliance on research and evidence-based
23 interventions.

24 (9) The legislature finds that the public expects an effective
25 service delivery system that is comprehensive, accountable, and goes
26 beyond a single department's role. For this reason, the legislature
27 is creating a mechanism in the department of children, youth, and
28 families to align, integrate, and ensure accountability of state
29 services for children, youth, and their families across state
30 agencies so that there is a seamless, effective, prevention and early
31 intervention-based service system regardless of which state agency is
32 responsible for particular services.

33 (10) The legislature finds that the work of the department of
34 children, youth, and families will only be as successful as its
35 workforce—both the agency employees and community-based vendors.
36 Increased support for the professionals working with children, youth,
37 and families is critical to improving outcomes.

38 (11) The legislature further finds that other states have
39 successfully established integrated departments dedicated to serving
40 children, youth, and families. These departments have improved the

1 visibility of child and family issues, increased authority and
2 accountability, enabled system improvements, and created a stronger
3 focus on improving child outcomes.

4 **PART I**

5 **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES CREATED**

6 NEW SECTION. **Sec. 101.** (1)(a) The department of children,
7 youth, and families is created as an executive branch agency. The
8 department is vested with all powers and duties transferred to it
9 under this act and such other powers and duties as may be authorized
10 by law. The vision for the department is that Washington state's
11 children and youth grow up safe and health-thriving physically,
12 emotionally, and academically, nurtured by family and community.

13 (b) The department, in partnership with state and local agencies,
14 tribes, and communities, shall protect children and youth from harm
15 and promote healthy development with effective, high quality
16 prevention, intervention, and early education services delivered in
17 an equitable manner. An important role for the department shall be to
18 provide preventative services to help secure and preserve families in
19 crisis. The department shall partner with the federally recognized
20 Indian tribes in Washington and the federally recognized Indian
21 tribes that are signatories to the Centennial Accord to develop
22 effective services for youth and families while respecting the
23 sovereignty of those tribes and the government-to-government
24 relationship embodied by the Centennial Accord. Nothing in
25 chapter . . . , Laws of 2017 (this act) alters the duties,
26 requirements, and policies of the federal Indian child welfare act,
27 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child
28 welfare act, chapter 13.38 RCW.

29 (2) The department must develop definitions for, work plans to
30 address, and metrics to measure the outcomes for children, youth, and
31 families served by the department and must work with state agencies
32 to ensure services for children, youth, and families are science-
33 based, outcome-driven, data-informed, and collaborative.

34 (3)(a) The department must establish short and long-term
35 population level outcome measure goals, including metrics regarding
36 reducing disparities by family income, race, and ethnicity in each
37 outcome.

1 (b) The department must report to the legislature on outcome
2 measures and progress toward these goals no less than annually,
3 beginning December 1, 2018.

4 (c) The outcome measures must include, but are not limited to:

5 (i) Improving child development and school readiness through
6 voluntary, high quality early learning opportunities as measured by:

7 (A) Increasing the number and proportion of children kindergarten-
8 ready as measured by the Washington kindergarten inventory of
9 developing skills (WAKids) assessment including mathematics; (B)
10 increasing the proportion of children in early learning programs that
11 have achieved the level 3 or higher early achiever quality standard;
12 and (C) increasing the available supply of licensed child care
13 including providers not receiving state subsidy;

14 (ii) Preventing child abuse and neglect;

15 (iii) Improving child and youth safety, permanency, and well-
16 being as measured by: (A) Reducing the number of children entering
17 out-of-home care; (B) reducing a child's length of stay in out-of-
18 home care; (C) reducing maltreatment of youth while in out-of-home
19 care; (D) licensing more foster homes than there are children in
20 foster care; (E) reducing the number of children that reenter out-of-
21 home care within twelve months; and (F) increasing the stability of
22 placements for children in out-of-home care;

23 (iv) Improving reconciliation of children and youth with their
24 families as measured by: (A) Increasing family reunification; and (B)
25 increasing the number of youth who are reunified with their family of
26 origin;

27 (v) In collaboration with county juvenile justice programs,
28 improving adolescent outcomes including reducing multisystem
29 involvement and homelessness; and increasing school graduation rates
30 and successful transitions to adulthood for youth involved in the
31 child welfare and juvenile justice systems;

32 (vi) Reducing future demand for mental health and substance use
33 disorder treatment for youth involved in the child welfare and
34 juvenile justice systems;

35 (vii) In collaboration with county juvenile justice programs,
36 reducing criminal justice involvement and recidivism as measured by:
37 (A) An increase in the number of youth who successfully complete the
38 terms of diversion or alternative sentencing options; (B) a decrease
39 in the number of youth who commit subsequent crimes; and (C)

1 eliminating the discharge of youth from institutional settings into
2 homelessness; and

3 (viii) Reducing racial and ethnic disproportionality and
4 disparities in system involvement and across child and youth outcomes
5 in collaboration with other state agencies.

6 (4) The department must:

7 (a) Lead ongoing collaborative work to minimize or eliminate
8 systemic barriers to effective, integrated services in collaboration
9 with state agencies serving children, youth, and families;

10 (b) Identify necessary improvements and updates to statutes
11 relevant to their responsibilities and proposing legislative changes
12 to the governor no less than biennially;

13 (c) Help create a data-focused environment in which there are
14 aligned outcomes and shared accountability for achieving those
15 outcomes, with shared, real-time data that is accessible to
16 authorized persons interacting with the family, child, or youth to
17 identify what is needed and which services would be effective; and

18 (d) Lead the provision of state services to adolescents, focusing
19 on key transition points for youth, including exiting foster care and
20 institutions, and coordinating with the office of homeless youth
21 prevention and protection programs to address the unique needs of
22 homeless youth.

23 (5) The department is accountable to the public. To ensure
24 transparency, agency performance data for the services provided by
25 the department, including outcome data for contracted services, must
26 be available to the public, consistent with protecting the
27 confidentiality of the individuals. Publicly available data must
28 include budget and funding decisions and performance data on metrics
29 identified in this section. This data must be readily accessible on
30 the department's web site. The department shall ensure that all new
31 and renewed contracts for services are performance-based.

32 (6) As used in this section, "performance-based contract" means
33 results-oriented contracting that focuses on the quality or outcomes
34 that tie at least a portion of the contractor's payment, contract
35 extensions, or contract renewals to the achievement of specific
36 measurable performance standards and requirements.

37 **Sec. 102.** RCW 43.215.030 and 2006 c 265 s 104 are each amended
38 to read as follows:

1 (1) The executive head and appointing authority of the department
2 is the ~~((director))~~ secretary. The ~~((director))~~ secretary shall be
3 appointed by the governor with the consent of the senate, and shall
4 serve at the pleasure of the governor. ~~((The governor shall solicit~~
5 ~~input from all parties involved in the private public partnership~~
6 ~~concerning this appointment.))~~ The ~~((director))~~ secretary shall be
7 paid a salary to be fixed by the governor in accordance with RCW
8 43.03.040. If a vacancy occurs in the position of ~~((director))~~
9 secretary while the senate is not in session, the governor shall make
10 a temporary appointment until the next meeting of the senate when the
11 governor's nomination for the office of ~~((director))~~ secretary shall
12 be presented.

13 (2) The ~~((director))~~ secretary may employ staff members, who
14 shall be exempt from chapter 41.06 RCW, and any additional staff
15 members as are necessary to administer this chapter and such other
16 duties as may be authorized by law. The employment of such additional
17 staff shall be in accordance with chapter 41.06 RCW, except as
18 otherwise provided. The ~~((director))~~ secretary may delegate any power
19 or duty vested in him or her by ~~((this))~~ chapter . . . , Laws of 2017
20 (this act) or other law, including authority to make final decisions
21 and enter final orders in hearings conducted under chapter 34.05 RCW.

22 (3) The internal affairs of the department are under the control
23 of the secretary in order that the secretary may manage the
24 department in a flexible and intelligent manner as dictated by
25 changing contemporary circumstances. Unless specifically limited by
26 law, the secretary has the complete charge and supervisory powers
27 over the department. The secretary may create the administrative
28 structures in consultation with the office of innovation, alignment,
29 and accountability established in section 104 of this act, except as
30 otherwise specified in law, and the secretary may employ personnel as
31 may be necessary in accordance with chapter 41.06 RCW, except as
32 otherwise provided by law.

33 NEW SECTION. Sec. 103. (1) The office of innovation, alignment,
34 and accountability is created within the office of the governor. The
35 secretary of the office shall be appointed by the governor within
36 thirty days of this act being signed by the governor and shall serve
37 at the pleasure of the governor. The secretary of the office is the
38 executive head and appointing authority of the office. The secretary
39 shall be paid a salary to be fixed by the governor in accordance with

1 RCW 43.03.040. If a vacancy occurs in the position of secretary, the
2 governor shall fill the vacancy. The secretary of the office of
3 innovation, alignment, and accountability shall transition into the
4 role of secretary of the department of children, youth, and families
5 when the office of innovation, alignment, and accountability makes
6 that transition pursuant to section 104 of this act.

7 (2) Until July 1, 2018, the primary duties and focus of the
8 office of innovation, alignment, and accountability is on developing
9 and presenting a plan for the establishment of the department of
10 children, youth, and families, including the functions in this
11 subsection:

12 (a) Coordination among the department of early learning and the
13 department of social and health services including technical and
14 policy work groups to aid in the development of the items in (c) of
15 this subsection;

16 (b) Convening research institutions, including university-based
17 research institutions, the education data center, the department of
18 social and health services' research and data analysis office, the
19 Washington state institute for public policy, tribal research
20 entities, and the Washington state center for court research, to
21 establish priorities for (c) of this subsection;

22 (c) Developing an integrated portfolio management and
23 administrative structure for the department of children, youth, and
24 families, that includes:

25 (i) Establishing mechanisms for effectively partnering with
26 community-based agencies, courts, small businesses, the federally
27 recognized tribes in the state of Washington, federally recognized
28 Indian tribes that are signatories to the Centennial Accord,
29 providers of services for children and families, communities of
30 color, and families themselves;

31 (ii) Establishing outcomes that the department of children,
32 youth, and families and other partner state government agencies will
33 be held accountable to in order to measure the performance of the
34 reforms and the priorities created in this section;

35 (d) Coordinating, partnering, and building lines of communication
36 with other state agencies including, but not limited to, the
37 department of social and health services, the health care authority,
38 the office of the superintendent of public instruction, the
39 administrative office of the courts, and the department of commerce;

1 (e) Developing a stakeholder advisory mechanism for the
2 department of children, youth, and families. The office of
3 innovation, alignment, and accountability must review and consult
4 with advisory bodies from the department of early learning, the
5 children's administration of the department of social and health
6 services, and the juvenile rehabilitation division of the department
7 of social and health services in order to devise this mechanism. The
8 office shall ensure that parents, families, kinship care providers,
9 and foster parents are also included in the development of the
10 stakeholder advisory mechanism. The office must review existing
11 advisory committees and recommend continuation or consolidation. The
12 office will further develop an external review protocol for the
13 department to ensure effective implementation of the policies and
14 practices established by the office. The office must make
15 recommendations regarding both the stakeholder advisory system and
16 external review protocol. The office must ensure that parents and
17 families of color are consulted regarding disparity and
18 disproportionality in the department's outcomes, programs, and
19 services;

20 (f) In coordination with the office of the chief information
21 officer and the department of social and health services and in
22 consultation with experts in the technology field, development of an
23 information technology design and investment plan required to
24 effectively integrate the department of early learning, the
25 children's administration of the department of social and health
26 services, and the juvenile rehabilitation division of the department
27 of social and health services, and to meet other goals of this
28 section. The plan must be provided to the governor and to the
29 legislature for consideration in the 2018 supplemental omnibus
30 appropriations act;

31 (g) Developing a consultation policy and protocol with the
32 twenty-nine federally recognized tribes in the state of Washington
33 and the federally recognized Indian tribes that are signatories to
34 the Centennial Accord. This consultation policy and protocol shall
35 include comprehensive dialogues. Tribal-state consultation should be
36 a process of decision making that works cooperatively toward reaching
37 a true consensus before a decision is made or action taken. The
38 department shall honor the provisions of the Indian child welfare
39 act, chapter 13.38 RCW. The office of innovation, alignment, and
40 accountability must strive to honor and integrate the existing

1 agreements between these twenty-nine federally recognized tribes and
2 the department of early learning, the children's administration of
3 the department of social and health services, and the juvenile
4 rehabilitation division of the department of social and health
5 services;

6 (h) Reviewing existing statutes affecting the department of early
7 learning and the department of social and health services and
8 identification of any conflicts or barriers that these statutes
9 present in the execution of the plan in this subsection (2); and

10 (i) Preparing a report, in coordination with the department of
11 early learning and the department of social and health services on
12 how to incorporate the staff responsible for determining eligibility
13 for the working connections child care program into the department of
14 children, youth, and families. The report must outline a plan for
15 transferring child care eligibility staff, the treatment of shared
16 client data, information technology systems, phone systems, staff
17 training, federal cost allocation, and service delivery from the
18 department of social and health services to the department of
19 children, youth, and families. This report must include
20 recommendations for effectively integrating working connections child
21 care eligibility into the department of children, youth, and
22 families.

23 (3) The reports and plans in this section must be delivered to
24 the governor and the appropriate committees of the legislature by
25 November 1, 2017.

26 (4) This section expires July 1, 2018.

27 NEW SECTION. **Sec. 104.** (1) On July 1, 2018, the office of
28 innovation, alignment, and accountability is transitioned from the
29 office of the governor to be an office within the department. The
30 office shall have a director who shall set the agenda and oversee the
31 office, reporting to the secretary. The secretary shall ensure that
32 the leadership and staff of the office do not have responsibility for
33 service delivery but are wholly dedicated to directing and
34 implementing the innovation, alignment, integration, collaboration,
35 systemic reform work, and building external partnerships for which
36 the office is responsible.

37 (2) The primary duties and focus of the office are on continuous
38 improvement and includes the functions in this subsection:

1 (a) To review and recommend implementation of advancements in
2 research;

3 (b) To work with other state government agencies to align and
4 measure outcomes across state agencies and state-funded agencies
5 serving children, youth, and families including, but not limited to,
6 the use of evidence-based and research-based practices and
7 contracting;

8 (c) To work with other state government agencies, partner
9 agencies, and state-funded organizations on the use of data-driven,
10 research-based interventions that effectively intervene in the lives
11 of at-risk young people and align systems that serve children, youth,
12 and their families;

13 (d) To develop approaches for integrated real-time data sharing,
14 aligned outcomes, and collective accountability across state
15 government agencies to the public;

16 (e) To conduct quality assurance and evaluation of programs and
17 services within the department;

18 (f) To lead partnerships with the community, research and
19 teaching institutions, philanthropic organizations, and nonprofit
20 organizations;

21 (g) To lead collaboration with courts, attorneys, court-appointed
22 special advocates, and guardians ad litem to align and integrate the
23 work of the department with those involved in decision making in
24 child welfare and juvenile justice cases;

25 (h) To produce, in collaboration with key stakeholders, an annual
26 work plan that includes priorities for ongoing policy, practice, and
27 system reform, tracking, and reporting out on the performance of
28 department reforms;

29 (i) To appoint members of an external stakeholder committee that
30 includes representatives from a philanthropic organization, research
31 entity representatives, representatives from the business community,
32 one or more parent representatives, youth representatives, and tribal
33 representatives, who will advise the office on priorities for
34 practice, policy, and system reform and on effective management
35 policies, development of appropriate organizational culture, external
36 partnerships, knowledge of best practices, and leveraging additional
37 resources to carry out the duties of the department;

38 (j) To provide a report to the governor and the appropriate
39 committees of the legislature by November 1, 2018, that includes
40 recommendations regarding whether the juvenile rehabilitation

1 division of the department of social and health services should be
2 integrated into the department of children, youth, and families, and
3 if so, what the appropriate timing and process is for integration of
4 the juvenile rehabilitation division into the department of children,
5 youth, and families;

6 (k) To provide a report to the governor and the appropriate
7 committees of the legislature by November 1, 2019, that includes a
8 description of the current review process for foster licensing
9 decisions and recommendations for expanding or modifying the
10 authority of the office of the family and children's ombuds
11 established in chapter 43.06A RCW to more effectively review foster
12 licensing decisions, or development of a separate, independent
13 process for review of foster licensing decisions; and

14 (l) To provide a report to the governor and the appropriate
15 committees of the legislature by November 1, 2019, that includes
16 recommendations regarding whether the office of homeless youth
17 prevention and protection programs in the department of commerce
18 should be integrated into the department, and the process for that
19 integration if recommended.

20 NEW SECTION. **Sec. 105.** A new section is added to chapter 43.06A
21 RCW to read as follows:

22 (1)(a) The oversight board shall begin its work and call the
23 first meeting of the board on or after July 1, 2019.

24 (b) The ombuds shall establish the oversight board for children,
25 youth, and families. The board is authorized for the purpose of
26 monitoring and ensuring that the department of children, youth, and
27 families achieves the stated outcomes of chapter . . . , Laws of 2017
28 (this act), and complies with administrative acts, relevant statutes,
29 rules, and policies pertaining to early learning, juvenile
30 rehabilitation, juvenile justice, and children and family services.

31 (2)(a) The oversight board for children, youth, and families
32 shall consist of two senators and two representatives from the
33 legislature with one member from each major caucus, one subject
34 matter expert in early learning, one subject matter expert in child
35 welfare, one subject matter expert in juvenile rehabilitation and
36 justice, one tribal representative from the west of the crest of the
37 Cascade mountains, one tribal representative from the east of the
38 crest of the Cascade mountains, two parent stakeholder group
39 representatives, one law enforcement representative, one child

1 welfare caseworker representative, and one judicial representative
2 presiding over child welfare court proceedings or other children's
3 matters.

4 (b) The senate members of the board shall be appointed by the
5 leaders of the two major caucuses of the senate. The house of
6 representatives members of the board shall be appointed by the
7 leaders of the two major caucuses of the house of representatives.
8 Members shall be appointed before the close of each regular session
9 of the legislature during an odd-numbered year.

10 (c) The remaining board members shall be appointed by the
11 governor and serve four-year terms.

12 (3) The oversight board for children, youth, and families has the
13 following powers, which may be exercised by majority vote of the
14 board:

15 (a) To receive reports of the family and children's ombuds;

16 (b) To obtain access to all relevant records in the possession of
17 the family and children's ombuds, except as prohibited by law;

18 (c) To select its officers and adoption of rules for orderly
19 procedure;

20 (d) To request investigations by the family and children's ombuds
21 of administrative acts;

22 (e) To request and receive information, outcome data, documents,
23 materials, and records from the department of children, youth, and
24 families relating to children and family welfare, juvenile
25 rehabilitation, juvenile justice, and early learning;

26 (f) To determine whether the department of children, youth, and
27 families is achieving the performance measures;

28 (g) If final review is requested by a licensee, to review whether
29 department of children, youth, and families' licensors appropriately
30 and consistently applied agency rules in child care facility
31 licensing compliance agreements as defined in section 115 of this act
32 that do not involve a violation of health and safety standards as
33 defined in section 115 of this act in cases that have already been
34 reviewed by the internal review process described in section 115 of
35 this act with the authority to overturn, change, or uphold such
36 decisions;

37 (h) To conduct annual reviews of a sample of department of
38 children, youth, and families contracts for services from a variety
39 of program and service areas to ensure that those contracts are

1 performance-based and to assess the measures included in each
2 contract; and

3 (i) Upon receipt of records or data from the family and
4 children's ombuds or the department of children, youth, and families,
5 the oversight board for children, youth, and families is subject to
6 the same confidentiality restrictions as the family and children's
7 ombuds is under RCW 43.06A.050.

8 (4) The oversight board for children, youth, and families has
9 general oversight over the performance and policies of the department
10 and shall provide advice and input to the department and the
11 governor.

12 (5) The oversight board for children, youth, and families must no
13 less than twice per year convene stakeholder meetings to allow
14 feedback to the board regarding contracting with the department of
15 children, youth, and families, departmental use of local, state,
16 private, and federal funds, and other matters as relating to carrying
17 out the duties of the department.

18 (6) The oversight board for children, youth, and families shall
19 review existing surveys of providers, customers, parent groups, and
20 external services to assess whether the department of children,
21 youth, and families is effectively delivering services, and shall
22 conduct additional surveys as needed to assess whether the department
23 is effectively delivering services.

24 (7) The oversight board for children, youth, and families is
25 subject to the open public meetings act, chapter 42.30 RCW.

26 (8) The oversight board for children, youth, and families members
27 shall receive no compensation for their service on the board, but
28 shall be reimbursed for travel expenses incurred while attending
29 meetings of the board when authorized by the board in accordance with
30 RCW 43.03.050 and 43.03.060.

31 (9) The oversight board for children, youth, and families shall
32 select, by majority vote, an executive director who shall be the
33 chief administrative officer of the board and shall be responsible
34 for carrying out the policies adopted by the board. The executive
35 director is exempt from the provisions of the state civil service
36 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
37 established in this section.

38 (10) The oversight board for children, youth, and families shall
39 maintain a staff not to exceed one full-time equivalent employee. The

1 board-selected executive director of the board is responsible for
2 coordinating staff appointments.

3 (11) The oversight board for children, youth, and families shall
4 issue an annual report to the governor and legislature by December
5 1st of each year with an initial report delivered by December 1,
6 2019. The report must review the department of children, youth, and
7 families' progress towards meeting stated performance measures and
8 desired performance outcomes, and must also include a review of the
9 department's strategic plan, policies, and rules.

10 NEW SECTION. **Sec. 106.** A new section is added to chapter 41.06
11 RCW to read as follows:

12 In addition to the exemptions under RCW 41.06.070, this chapter
13 does not apply in the department of children, youth, and families to
14 the secretary; the secretary's confidential secretary; deputy,
15 assistant, and regional secretaries, one confidential secretary for
16 each of the aforesaid officers; and any other exempt staff members
17 provided for in chapter . . . , Laws of 2017 (this act).

18 NEW SECTION. **Sec. 107.** (1) The secretary or the secretary's
19 designee has the full authority to administer oaths and take
20 testimony, to issue subpoenas requiring the attendance of witnesses
21 before him or her together with all books, memoranda, papers, and
22 other documents, articles, or instruments, and to compel the
23 disclosure by those witnesses of all facts known to them relative to
24 the matters under investigation.

25 (2) Subpoenas issued in adjudicative proceedings are governed by
26 RCW 34.05.588(1).

27 (3) Subpoenas issued in the conduct of investigations required or
28 authorized by other statutory provisions or necessary in the
29 enforcement of other statutory provisions are governed by RCW
30 34.05.588(2).

31 (4) When a judicially approved subpoena is required by law, the
32 secretary or the secretary's designee may apply for and obtain a
33 superior court order approving and authorizing a subpoena in advance
34 of its issuance. The application may be made in the county where the
35 subpoenaed person resides or is found, or in the county where the
36 subpoenaed documents, records, or evidence are located, or in
37 Thurston county. The application must:

38 (a) State that an order is sought under this section;

1 (b) Adequately specify the documents, records, evidence, or
2 testimony; and

3 (c) Include a declaration made under oath that an investigation
4 is being conducted for a lawfully authorized purpose related to an
5 investigation within the department's authority and that the
6 subpoenaed documents, records, evidence, or testimony are reasonably
7 related to an investigation within the department's authority.

8 (5) When an application under subsection (4) of this section is
9 made to the satisfaction of the court, the court must issue an order
10 approving the subpoena. When a judicially approved subpoena is
11 required by law, an order under this subsection constitutes authority
12 of law for the agency to subpoena the documents, records, evidence,
13 or testimony.

14 (6) The secretary or the secretary's designee may seek approval
15 and a court may issue an order under this section without prior
16 notice to any person, including the person to whom the subpoena is
17 directed and the person who is the subject of an investigation. An
18 application for court approval is subject to the fee and process set
19 forth in RCW 36.18.012(3).

20 NEW SECTION. **Sec. 108.** The secretary shall administer family
21 services and programs to promote the state's policy as provided in
22 RCW 74.14A.025.

23 NEW SECTION. **Sec. 109.** The secretary shall make all of the
24 department's evaluation and research materials and data on private
25 nonprofit group homes available to group home contractors. The
26 department may delete any information from the materials that
27 identifies a specific client or contractor, other than the contractor
28 requesting the materials.

29 **Sec. 110.** RCW 43.17.010 and 2011 1st sp.s. c 43 s 107 are each
30 amended to read as follows:

31 There shall be departments of the state government which shall be
32 known as (1) the department of social and health services, (2) the
33 department of ecology, (3) the department of labor and industries,
34 (4) the department of agriculture, (5) the department of fish and
35 wildlife, (6) the department of transportation, (7) the department of
36 licensing, (8) the department of enterprise services, (9) the
37 department of commerce, (10) the department of veterans affairs, (11)

1 the department of revenue, (12) the department of retirement systems,
2 (13) the department of corrections, (14) the department of health,
3 (15) the department of financial institutions, (16) the department of
4 archaeology and historic preservation, (17) the department of (~~early~~
5 ~~learning~~) children, youth, and families, and (18) the Puget Sound
6 partnership, which shall be charged with the execution, enforcement,
7 and administration of such laws, and invested with such powers and
8 required to perform such duties, as the legislature may provide.

9 **Sec. 111.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each
10 amended to read as follows:

11 There shall be a chief executive officer of each department to be
12 known as: (1) The secretary of social and health services, (2) the
13 director of ecology, (3) the director of labor and industries, (4)
14 the director of agriculture, (5) the director of fish and wildlife,
15 (6) the secretary of transportation, (7) the director of licensing,
16 (8) the director of enterprise services, (9) the director of
17 commerce, (10) the director of veterans affairs, (11) the director of
18 revenue, (12) the director of retirement systems, (13) the secretary
19 of corrections, (14) the secretary of health, (15) the director of
20 financial institutions, (16) the director of the department of
21 archaeology and historic preservation, (17) the (~~director of early~~
22 ~~learning~~) secretary of children, youth, and families, and (18) the
23 executive director of the Puget Sound partnership.

24 Such officers, except the director of fish and wildlife, shall be
25 appointed by the governor, with the consent of the senate, and hold
26 office at the pleasure of the governor. The director of fish and
27 wildlife shall be appointed by the fish and wildlife commission as
28 prescribed by RCW 77.04.055.

29 **Sec. 112.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015
30 3rd sp.s. c 1 s 317 are each reenacted and amended to read as
31 follows:

32 For the purposes of RCW 42.17A.700, "executive state officer"
33 includes:

34 (1) The chief administrative law judge, the director of
35 agriculture, the director of the department of services for the
36 blind, the secretary of children, youth, and families, the director
37 of the state system of community and technical colleges, the director
38 of commerce, the director of the consolidated technology services

1 agency, the secretary of corrections, (~~the director of early~~
2 ~~learning,~~) the director of ecology, the commissioner of employment
3 security, the chair of the energy facility site evaluation council,
4 the director of enterprise services, the secretary of the state
5 finance committee, the director of financial management, the director
6 of fish and wildlife, the executive secretary of the forest practices
7 appeals board, the director of the gambling commission, the secretary
8 of health, the administrator of the Washington state health care
9 authority, the executive secretary of the health care facilities
10 authority, the executive secretary of the higher education facilities
11 authority, the executive secretary of the horse racing commission,
12 the executive secretary of the human rights commission, the executive
13 secretary of the indeterminate sentence review board, the executive
14 director of the state investment board, the director of labor and
15 industries, the director of licensing, the director of the lottery
16 commission, the director of the office of minority and women's
17 business enterprises, the director of parks and recreation, the
18 executive director of the public disclosure commission, the executive
19 director of the Puget Sound partnership, the director of the
20 recreation and conservation office, the director of retirement
21 systems, the director of revenue, the secretary of social and health
22 services, the chief of the Washington state patrol, the executive
23 secretary of the board of tax appeals, the secretary of
24 transportation, the secretary of the utilities and transportation
25 commission, the director of veterans affairs, the president of each
26 of the regional and state universities and the president of The
27 Evergreen State College, and each district and each campus president
28 of each state community college;

29 (2) Each professional staff member of the office of the governor;

30 (3) Each professional staff member of the legislature; and

31 (4) Central Washington University board of trustees, the boards
32 of trustees of each community college and each technical college,
33 each member of the state board for community and technical colleges,
34 state convention and trade center board of directors, Eastern
35 Washington University board of trustees, Washington economic
36 development finance authority, Washington energy northwest executive
37 board, The Evergreen State College board of trustees, executive
38 ethics board, fish and wildlife commission, forest practices appeals
39 board, forest practices board, gambling commission, Washington health
40 care facilities authority, student achievement council, higher

1 education facilities authority, horse racing commission, state
2 housing finance commission, human rights commission, indeterminate
3 sentence review board, board of industrial insurance appeals, state
4 investment board, commission on judicial conduct, legislative ethics
5 board, life sciences discovery fund authority board of trustees,
6 state liquor ((control)) and cannabis board, lottery commission,
7 Pacific Northwest electric power and conservation planning council,
8 parks and recreation commission, Washington personnel resources
9 board, board of pilotage commissioners, pollution control hearings
10 board, public disclosure commission, public employees' benefits
11 board, recreation and conservation funding board, salmon recovery
12 funding board, shorelines hearings board, board of tax appeals,
13 transportation commission, University of Washington board of regents,
14 utilities and transportation commission, Washington State University
15 board of regents, and Western Washington University board of
16 trustees.

17 **Sec. 113.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to
18 read as follows:

19 The ombuds shall perform the following duties:

20 (1) Provide information as appropriate on the rights and
21 responsibilities of individuals receiving family and children's
22 services, juvenile justice, juvenile rehabilitation, and child early
23 learning, and on the procedures for providing these services;

24 (2) Investigate, upon his or her own initiative or upon receipt
25 of a complaint, an administrative act alleged to be contrary to law,
26 rule, or policy, imposed without an adequate statement of reason, or
27 based on irrelevant, immaterial, or erroneous grounds; however, the
28 ombuds may decline to investigate any complaint as provided by rules
29 adopted under this chapter;

30 (3) Monitor the procedures as established, implemented, and
31 practiced by the department of children, youth, and families to carry
32 out its responsibilities in delivering family and children's services
33 with a view toward appropriate preservation of families and ensuring
34 children's health and safety;

35 (4) Review periodically the facilities and procedures of state
36 institutions serving children, youth, and families, and state-
37 licensed facilities or residences;

38 (5) Recommend changes in the procedures for addressing the needs
39 of children, youth, and families ((and children));

1 (6) Submit annually to the ((committee)) oversight board for
2 children, youth, and families created in section 105 of this act and
3 to the governor by November 1st a report analyzing the work of the
4 ((office)) department of children, youth, and families, including
5 recommendations;

6 (7) Grant the committee access to all relevant records in the
7 possession of the ombuds unless prohibited by law; and

8 (8) Adopt rules necessary to implement this chapter.

9 **Sec. 114.** RCW 43.215.100 and 2015 3rd sp.s. c 7 s 2 are each
10 amended to read as follows:

11 (1) The department, in collaboration with tribal governments and
12 community and statewide partners, shall implement a quality rating
13 and improvement system, called the early achievers program. The early
14 achievers program provides a foundation of quality for the early care
15 and education system. The early achievers program is applicable to
16 licensed or certified child care centers and homes and early learning
17 programs such as working connections child care and early childhood
18 education and assistance programs.

19 (2) The objectives of the early achievers program are to:

20 (a) Improve short-term and long-term educational outcomes for
21 children as measured by assessments including, but not limited to,
22 the Washington kindergarten inventory of developing skills in RCW
23 28A.655.080;

24 (b) Give parents clear and easily accessible information about
25 the quality of child care and early education programs;

26 (c) Support improvement in early learning and child care programs
27 throughout the state;

28 (d) Increase the readiness of children for school;

29 (e) Close the disparities in access to quality care;

30 (f) Provide professional development and coaching opportunities
31 to early child care and education providers; and

32 (g) Establish a common set of expectations and standards that
33 define, measure, and improve the quality of early learning and child
34 care settings.

35 (3)(a) Licensed or certified child care centers and homes serving
36 nonschool-age children and receiving state subsidy payments must
37 participate in the early achievers program by the required deadlines
38 established in RCW 43.215.135.

1 (b) Approved early childhood education and assistance program
2 providers receiving state-funded support must participate in the
3 early achievers program by the required deadlines established in RCW
4 43.215.415.

5 (c) Participation in the early achievers program is voluntary
6 for:

7 (i) Licensed or certified child care centers and homes not
8 receiving state subsidy payments; and

9 (ii) Early learning programs not receiving state funds.

10 (d) School-age child care providers are exempt from participating
11 in the early achievers program. By July 1, 2017, the department and
12 the office of the superintendent of public instruction shall jointly
13 design a plan to incorporate school-age child care providers into the
14 early achievers program or other appropriate quality improvement
15 system. To test implementation of the early achievers system for
16 school-age child care providers the department and the office of the
17 superintendent of public instruction shall implement a pilot program.

18 (4) There are five levels in the early achievers program.
19 Participants are expected to actively engage and continually advance
20 within the program.

21 (5) The department has the authority to determine the rating
22 cycle for the early achievers program. The department shall
23 streamline and eliminate duplication between early achievers
24 standards and state child care rules in order to reduce costs
25 associated with the early achievers rating cycle and child care
26 licensing.

27 (a) Early achievers program participants may request to be rated
28 at any time after the completion of all level 2 activities.

29 (b) The department shall provide an early achievers program
30 participant an update on the participant's progress toward completing
31 level 2 activities after the participant has been enrolled in the
32 early achievers program for fifteen months.

33 (c) The first rating is free for early achievers program
34 participants.

35 (d) Each subsequent rating within the established rating cycle is
36 free for early achievers program participants.

37 (6)(a) Early achievers program participants may request to be
38 rerated outside the established rating cycle.

1 (b) The department may charge a fee for optional rerating
2 requests made by program participants that are outside the
3 established rating cycle.

4 (c) Fees charged are based on, but may not exceed, the cost to
5 the department for activities associated with the early achievers
6 program.

7 (7)(a) The department must create a single source of information
8 for parents and caregivers to access details on a provider's early
9 achievers program rating level, licensing history, and other
10 indicators of quality and safety that will help parents and
11 caregivers make informed choices. The licensing history that the
12 department must provide for parents and caregivers pursuant to this
13 subsection shall only include license suspension, surrender,
14 revocation, denial, stayed suspension, or reinstatement.

15 (b) The department shall publish to the department's web site, or
16 offer a link on its web site to, the following information:

17 (i) By November 1, 2015, early achievers program rating levels 1
18 through 5 for all child care programs that receive state subsidy,
19 early childhood education and assistance programs, and federal head
20 start programs in Washington; and

21 (ii) New early achievers program ratings within thirty days after
22 a program becomes licensed or certified, or receives a rating.

23 (c) The early achievers program rating levels shall be published
24 in a manner that is easily accessible to parents and caregivers and
25 takes into account the linguistic needs of parents and caregivers.

26 (d) The department must publish early achievers program rating
27 levels for child care programs that do not receive state subsidy but
28 have voluntarily joined the early achievers program.

29 (e) Early achievers program participants who have published
30 rating levels on the department's web site or on a link on the
31 department's web site may include a brief description of their
32 program, contingent upon the review and approval by the department,
33 as determined by established marketing standards.

34 (8)(a) The department shall create a professional development
35 pathway for early achievers program participants to obtain a high
36 school diploma or equivalency or higher education credential in early
37 childhood education, early childhood studies, child development, or
38 an academic field related to early care and education.

39 (b) The professional development pathway must include
40 opportunities for scholarships and grants to assist early achievers

1 program participants with the costs associated with obtaining an
2 educational degree.

3 (c) The department shall address cultural and linguistic
4 diversity when developing the professional development pathway.

5 (9) The early achievers quality improvement awards shall be
6 reserved for participants offering programs to an enrollment
7 population consisting of at least five percent of children receiving
8 a state subsidy.

9 (10) In collaboration with tribal governments, community and
10 statewide partners, and the early achievers review subcommittee
11 created in RCW 43.215.090, the department shall develop a protocol
12 for granting early achievers program participants an extension in
13 meeting rating level requirement timelines outlined for the working
14 connections child care program and the early childhood education and
15 assistance program.

16 (a) The department may grant extensions only under exceptional
17 circumstances, such as when early achievers program participants
18 experience an unexpected life circumstance.

19 (b) Extensions shall not exceed six months, and early achievers
20 program participants are only eligible for one extension in meeting
21 rating level requirement timelines.

22 (c) Extensions may only be granted to early achievers program
23 participants who have demonstrated engagement in the early achievers
24 program.

25 (11)(a) The department shall accept national accreditation that
26 meets the requirements of this subsection (11) as a qualification for
27 the early achievers program ratings.

28 (b) Each national accreditation agency will be allowed to submit
29 its most current standards of accreditation to establish potential
30 credit earned in the early achievers program. The department shall
31 grant credit to accreditation bodies that can demonstrate that their
32 standards meet or exceed the current early achievers program
33 standards.

34 (c) Licensed child care centers and child care home providers
35 must meet national accreditation standards approved by the department
36 for the early achievers program in order to be granted credit for the
37 early achievers program standards. Eligibility for the early
38 achievers program is not subject to bargaining, mediation, or
39 interest arbitration under RCW 41.56.028, consistent with the
40 legislative reservation of rights under RCW 41.56.028(4)(d).

1 (12) The department shall explore the use of alternative quality
2 assessment tools that meet the culturally specific needs of the
3 federally recognized tribes in the state of Washington.

4 (13) A child care or early learning program that is operated by a
5 federally recognized tribe and receives state funds shall participate
6 in the early achievers program. The tribe may choose to participate
7 through an interlocal agreement between the tribe and the department.
8 The interlocal agreement must reflect the government-to-government
9 relationship between the state and the tribe, including recognition
10 of tribal sovereignty. The interlocal agreement must provide that:

11 (a) Tribal child care facilities and early learning programs may
12 volunteer, but are not required, to be licensed by the department;

13 (b) Tribal child care facilities and early learning programs are
14 not required to have their early achievers program rating level
15 published to the department's web site or through a link on the
16 department's web site; and

17 (c) Tribal child care facilities and early learning programs must
18 provide notification to parents or guardians who apply for or have
19 been admitted into their program that early achievers program rating
20 level information is available and provide the parents or guardians
21 with the program's early achievers program rating level upon request.

22 (14) The department shall consult with the early achievers review
23 subcommittee on all substantial policy changes to the early achievers
24 program.

25 (15) Nothing in this section changes the department's
26 responsibility to collectively bargain over mandatory subjects or
27 limits the legislature's authority to make programmatic modifications
28 to licensed child care and early learning programs under RCW
29 41.56.028(4)(d).

30 NEW SECTION. **Sec. 115.** (1) The department shall develop an
31 internal review process to determine whether department licensors
32 have appropriately and consistently applied agency rules in child
33 care facility licensing compliance agreements that do not involve a
34 violation of health and safety standards. Adverse licensing decisions
35 including license denial, suspension, revocation, modification, or
36 nonrenewal pursuant to RCW 43.215.300 (as recodified by this act) or
37 imposition of civil fines pursuant to RCW 43.215.307 (as recodified
38 by this act) are not subject to the internal review process in this

1 section, but may be appealed using the administrative procedure act,
2 chapter 34.05 RCW.

3 (2) The definitions in this subsection apply throughout this
4 section.

5 (a) "Child care facility licensing compliance agreement" means an
6 agreement issued by the department in lieu of the department taking
7 enforcement action against a child care provider that contains: (i) A
8 description of the violation and the rule or law that was violated;
9 (ii) a statement from the licensee regarding the proposed plan to
10 comply with the rule or law; (iii) the date the violation must be
11 corrected; (iv) information regarding other licensing action that may
12 be imposed if compliance does not occur by the required date; and (v)
13 the signature of the licensor and licensee.

14 (b) "Health and safety standards" means rules or requirements
15 developed by the department to protect the health and safety of
16 children against substantial risk of bodily injury, illness, or
17 death.

18 (3) The internal review process shall be conducted by the
19 following six individuals:

20 (a) Three department employees who may include child care
21 licensors; and

22 (b) Three child care providers selected by the department from
23 names submitted by the oversight board for children, youth, and
24 families established in section 105 of this act.

25 (4) The internal review process established in this section may
26 overturn, change, or uphold a department licensing decision by
27 majority vote. In the event that the six individuals conducting the
28 internal review process are equally divided, the secretary shall make
29 the decision of the internal review process. The internal review
30 process must provide the parties with a written decision of the
31 outcome after completion of the internal review process. A licensee
32 must request a review under the internal review process within ten
33 days of the development of a child care facility licensing compliance
34 agreement and the internal review process must be completed within
35 thirty days after the request from the licensee to initiate the
36 internal review process is received.

37 (5) A licensee may request a final review by the oversight board
38 for children, youth, and families after completing the internal
39 review process established in this section by giving notice to the
40 department and the oversight board for children, youth, and families

1 within ten days of receiving the written decision produced by the
2 internal review process.

3 (6) The department shall not develop a child care facility
4 licensing compliance agreement with a child care provider for first-
5 time violations of rules that do not relate to health and safety
6 standards and that can be corrected on the same day that the
7 violation is identified. The department shall develop a procedure for
8 providing a warning and offering technical assistance to providers in
9 response to these first-time violations.

10 **PART II**

11 **POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF EARLY LEARNING**

12 **Sec. 201.** RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3
13 are each reenacted and amended to read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Agency" means any person, firm, partnership, association,
17 corporation, or facility that provides child care and early learning
18 services outside a child's own home and includes the following
19 irrespective of whether there is compensation to the agency:

20 (a) "Child day care center" means an agency that regularly
21 provides early childhood education and early learning services for a
22 group of children for periods of less than twenty-four hours;

23 (b) "Early learning" includes but is not limited to programs and
24 services for child care; state, federal, private, and nonprofit
25 preschool; child care subsidies; child care resource and referral;
26 parental education and support; and training and professional
27 development for early learning professionals;

28 (c) "Family day care provider" means a child care provider who
29 regularly provides early childhood education and early learning
30 services for not more than twelve children in the provider's home in
31 the family living quarters;

32 (d) "Nongovernmental private-public partnership" means an entity
33 registered as a nonprofit corporation in Washington state with a
34 primary focus on early learning, school readiness, and parental
35 support, and an ability to raise a minimum of five million dollars in
36 contributions;

37 (e) "Service provider" means the entity that operates a community
38 facility.

1 (2) "Agency" does not include the following:
2 (a) Persons related to the child in the following ways:
3 (i) Any blood relative, including those of half-blood, and
4 including first cousins, nephews or nieces, and persons of preceding
5 generations as denoted by prefixes of grand, great, or great-great;
6 (ii) Stepfather, stepmother, stepbrother, and stepsister;
7 (iii) A person who legally adopts a child or the child's parent
8 as well as the natural and other legally adopted children of such
9 persons, and other relatives of the adoptive parents in accordance
10 with state law; or
11 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
12 this subsection, even after the marriage is terminated;
13 (b) Persons who are legal guardians of the child;
14 (c) Persons who care for a neighbor's or friend's child or
15 children, with or without compensation, where the person providing
16 care for periods of less than twenty-four hours does not conduct such
17 activity on an ongoing, regularly scheduled basis for the purpose of
18 engaging in business, which includes, but is not limited to,
19 advertising such care;
20 (d) Parents on a mutually cooperative basis exchange care of one
21 another's children;
22 (e) Nursery schools that are engaged primarily in early childhood
23 education with preschool children and in which no child is enrolled
24 on a regular basis for more than four hours per day;
25 (f) Schools, including boarding schools, that are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, and accept only school age
28 children;
29 (g) Seasonal camps of three months' or less duration engaged
30 primarily in recreational or educational activities;
31 (h) Facilities providing child care for periods of less than
32 twenty-four hours when a parent or legal guardian of the child
33 remains on the premises of the facility for the purpose of
34 participating in:
35 (i) Activities other than employment; or
36 (ii) Employment of up to two hours per day when the facility is
37 operated by a nonprofit entity that also operates a licensed child
38 care program at the same facility in another location or at another
39 facility;

1 (i) Any entity that provides recreational or educational
2 programming for school age children only and the entity meets all of
3 the following requirements:

4 (i) The entity utilizes a drop-in model for programming, where
5 children are able to attend during any or all program hours without a
6 formal reservation;

7 (ii) The entity does not assume responsibility in lieu of the
8 parent, unless for coordinated transportation;

9 (iii) The entity is a local affiliate of a national nonprofit;
10 and

11 (iv) The entity is in compliance with all safety and quality
12 standards set by the associated national agency;

13 (j) A program operated by any unit of local, state, or federal
14 government;

15 (k) A program located within the boundaries of a federally
16 recognized Indian reservation, licensed by the Indian tribe;

17 (l) A program located on a federal military reservation, except
18 where the military authorities request that such agency be subject to
19 the licensing requirements of this chapter;

20 (m) A program that offers early learning and support services,
21 such as parent education, and does not provide child care services on
22 a regular basis.

23 (3) "Applicant" means a person who requests or seeks employment
24 in an agency.

25 (4) "Conviction information" means criminal history record
26 information relating to an incident which has led to a conviction or
27 other disposition adverse to the applicant.

28 (5) "Department" means the department of ~~((early learning))~~
29 children, youth, and families.

30 (6) ~~(("Director" means the director))~~ "Secretary" means the
31 secretary of the department.

32 (7) "Early achievers" means a program that improves the quality
33 of early learning programs and supports and rewards providers for
34 their participation.

35 (8) "Early childhood education and assistance program contractor"
36 means an organization that provides early childhood education and
37 assistance program services under a signed contract with the
38 department.

39 (9) "Early childhood education and assistance program provider"
40 means an organization that provides site level, direct, and high

1 quality early childhood education and assistance program services
2 under the direction of an early childhood education and assistance
3 program contractor.

4 (10) "Early start" means an integrated high quality continuum of
5 early learning programs for children birth-to-five years of age.
6 Components of early start include, but are not limited to, the
7 following:

8 (a) Home visiting and parent education and support programs;

9 (b) The early achievers program described in RCW 43.215.100 (as
10 recodified by this act);

11 (c) Integrated full-day and part-day high quality early learning
12 programs; and

13 (d) High quality preschool for children whose family income is at
14 or below one hundred ten percent of the federal poverty level.

15 (11) "Education data center" means the education data center
16 established in RCW 43.41.400, commonly referred to as the education
17 research and data center.

18 (12) "Employer" means a person or business that engages the
19 services of one or more people, especially for wages or salary to
20 work in an agency.

21 (13) "Enforcement action" means denial, suspension, revocation,
22 modification, or nonrenewal of a license pursuant to RCW
23 43.215.300(1) (as recodified by this act) or assessment of civil
24 monetary penalties pursuant to RCW 43.215.300(3) (as recodified by
25 this act).

26 (14) "Extended day program" means an early childhood education
27 and assistance program that offers early learning education for at
28 least ten hours per day, a minimum of two thousand hours per year, at
29 least four days per week, and operates year round.

30 (15) "Full day program" means an early childhood education and
31 assistance program that offers early learning education for a minimum
32 of one thousand hours per year.

33 (16) "Low-income child care provider" means a person who
34 administers a child care program that consists of at least eighty
35 percent of children receiving working connections child care subsidy.

36 (17) "Low-income neighborhood" means a district or community
37 where more than twenty percent of households are below the federal
38 poverty level.

39 (18) "Negative action" means a court order, court judgment, or an
40 adverse action taken by an agency, in any state, federal, tribal, or

1 foreign jurisdiction, which results in a finding against the
2 applicant reasonably related to the individual's character,
3 suitability, and competence to care for or have unsupervised access
4 to children in child care. This may include, but is not limited to:

5 (a) A decision issued by an administrative law judge;

6 (b) A final determination, decision, or finding made by an agency
7 following an investigation;

8 (c) An adverse agency action, including termination, revocation,
9 or denial of a license or certification, or if pending adverse agency
10 action, the voluntary surrender of a license, certification, or
11 contract in lieu of the adverse action;

12 (d) A revocation, denial, or restriction placed on any
13 professional license; or

14 (e) A final decision of a disciplinary board.

15 (19) "Nonconviction information" means arrest, founded
16 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
17 or other negative action adverse to the applicant.

18 (20) "Nonschool age child" means a child who is age six years or
19 younger and who is not enrolled in a public or private school.

20 (21) "Part day program" means an early childhood education and
21 assistance program that offers early learning education for at least
22 two and one-half hours per class session, at least three hundred
23 twenty hours per year, for a minimum of thirty weeks per year.

24 (22) "Private school" means a private school approved by the
25 state under chapter 28A.195 RCW.

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

29 (24) "Requirement" means any rule, regulation, or standard of
30 care to be maintained by an agency.

31 (25) "School age child" means a child who is five years of age
32 through twelve years of age and is attending a public or private
33 school or is receiving home-based instruction under chapter 28A.200
34 RCW.

35 (26) "Washington state preschool program" means an education
36 program for children three-to-five years of age who have not yet
37 entered kindergarten, such as the early childhood education and
38 assistance program.

1 **Sec. 202.** RCW 43.215.020 and 2016 c 57 s 5 are each amended to
2 read as follows:

3 (1) ~~The department ((of early learning is created as an executive~~
4 ~~branch agency. The department is vested with all powers and duties~~
5 ~~transferred to it under this chapter and such other powers and duties~~
6 ~~as may be authorized by law.~~

7 ~~(2) The primary duties of the department are to~~) shall implement
8 state early learning policy and ~~((to))~~ coordinate, consolidate, and
9 integrate child care and early learning programs in order to
10 administer programs and funding as efficiently as possible. The
11 department's duties include, but are not limited to, the following:

12 (a) To support both public and private sectors toward a
13 comprehensive and collaborative system of early learning that serves
14 parents, children, and providers and to encourage best practices in
15 child care and early learning programs;

16 (b) To make early learning resources available to parents and
17 caregivers;

18 (c) To carry out activities, including providing clear and easily
19 accessible information about quality and improving the quality of
20 early learning opportunities for young children, in cooperation with
21 the nongovernmental private-public partnership;

22 (d) To administer child care and early learning programs;

23 (e) To apply data already collected comparing the following
24 factors and make biennial recommendations to the legislature
25 regarding working connections subsidy and state-funded preschool
26 rates and compensation models that would attract and retain high
27 quality early learning professionals:

28 (i) State-funded early learning subsidy rates and market rates of
29 licensed early learning homes and centers;

30 (ii) Compensation of early learning educators in licensed centers
31 and homes and early learning teachers at state higher education
32 institutions;

33 (iii) State-funded preschool program compensation rates and
34 Washington state head start program compensation rates; and

35 (iv) State-funded preschool program compensation to compensation
36 in similar comprehensive programs in other states;

37 (f) To serve as the state lead agency for Part C of the federal
38 individuals with disabilities education act (IDEA) and to develop and
39 adopt rules that establish minimum requirements for the services
40 offered through Part C programs, including allowable allocations and

1 expenditures for transition into Part B of the federal individuals
2 with disabilities education act (IDEA);

3 (g) To standardize internal financial audits, oversight visits,
4 performance benchmarks, and licensing criteria, so that programs can
5 function in an integrated fashion;

6 (h) To support the implementation of the nongovernmental private-
7 public partnership and cooperate with that partnership in pursuing
8 its goals including providing data and support necessary for the
9 successful work of the partnership;

10 (i) To work cooperatively and in coordination with the early
11 learning council;

12 (j) To collaborate with the K-12 school system at the state and
13 local levels to ensure appropriate connections and smooth transitions
14 between early learning and K-12 programs;

15 (k) To develop and adopt rules for administration of the program
16 of early learning established in RCW 43.215.455 (as recodified by
17 this act);

18 (l) To develop a comprehensive birth-to-three plan to provide
19 education and support through a continuum of options including, but
20 not limited to, services such as: Home visiting; quality incentives
21 for infant and toddler child care subsidies; quality improvements for
22 family home and center-based child care programs serving infants and
23 toddlers; professional development; early literacy programs; and
24 informal supports for family, friend, and neighbor caregivers; and

25 (m) Upon the development of an early learning information system,
26 to make available to parents timely inspection and licensing action
27 information and provider comments through the internet and other
28 means.

29 ~~((+3))~~ (2) When additional funds are appropriated for the
30 specific purpose of home visiting and parent and caregiver support,
31 the department must reserve at least eighty percent for home visiting
32 services to be deposited into the home visiting services account and
33 up to twenty percent of the new funds for other parent or caregiver
34 support.

35 ~~((+4))~~ (3) Home visiting services must include programs that
36 serve families involved in the child welfare system.

37 ~~((+5) Subject to the availability of amounts appropriated for~~
38 ~~this specific purpose, the legislature shall fund the expansion in~~
39 ~~the Washington state preschool program pursuant to RCW 43.215.456 in~~
40 ~~fiscal year 2014.~~

1 ~~(6))~~ (4) The department's programs shall be designed in a way
2 that respects and preserves the ability of parents and legal
3 guardians to direct the education, development, and upbringing of
4 their children, and that recognizes and honors cultural and
5 linguistic diversity. The department shall include parents and legal
6 guardians in the development of policies and program decisions
7 affecting their children.

8 **Sec. 203.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
9 read as follows:

10 (1)(a) The (~~director of the department of early learning~~)
11 secretary shall review current department policies and assess the
12 adequacy and availability of programs targeted at persons who receive
13 assistance who are the children and families of a person who is
14 incarcerated in a department of corrections facility. Great attention
15 shall be focused on programs and policies affecting foster youth who
16 have a parent who is incarcerated.

17 (b) The (~~director~~) secretary shall adopt policies that support
18 the children of incarcerated parents and meet their needs with the
19 goal of facilitating normal child development, while reducing
20 intergenerational incarceration.

21 (2) The (~~director~~) secretary shall conduct the following
22 activities to assist in implementing the requirements of subsection
23 (1) of this section:

24 (a) Gather information and data on the recipients of assistance
25 who are the children and families of inmates incarcerated in
26 department of corrections facilities; and

27 (b) Participate in the children of incarcerated parents advisory
28 committee and report information obtained under this section to the
29 advisory committee.

30 **Sec. 204.** RCW 43.215.070 and 2006 c 265 s 108 are each amended
31 to read as follows:

32 (1) In addition to other duties under this chapter, the
33 (~~director~~) secretary shall actively participate in a
34 nongovernmental private-public partnership focused on supporting
35 government's investments in early learning and ensuring that every
36 child in the state is prepared to succeed in school and in life.
37 Except for licensing as required by Washington state law and to the
38 extent permitted by federal law, the (~~director of the department of~~

1 ~~early learning~~) secretary shall grant waivers from the rules of
2 state agencies for the operation of early learning programs requested
3 by the nongovernmental private-public partnership to allow for
4 flexibility to pursue market-based approaches to achieving the best
5 outcomes for children and families.

6 (2) In addition to other powers granted to the (~~director~~)
7 secretary, the (~~director~~) secretary may:

8 (a) Enter into contracts on behalf of the department to carry out
9 the purposes of this chapter;

10 (b) Accept gifts, grants, or other funds for the purposes of this
11 chapter; and

12 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary
13 to implement this chapter, including rules governing child day care
14 and early learning programs under this chapter. This section does not
15 expand the rule-making authority of the director beyond that
16 necessary to implement and administer programs and services existing
17 July 1, 2006, as transferred to the department of early learning
18 under section 501, chapter 265, Laws of 2006. The rule-making
19 authority does not include any authority to set mandatory curriculum
20 or establish what must be taught in child day care centers or by
21 family day care providers.

22 **Sec. 205.** RCW 43.215.200 and 2015 3rd sp.s. c 7 s 4 are each
23 amended to read as follows:

24 It shall be the (~~director's~~) secretary's duty with regard to
25 licensing under this chapter:

26 (1) In consultation and with the advice and assistance of persons
27 representative of the various type agencies to be licensed, to
28 designate categories of child care facilities for which separate or
29 different requirements shall be developed as may be appropriate
30 whether because of variations in the ages and other characteristics
31 of the children served, variations in the purposes and services
32 offered or size or structure of the agencies to be licensed, or
33 because of any other factor relevant thereto;

34 (2)(a) In consultation with the state fire marshal's office, the
35 (~~director~~) secretary shall use an interagency process to address
36 health and safety requirements for child care programs that serve
37 school-age children and are operated in buildings that contain public
38 or private schools that safely serve children during times in which
39 school is in session;

1 (b) Any requirements in (a) of this subsection as they relate to
2 the physical facility, including outdoor playgrounds, do not apply to
3 before-school and after-school programs that serve only school-age
4 children and operate in the same facilities used by public or private
5 schools;

6 (3) In consultation and with the advice and assistance of parents
7 or guardians, and persons representative of the various type agencies
8 to be licensed, to adopt and publish minimum requirements for
9 licensing applicable to each of the various categories of agencies to
10 be licensed under this chapter;

11 (4) In consultation with law enforcement personnel, the
12 (~~director~~) secretary shall investigate the conviction record or
13 pending charges of each agency and its staff seeking licensure or
14 relicensure, and other persons having unsupervised access to children
15 in care;

16 (5) To satisfy the shared background check requirements provided
17 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
18 department of (~~early learning~~) children, youth, and families and
19 the department of social and health services shall share federal
20 fingerprint-based background check results as permitted under the
21 law. The purpose of this provision is to allow both departments to
22 fulfill their joint background check responsibility of checking any
23 individual who may have unsupervised access to vulnerable adults,
24 children, or juveniles. Neither department may share the federal
25 background check results with any other state agency or person;

26 (6) To issue, revoke, or deny licenses to agencies pursuant to
27 this chapter. Licenses shall specify the category of care that an
28 agency is authorized to render and the ages and number of children to
29 be served;

30 (7) To prescribe the procedures and the form and contents of
31 reports necessary for the administration of this chapter and to
32 require regular reports from each licensee;

33 (8) To inspect agencies periodically to determine whether or not
34 there is compliance with this chapter and the requirements adopted
35 under this chapter;

36 (9) To review requirements adopted under this chapter at least
37 every two years and to adopt appropriate changes after consultation
38 with affected groups for child day care requirements; and

1 (10) To consult with public and private agencies in order to help
2 them improve their methods and facilities for the care and early
3 learning of children.

4 **Sec. 206.** RCW 43.215.215 and 2011 c 295 s 2 and 2011 c 253 s 4
5 are each reenacted and amended to read as follows:

6 (1) In determining whether an individual is of appropriate
7 character, suitability, and competence to provide child care and
8 early learning services to children, the department may consider the
9 history of past involvement of child protective services or law
10 enforcement agencies with the individual for the purpose of
11 establishing a pattern of conduct, behavior, or inaction with regard
12 to the health, safety, or welfare of a child. No report of child
13 abuse or neglect that has been destroyed or expunged under RCW
14 26.44.031 may be used for such purposes. No unfounded or inconclusive
15 allegation of child abuse or neglect as defined in RCW 26.44.020 may
16 be disclosed to a provider licensed under this chapter.

17 (2) In order to determine the suitability of individuals newly
18 applying for an agency license, new licensees, their new employees,
19 and other persons who newly have unsupervised access to children in
20 care, shall be fingerprinted.

21 (a) The fingerprints shall be forwarded to the Washington state
22 patrol and federal bureau of investigation for a criminal history
23 record check.

24 (b)(i) (~~Effective July 1, 2012,~~) All individuals applying for
25 first-time agency licenses, all new employees, and other persons who
26 have not been previously qualified by the department to have
27 unsupervised access to children in care must be fingerprinted and
28 obtain a criminal history record check pursuant to this section.

29 (ii) Persons required to be fingerprinted and obtain a criminal
30 (~~history~~) history record check pursuant to this section must pay
31 for the cost of this check as follows: The fee established by the
32 Washington state patrol for the criminal background history check,
33 including the cost of obtaining the fingerprints; and a fee paid to
34 the department for the cost of administering the individual-based/
35 portable background check clearance registry. The fee paid to the
36 department must be deposited into the individual-based/portable
37 background check clearance account established in RCW 43.215.218 (as
38 recodified by this act). The licensee may, but need not, pay these
39 costs on behalf of a prospective employee or reimburse the

1 prospective employee for these costs. The licensee and the
2 prospective employee may share these costs.

3 (c) The (~~director~~) secretary shall use the fingerprint criminal
4 history record check information solely for the purpose of
5 determining eligibility for a license and for determining the
6 character, suitability, and competence of those persons or agencies,
7 excluding parents, not required to be licensed who are authorized to
8 care for children.

9 (d) Criminal justice agencies shall provide the (~~director~~)
10 secretary such information as they may have and that the (~~director~~)
11 secretary may require for such purpose.

12 (e) No later than July 1, 2013, all agency licensees holding
13 licenses prior to July 1, 2012, persons who were employees before
14 July 1, 2012, and persons who have been qualified by the department
15 before July 1, 2012, to have unsupervised access to children in care,
16 must submit a new background application to the department. The
17 department must require persons submitting a new background
18 application pursuant to this subsection (2)(e) to pay a fee to the
19 department for the cost of administering the individual-based/
20 portable background check clearance registry. This fee must be paid
21 into the individual-based/portable background check clearance account
22 established in RCW 43.215.218 (as recodified by this act). The
23 licensee may, but need not, pay these costs on behalf of a
24 prospective employee or reimburse the prospective employee for these
25 costs. The licensee and the prospective employee may share these
26 costs.

27 (f) The department shall issue a background check clearance card
28 or certificate to the applicant if after the completion of a
29 background check the department concludes the applicant is qualified
30 for unsupervised access to children in child care. The background
31 check clearance card or certificate is valid for three years from the
32 date of issuance. A valid card or certificate must be accepted by a
33 potential employer as proof that the applicant has successfully
34 completed a background check as required under this chapter.

35 (g) The original applicant for an agency license, licensees,
36 their employees, and other persons who have unsupervised access to
37 children in care shall submit a new background check application to
38 the department, on a form and by a date as determined by the
39 department.

1 (h) The applicant and agency shall maintain on-site for
2 inspection a copy of the background check clearance card or
3 certificate.

4 (i) Individuals who have been issued a background check clearance
5 card or certificate shall report nonconviction and conviction
6 information to the department within twenty-four hours of the event
7 constituting the nonconviction or conviction information.

8 (j) The department shall investigate and conduct a
9 redetermination of an applicant's or licensee's background clearance
10 if the department receives a complaint or information from
11 individuals, a law enforcement agency, or other federal, state, or
12 local government agency. Subject to the requirements contained in RCW
13 43.215.300 and 43.215.305 (as recodified by this act) and based on a
14 determination that an individual lacks the appropriate character,
15 suitability, or competence to provide child care or early learning
16 services to children, the department may: (i) Invalidate the
17 background card or certificate; or (ii) suspend, modify, or revoke
18 any license authorized by this chapter.

19 (3) To satisfy the shared background check requirements of the
20 department of ~~((early learning))~~ children, youth, and families and
21 the department of social and health services, each department shall
22 share federal fingerprint-based background check results as permitted
23 under the law. The purpose of this provision is to allow both
24 departments to fulfill their joint background check responsibility of
25 checking any individual who may have unsupervised access to
26 vulnerable adults, children, or juveniles. Neither department may
27 share the federal background check results with any other state
28 agency or person.

29 **Sec. 207.** RCW 43.215.216 and 2011 c 295 s 1 are each amended to
30 read as follows:

31 Subject to appropriation, the department ~~((of early learning))~~
32 shall ~~((establish and))~~ maintain an individual-based or portable
33 background check clearance registry ~~((by July 1, 2012))~~. Any
34 individual seeking a child care license or employment in any child
35 care facility licensed or regulated under current law shall submit a
36 background application on a form prescribed by the department in
37 rule.

1 **Sec. 208.** RCW 43.215.217 and 2011 c 295 s 4 are each amended to
2 read as follows:

3 (~~Effective July 1, 2011,~~) All agency licensees shall pay the
4 department a one-time fee established by the department. When
5 establishing the fee, the department must consider the cost of
6 developing and administering the registry, and shall not set a fee
7 which is estimated to generate revenue beyond estimated costs for the
8 development and administration of the registry. Fee revenues must be
9 deposited in the individual-based/portable background check clearance
10 account created in RCW 43.215.218 (as recodified by this act) and may
11 be expended only for the costs of developing and administering the
12 individual-based/portable background check clearance registry created
13 in RCW 43.215.216 (as recodified by this act).

14 **Sec. 209.** RCW 43.215.218 and 2011 c 295 s 5 are each amended to
15 read as follows:

16 The individual-based/portable background check clearance account
17 is created in the custody of the state treasurer. All fees collected
18 pursuant to RCW 43.215.215 and 43.215.217 (as recodified by this act)
19 must be deposited in the account. Expenditures from the account may
20 be made only for development and administration, and implementation
21 of the individual-based/portable background check registry
22 established in RCW 43.215.216 (as recodified by this act). Only the
23 (~~director of the department of early learning~~) secretary or the
24 (~~director's~~) secretary's designee may authorize expenditures from
25 the account. The account is subject to allotment procedures under
26 chapter 43.88 RCW, but an appropriation is not required for
27 expenditures.

28 **Sec. 210.** RCW 43.215.405 and 2014 c 160 s 4 are each amended to
29 read as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout RCW 43.215.400 through 43.215.457 and
32 43.215.900 through 43.215.903 (as recodified by this act).

33 (1) "Advisory committee" means the advisory committee under RCW
34 43.215.420 (as recodified by this act).

35 (2) "Approved programs" means those state-supported education and
36 special assistance programs which are recognized by the department as
37 meeting the minimum program rules adopted by the department to
38 qualify under RCW 43.215.400 through 43.215.450 and 43.215.900

1 through 43.215.903 (as recodified by this act) and are designated as
2 eligible for funding by the department under RCW 43.215.430 and
3 43.215.440 (as recodified by this act).

4 (3) "Comprehensive" means an assistance program that focuses on
5 the needs of the child and includes education, health, and family
6 support services.

7 (4) (~~("Department" means the department of early learning.~~

8 ~~(5))~~) "Eligible child" means a child not eligible for
9 kindergarten whose family income is at or below one hundred ten
10 percent of the federal poverty level, as published annually by the
11 federal department of health and human services, and includes a child
12 whose family is eligible for public assistance, and who is not a
13 participant in a federal or state program providing comprehensive
14 services; a child eligible for special education due to disability
15 under RCW 28A.155.020; and may include children who are eligible
16 under rules adopted by the department if the number of such children
17 equals not more than ten percent of the total enrollment in the early
18 childhood program. Priority for enrollment shall be given to children
19 from families with the lowest income, children in foster care, or to
20 eligible children from families with multiple needs.

21 (~~(+6))~~) (5) "Family support services" means providing
22 opportunities for parents to:

23 (a) Actively participate in their child's early childhood
24 program;

25 (b) Increase their knowledge of child development and parenting
26 skills;

27 (c) Further their education and training;

28 (d) Increase their ability to use needed services in the
29 community;

30 (e) Increase their self-reliance.

31 **Sec. 211.** RCW 43.215.420 and 2006 c 263 s 413 are each amended
32 to read as follows:

33 The department shall establish an advisory committee composed of
34 interested parents and representatives from the office of the
35 superintendent of public instruction, (~~(the division of children and
36 family services within the department of social and health
37 services,~~) early childhood education and development staff
38 preparation programs, the head start programs, school districts, and
39 such other community and business organizations as deemed necessary

1 by the department to assist with the establishment of the preschool
2 program and advise the department on matters regarding the ongoing
3 promotion and operation of the program.

4 **Sec. 212.** RCW 43.215.495 and 2006 c 265 s 202 are each amended
5 to read as follows:

6 It shall be the policy of the state of Washington to:

7 (1) Recognize the family as the most important social and
8 economic unit of society and support the central role parents play in
9 child rearing. All parents are encouraged to care for and nurture
10 their children through the traditional methods of parental care at
11 home. The availability of quality, affordable child care is a concern
12 for working parents, the costs of care are often beyond the resources
13 of working parents, and child care facilities are not located
14 conveniently to workplaces and neighborhoods. Parents are encouraged
15 to participate fully in the effort to improve the quality of child
16 care services.

17 (2) Promote a variety of culturally and developmentally
18 appropriate child care settings and services of the highest possible
19 quality in accordance with the basic principle of continuity of care.
20 These settings shall include, but not be limited to, family day care
21 homes, mini-centers, centers and schools.

22 (3) Promote the growth, development and safety of children by
23 working with community groups including providers and parents to
24 establish standards for quality service, training of child care
25 providers, fair and equitable monitoring, and salary levels
26 commensurate with provider responsibilities and support services.

27 (4) Promote equal access to quality, affordable, socio-
28 economically integrated child care for all children and families.

29 (5) Facilitate broad community and private sector involvement in
30 the provision of quality child care services to foster economic
31 development and assist industry through the department (~~(of early~~
32 ~~learning)~~).

33 **Sec. 213.** RCW 43.215.545 and 2013 c 323 s 8 are each amended to
34 read as follows:

35 The department (~~(of early learning)~~) shall:

36 (1) Work in conjunction with the statewide child care resource
37 and referral network as well as local governments, nonprofit
38 organizations, businesses, and community child care advocates to

1 create local child care resource and referral organizations. These
2 organizations may carry out needs assessments, resource development,
3 provider training, technical assistance, and parent information and
4 training;

5 (2) Actively seek public and private money for distribution as
6 grants to the statewide child care resource and referral network and
7 to existing or potential local child care resource and referral
8 organizations;

9 (3) Adopt rules regarding the application for and distribution of
10 grants to local child care resource and referral organizations. The
11 rules shall, at a minimum, require an applicant to submit a plan for
12 achieving the following objectives:

13 (a) Provide parents with information about child care resources,
14 including location of services and subsidies;

15 (b) Carry out child care provider recruitment and training
16 programs, including training under RCW 74.25.040;

17 (c) Offer support services, such as parent and provider seminars,
18 toy-lending libraries, and substitute banks;

19 (d) Provide information for businesses regarding child care
20 supply and demand;

21 (e) Advocate for increased public and private sector resources
22 devoted to child care;

23 (f) Provide technical assistance to employers regarding employee
24 child care services; and

25 (g) Serve recipients of temporary assistance for needy families
26 and working parents with incomes at or below household incomes of two
27 hundred percent of the federal poverty line;

28 (4) Provide staff support and technical assistance to the
29 statewide child care resource and referral network and local child
30 care resource and referral organizations;

31 (5) Maintain a statewide child care licensing data bank and work
32 with department licensors to provide information to local child care
33 resource and referral organizations about licensed child care
34 providers in the state;

35 (6) Through the statewide child care resource and referral
36 network and local resource and referral organizations, compile data
37 about local child care needs and availability for future planning and
38 development;

39 (7) Coordinate with the statewide child care resource and
40 referral network and local child care resource and referral

1 organizations for the provision of training and technical assistance
2 to child care providers;

3 (8) Collect and assemble information regarding the availability
4 of insurance and of federal and other child care funding to assist
5 state and local agencies, businesses, and other child care providers
6 in offering child care services;

7 (9) Subject to the availability of amounts appropriated for this
8 specific purpose, (~~beginning September 1, 2013,~~) increase the base
9 rate for all child care providers by ten percent;

10 (10) Subject to the availability of amounts appropriated for this
11 specific purpose, provide tiered subsidy rate enhancements to child
12 care providers if the provider meets the following requirements:

13 (a) The provider enrolls in quality rating and improvement system
14 levels 2, 3, 4, or 5;

15 (b) The provider is actively participating in the early achievers
16 program;

17 (c) The provider continues to advance towards level 5 of the
18 early achievers program; and

19 (d) The provider must complete level 2 within thirty months or
20 the reimbursement rate returns the level 1 rate; and

21 (11) Require exempt providers to participate in continuing
22 education, if adequate funding is available.

23 **Sec. 214.** RCW 43.215.550 and 2006 c 265 s 203 are each amended
24 to read as follows:

25 An employer liaison position is established in the department
26 (~~of early learning~~) to be colocated with the department of
27 (~~community, trade, and economic development~~) commerce. The employer
28 liaison shall, within appropriated funds:

29 (1) Staff and assist the child care partnership in the
30 implementation of its duties;

31 (2) Provide technical assistance to employers regarding child
32 care services, working with and through local resource and referral
33 organizations whenever possible. Such technical assistance shall
34 include at a minimum:

35 (a) Assessing the child care needs of employees and prospective
36 employees;

37 (b) Reviewing options available to employers interested in
38 increasing access to child care for their employees;

1 (c) Developing techniques to permit small businesses to increase
2 access to child care for their employees;

3 (d) Reviewing methods of evaluating the impact of child care
4 activities on employers; and

5 (e) Preparing, collecting, and distributing current information
6 for employers on options for increasing involvement in child care;
7 and

8 (3) Provide assistance to local child care resource and referral
9 organizations to increase their capacity to provide quality technical
10 assistance to employers in their community.

11 **Sec. 215.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to
12 read as follows:

13 (1) Beginning with the 2007-08 school year, funding for voluntary
14 all-day kindergarten programs shall be phased-in beginning with
15 schools with the highest poverty levels, defined as those schools
16 with the highest percentages of students qualifying for free and
17 reduced-price lunch support in the prior school year. During the
18 2011-2013 biennium, funding shall continue to be phased-in each year
19 until full statewide implementation of all-day kindergarten is
20 achieved in the 2017-18 school year. Once a school receives funding
21 for the all-day kindergarten program, that school shall remain
22 eligible for funding in subsequent school years regardless of changes
23 in the school's percentage of students eligible for free and reduced-
24 price lunches as long as other program requirements are fulfilled.
25 Additionally, schools receiving all-day kindergarten program support
26 shall agree to the following conditions:

27 (a) Provide at least a one thousand-hour instructional program;

28 (b) Provide a curriculum that offers a rich, varied set of
29 experiences that assist students in:

30 (i) Developing initial skills in the academic areas of reading,
31 mathematics, and writing;

32 (ii) Developing a variety of communication skills;

33 (iii) Providing experiences in science, social studies, arts,
34 health and physical education, and a world language other than
35 English;

36 (iv) Acquiring large and small motor skills;

37 (v) Acquiring social and emotional skills including successful
38 participation in learning activities as an individual and as part of
39 a group; and

1 (vi) Learning through hands-on experiences;

2 (c) Establish learning environments that are developmentally
3 appropriate and promote creativity;

4 (d) Demonstrate strong connections and communication with early
5 learning community providers; and

6 (e) Participate in kindergarten program readiness activities with
7 early learning providers and parents.

8 (2)(a) It is the intent of the legislature that administration of
9 the Washington kindergarten inventory of developing skills as
10 required in this subsection (2) and RCW 28A.655.080 replace
11 administration of other assessments being required by school
12 districts or that other assessments only be administered if they seek
13 to obtain information not covered by the Washington kindergarten
14 inventory of developing skills.

15 (b) In addition to the requirements in subsection (1) of this
16 section and to the extent funds are available, beginning with the
17 2011-12 school year on a voluntary basis, schools must identify the
18 skills, knowledge, and characteristics of kindergarten students at
19 the beginning of the school year in order to support social-
20 emotional, physical, and cognitive growth and development of
21 individual children; support early learning provider and parent
22 involvement; and inform instruction. Kindergarten teachers shall
23 administer the Washington kindergarten inventory of developing
24 skills, as directed by the superintendent of public instruction in
25 consultation with the department of (~~early learning~~) children,
26 youth, and families and in collaboration with the nongovernmental
27 private-public partnership designated in RCW 43.215.070 (as
28 recodified by this act), and report the results to the
29 superintendent. The superintendent shall share the results with the
30 (~~director~~) secretary of the department of (~~early learning~~)
31 children, youth, and families.

32 (c) School districts shall provide an opportunity for parents and
33 guardians to excuse their children from participation in the
34 Washington kindergarten inventory of developing skills.

35 (3) Subject to funds appropriated for this purpose, the
36 superintendent of public instruction shall designate one or more
37 school districts to serve as resources and examples of best practices
38 in designing and operating a high-quality all-day kindergarten
39 program. Designated school districts shall serve as lighthouse
40 programs and provide technical assistance to other school districts

1 in the initial stages of implementing an all-day kindergarten
2 program. Examples of topics addressed by the technical assistance
3 include strategic planning, developing the instructional program and
4 curriculum, working with early learning providers to identify
5 students and communicate with parents, and developing kindergarten
6 program readiness activities.

7 **Sec. 216.** RCW 28A.155.065 and 2016 c 57 s 3 are each amended to
8 read as follows:

9 (1) Each school district shall provide or contract for early
10 intervention services to all eligible children with disabilities from
11 birth to three years of age. Eligibility shall be determined
12 according to Part C of the federal individuals with disabilities
13 education act or other applicable federal and state laws, and as
14 specified in the Washington Administrative Code adopted by the state
15 lead agency, which is the department of (~~early learning~~) children,
16 youth, and families. School districts shall provide or contract, or
17 both, for early intervention services in partnership with local
18 birth-to-three lead agencies and birth-to-three providers. Services
19 provided under this section shall not supplant services or funding
20 currently provided in the state for early intervention services to
21 eligible children with disabilities from birth to three years of age.
22 The state-designated birth-to-three lead agency shall be payor of
23 last resort for birth-to-three early intervention services provided
24 under this section.

25 (2)(a) By October 1, 2016, the office of the superintendent of
26 public instruction shall provide the department of early learning, in
27 its role as state lead agency, with a full accounting of the school
28 district expenditures from the 2013-14 and 2014-15 school years,
29 disaggregated by district, for birth-to-three early intervention
30 services provided under this section.

31 (b) The reported expenditures must include, but are not limited
32 to per student allocations, per student expenditures, the number of
33 children served, detailed information on services provided by school
34 districts and contracted for by school districts, coordination and
35 transition services, and administrative costs.

36 (3) The services in this section are not part of the state's
37 program of basic education pursuant to Article IX of the state
38 Constitution.

1 **Sec. 217.** RCW 28A.210.070 and 2006 c 263 s 908 are each amended
2 to read as follows:

3 As used in RCW 28A.210.060 through 28A.210.170:

4 (1) "Chief administrator" shall mean the person with the
5 authority and responsibility for the immediate supervision of the
6 operation of a school or day care center as defined in this section
7 or, in the alternative, such other person as may hereafter be
8 designated in writing for the purposes of RCW 28A.210.060 through
9 28A.210.170 by the statutory or corporate board of directors of the
10 school district, school, or day care center or, if none, such other
11 persons or person with the authority and responsibility for the
12 general supervision of the operation of the school district, school
13 or day care center.

14 (2) "Full immunization" shall mean immunization against certain
15 vaccine-preventable diseases in accordance with schedules and with
16 immunizing agents approved by the state board of health.

17 (3) "Local health department" shall mean the city, town, county,
18 district or combined city-county health department, board of health,
19 or health officer which provides public health services.

20 (4) "School" shall mean and include each building, facility, and
21 location at or within which any or all portions of a preschool,
22 kindergarten and grades one through twelve program of education and
23 related activities are conducted for two or more children by or in
24 behalf of any public school district and by or in behalf of any
25 private school or private institution subject to approval by the
26 state board of education pursuant to RCW 28A.305.130, 28A.195.010
27 through 28A.195.050, and 28A.410.120.

28 (5) "Day care center" shall mean an agency which regularly
29 provides care for a group of thirteen or more children for periods of
30 less than twenty-four hours and is licensed pursuant to chapter
31 (~~(74.15)~~) 43.215 RCW (as recodified by this act).

32 (6) "Child" shall mean any person, regardless of age, in
33 attendance at a public or private school or a licensed day care
34 center.

35 **Sec. 218.** RCW 28A.215.020 and 2006 c 263 s 411 are each amended
36 to read as follows:

37 Expenditures under federal funds and/or state appropriations made
38 to carry out the purposes of RCW 28A.215.010 through 28A.215.050
39 shall be made by warrants issued by the state treasurer upon order of

1 the superintendent of public instruction. The superintendent of
2 public instruction shall make necessary rules to carry out the
3 purpose of RCW 28A.215.010. (~~After being notified by the office of~~
4 ~~the governor that there is an agency or department responsible for~~
5 ~~early learning,~~) The superintendent shall consult with (~~that~~
6 ~~agency~~) the department of children, youth, and families when
7 establishing relevant rules.

8 **Sec. 219.** RCW 28A.320.191 and 2010 c 231 s 5 are each amended to
9 read as follows:

10 For the program of early learning established in RCW
11 (~~43.215.141~~) 43.215.455 (as recodified by this act), school
12 districts:

13 (1) Shall work cooperatively with program providers to coordinate
14 the transition from preschool to kindergarten so that children and
15 their families are well-prepared and supported; and

16 (2) May contract with the department of (~~early learning~~)
17 children, youth, and families to deliver services under the program.

18 **Sec. 220.** RCW 28A.400.303 and 2014 c 50 s 1 are each amended to
19 read as follows:

20 (1) School districts, educational service districts, the
21 Washington state center for childhood deafness and hearing loss, the
22 state school for the blind, and their contractors hiring employees
23 who will have regularly scheduled unsupervised access to children
24 shall require a record check through the Washington state patrol
25 criminal identification system under RCW 43.43.830 through 43.43.834,
26 10.97.030, and 10.97.050 and through the federal bureau of
27 investigation before hiring an employee. The record check shall
28 include a fingerprint check using a complete Washington state
29 criminal identification fingerprint card. The requesting entity shall
30 provide a copy of the record report to the applicant. When necessary,
31 applicants may be employed on a conditional basis pending completion
32 of the investigation. If the applicant has had a record check within
33 the previous two years, the district, the Washington state center for
34 childhood deafness and hearing loss, the state school for the blind,
35 or contractor may waive the requirement. Except as provided in
36 subsection (2) of this section, the district, pursuant to chapter
37 41.59 or 41.56 RCW, the Washington state center for childhood
38 deafness and hearing loss, the state school for the blind, or

1 contractor hiring the employee shall determine who shall pay costs
2 associated with the record check.

3 (2) Federal bureau of Indian affairs-funded schools may use the
4 process in subsection (1) of this section to perform record checks
5 for their employees and applicants for employment.

6 (3) Individuals who hold a valid portable background check
7 clearance card issued by the department of (~~early-learning~~)
8 children, youth, and families consistent with RCW 43.215.215 (as
9 recodified by this act) can meet the requirements in subsection (1)
10 of this section by providing a true and accurate copy of their
11 Washington state patrol and federal bureau of investigation
12 background report results to the office of the superintendent of
13 public instruction.

14 **Sec. 221.** RCW 28A.410.010 and 2014 c 50 s 2 are each amended to
15 read as follows:

16 (1)(a) The Washington professional educator standards board shall
17 establish, publish, and enforce rules determining eligibility for and
18 certification of personnel employed in the common schools of this
19 state, including certification for emergency or temporary, substitute
20 or provisional duty and under such certificates or permits as the
21 board shall deem proper or as otherwise prescribed by law. The rules
22 shall require that the initial application for certification shall
23 require a record check of the applicant through the Washington state
24 patrol criminal identification system and through the federal bureau
25 of investigation at the applicant's expense. The record check shall
26 include a fingerprint check using a complete Washington state
27 criminal identification fingerprint card. An individual who holds a
28 valid portable background check clearance card issued by the
29 department of (~~early-learning~~) children, youth, and families
30 consistent with RCW 43.215.215 (as recodified by this act) is exempt
31 from the office of the superintendent of public instruction
32 fingerprint background check if the individual provides a true and
33 accurate copy of his or her Washington state patrol and federal
34 bureau of investigation background report results to the office of
35 the superintendent of public instruction. The superintendent of
36 public instruction may waive the record check for any applicant who
37 has had a record check within the two years before application. The
38 rules shall permit a holder of a lapsed certificate but not a revoked
39 or suspended certificate to be employed on a conditional basis by a

1 school district with the requirement that the holder must complete
2 any certificate renewal requirements established by the state board
3 of education within two years of initial reemployment.

4 (b) In establishing rules pertaining to the qualifications of
5 instructors of American sign language the board shall consult with
6 the national association of the deaf, "sign instructors guidance
7 network" (s.i.g.n.), and the Washington state association of the deaf
8 for evaluation and certification of sign language instructors.

9 (c) The board shall develop rules consistent with RCW 18.340.020
10 for the certification of spouses of military personnel.

11 (2) The superintendent of public instruction shall act as the
12 administrator of any such rules and have the power to issue any
13 certificates or permits and revoke the same in accordance with board
14 rules.

15 **Sec. 222.** RCW 42.56.230 and 2015 c 224 s 2 and 2015 c 47 s 1 are
16 each reenacted and amended to read as follows:

17 The following personal information is exempt from public
18 inspection and copying under this chapter:

19 (1) Personal information in any files maintained for students in
20 public schools, patients or clients of public institutions or public
21 health agencies, or welfare recipients;

22 (2)(a) Personal information:

23 (i) For a child enrolled in licensed child care in any files
24 maintained by the department of (~~early learning~~) children, youth,
25 and families;

26 (ii) For a child enrolled in a public or nonprofit program
27 serving or pertaining to children, adolescents, or students,
28 including but not limited to early learning or child care services,
29 parks and recreation programs, youth development programs, and after-
30 school programs; or

31 (iii) For the family members or guardians of a child who is
32 subject to the exemption under this subsection (2) if the family
33 member or guardian has the same last name (~~of as~~) as the child or
34 if the family member or guardian resides at the same address (~~of~~
35 ~~as~~) as the child and disclosure of the family member's or
36 guardian's information would result in disclosure of the personal
37 information exempted under (a)(i) and (ii) of this subsection.

1 (b) Emergency contact information under this subsection (2) may
2 be provided to appropriate authorities and medical personnel for the
3 purpose of treating the individual during an emergency situation;

4 (3) Personal information in files maintained for employees,
5 appointees, or elected officials of any public agency to the extent
6 that disclosure would violate their right to privacy;

7 (4) Information required of any taxpayer in connection with the
8 assessment or collection of any tax if the disclosure of the
9 information to other persons would: (a) Be prohibited to such persons
10 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
11 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
12 to privacy or result in unfair competitive disadvantage to the
13 taxpayer;

14 (5) Credit card numbers, debit card numbers, electronic check
15 numbers, card expiration dates, or bank or other financial
16 information as defined in RCW 9.35.005 including social security
17 numbers, except when disclosure is expressly required by or governed
18 by other law;

19 (6) Personal and financial information related to a small loan or
20 any system of authorizing a small loan in RCW 31.45.093;

21 (7)(a) Any record used to prove identity, age, residential
22 address, social security number, or other personal information
23 required to apply for a driver's license or identicard.

24 (b) Information provided under RCW 46.20.111 that indicates that
25 an applicant declined to register with the selective service system.

26 (c) Any record pertaining to a vehicle license plate, driver's
27 license, or identicard issued under RCW 46.08.066 that, alone or in
28 combination with any other records, may reveal the identity of an
29 individual, or reveal that an individual is or was, performing an
30 undercover or covert law enforcement, confidential public health
31 work, public assistance fraud, or child support investigative
32 activity. This exemption does not prevent the release of the total
33 number of vehicle license plates, drivers' licenses, or identicards
34 that, under RCW 46.08.066, an agency or department has applied for,
35 been issued, denied, returned, destroyed, lost, and reported for
36 misuse.

37 (d) Any record pertaining to a vessel registration issued under
38 RCW 88.02.330 that, alone or in combination with any other records,
39 may reveal the identity of an individual, or reveal that an
40 individual is or was, performing an undercover or covert law

1 enforcement activity. This exemption does not prevent the release of
2 the total number of vessel registrations that, under RCW 88.02.330,
3 an agency or department has applied for, been issued, denied,
4 returned, destroyed, lost, and reported for misuse; (~~and~~)

5 (8) All information related to individual claims resolution
6 structured settlement agreements submitted to the board of industrial
7 insurance appeals under RCW 51.04.063, other than final orders from
8 the board of industrial insurance appeals.

9 Upon request by the legislature, the department of licensing
10 shall provide a report to the legislature containing all of the
11 information in subsection (7)(c) and (d) of this section that is
12 subject to public disclosure(~~(-)~~); and

13 (9) Voluntarily submitted information contained in a database
14 that is part of or associated with enhanced 911 emergency
15 communications systems, or information contained or used in emergency
16 notification systems as provided under RCW 38.52.575 and 38.52.577.

17 **Sec. 223.** RCW 43.41.400 and 2016 c 72 s 108 are each amended to
18 read as follows:

19 (1) An education data center shall be established in the office
20 of financial management. The education data center shall jointly,
21 with the legislative evaluation and accountability program committee,
22 conduct collaborative analyses of early learning, K-12, and higher
23 education programs and education issues across the P-20 system, which
24 includes the department of (~~early learning~~) children, youth, and
25 families, the superintendent of public instruction, the professional
26 educator standards board, the state board of education, the state
27 board for community and technical colleges, the workforce training
28 and education coordinating board, the student achievement council,
29 public and private nonprofit four-year institutions of higher
30 education, and the employment security department. The education data
31 center shall conduct collaborative analyses under this section with
32 the legislative evaluation and accountability program committee and
33 provide data electronically to the legislative evaluation and
34 accountability program committee, to the extent permitted by state
35 and federal confidentiality requirements. The education data center
36 shall be considered an authorized representative of the state
37 educational agencies in this section under applicable federal and
38 state statutes for purposes of accessing and compiling student record
39 data for research purposes.

1 (2) The education data center shall:

2 (a) In consultation with the legislative evaluation and
3 accountability program committee and the agencies and organizations
4 participating in the education data center, identify the critical
5 research and policy questions that are intended to be addressed by
6 the education data center and the data needed to address the
7 questions;

8 (b) Coordinate with other state education agencies to compile and
9 analyze education data, including data on student demographics that
10 is disaggregated by distinct ethnic categories within racial
11 subgroups, and complete P-20 research projects;

12 (c) Collaborate with the legislative evaluation and
13 accountability program committee and the education and fiscal
14 committees of the legislature in identifying the data to be compiled
15 and analyzed to ensure that legislative interests are served;

16 (d) Annually provide to the K-12 data governance group a list of
17 data elements and data quality improvements that are necessary to
18 answer the research and policy questions identified by the education
19 data center and have been identified by the legislative committees in
20 (c) of this subsection. Within three months of receiving the list,
21 the K-12 data governance group shall develop and transmit to the
22 education data center a feasibility analysis of obtaining or
23 improving the data, including the steps required, estimated time
24 frame, and the financial and other resources that would be required.
25 Based on the analysis, the education data center shall submit, if
26 necessary, a recommendation to the legislature regarding any
27 statutory changes or resources that would be needed to collect or
28 improve the data;

29 (e) Monitor and evaluate the education data collection systems of
30 the organizations and agencies represented in the education data
31 center ensuring that data systems are flexible, able to adapt to
32 evolving needs for information, and to the extent feasible and
33 necessary, include data that are needed to conduct the analyses and
34 provide answers to the research and policy questions identified in
35 (a) of this subsection;

36 (f) Track enrollment and outcomes through the public centralized
37 higher education enrollment system;

38 (g) Assist other state educational agencies' collaborative
39 efforts to develop a long-range enrollment plan for higher education
40 including estimates to meet demographic and workforce needs;

1 (h) Provide research that focuses on student transitions within
2 and among the early learning, K-12, and higher education sectors in
3 the P-20 system;

4 (i) Prepare a regular report on the educational and workforce
5 outcomes of youth in the juvenile justice system, using data
6 disaggregated by age, and by ethnic categories and racial subgroups
7 in accordance with RCW 28A.300.042; and

8 (j) Make recommendations to the legislature as necessary to help
9 ensure the goals and objectives of this section and RCW 28A.655.210
10 and 28A.300.507 are met.

11 (3) The department of (~~early learning~~) children, youth, and
12 families, superintendent of public instruction, professional educator
13 standards board, state board of education, state board for community
14 and technical colleges, workforce training and education coordinating
15 board, student achievement council, public four-year institutions of
16 higher education, department of social and health services, and
17 employment security department shall work with the education data
18 center to develop data-sharing and research agreements, consistent
19 with applicable security and confidentiality requirements, to
20 facilitate the work of the center. The education data center shall
21 also develop data-sharing and research agreements with the
22 administrative office of the courts to conduct research on
23 educational and workforce outcomes using data maintained under RCW
24 13.50.010(12) related to juveniles. Private, nonprofit institutions
25 of higher education that provide programs of education beyond the
26 high school level leading at least to the baccalaureate degree and
27 are accredited by the Northwest association of schools and colleges
28 or their peer accreditation bodies may also develop data-sharing and
29 research agreements with the education data center, consistent with
30 applicable security and confidentiality requirements. The education
31 data center shall make data from collaborative analyses available to
32 the education agencies and institutions that contribute data to the
33 education data center to the extent allowed by federal and state
34 security and confidentiality requirements applicable to the data of
35 each contributing agency or institution.

36 **Sec. 224.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
37 each reenacted and amended to read as follows:

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

1 (a) An applicant's conviction record, upon the request of a
2 business or organization as defined in RCW 43.43.830, a
3 developmentally disabled person, or a vulnerable adult as defined in
4 RCW 43.43.830 or his or her guardian;

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

7 (c) Any conviction record to aid in the investigation and
8 prosecution of child, developmentally disabled person, and vulnerable
9 adult abuse cases and to protect children and adults from further
10 incidents of abuse, upon the request of a law enforcement agency, the
11 office of the attorney general, prosecuting authority, or the
12 department of social and health services; and

13 (d) A prospective client's or resident's conviction record, upon
14 the request of a business or organization that qualifies for
15 exemption under section 501(c)(3) of the internal revenue code of
16 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
17 or transitional housing for children, persons with developmental
18 disabilities, or vulnerable adults.

19 (2) The secretary of the department of social and health services
20 and the secretary of children, youth, and families must establish
21 rules and set standards to require specific action when considering
22 the information received pursuant to subsection (1) of this section,
23 and when considering additional information including but not limited
24 to civil adjudication proceedings as defined in RCW 43.43.830 and any
25 out-of-state equivalent, in the following circumstances:

26 (a) When considering persons for state employment in positions
27 directly responsible for the supervision, care, or treatment of
28 children, vulnerable adults, or individuals with mental illness or
29 developmental disabilities;

30 (b) When considering persons for state positions involving
31 unsupervised access to vulnerable adults to conduct comprehensive
32 assessments, financial eligibility determinations, licensing and
33 certification activities, investigations, surveys, or case
34 management; or for state positions otherwise required by federal law
35 to meet employment standards;

36 (c) When licensing agencies or facilities with individuals in
37 positions directly responsible for the care, supervision, or
38 treatment of children, developmentally disabled persons, or
39 vulnerable adults, including but not limited to agencies or
40 facilities licensed under chapter 74.15 or 18.51 RCW;

1 (d) When contracting with individuals or businesses or
2 organizations for the care, supervision, case management, or
3 treatment, including peer counseling, of children, developmentally
4 disabled persons, or vulnerable adults, including but not limited to
5 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
6 or 74.39A RCW or Title 71A RCW;

7 (e) When individual providers are paid by the state or providers
8 are paid by home care agencies to provide in-home services involving
9 unsupervised access to persons with physical, mental, or
10 developmental disabilities or mental illness, or to vulnerable adults
11 as defined in chapter 74.34 RCW, including but not limited to
12 services provided under chapter 74.39 or 74.39A RCW.

13 (3) The (~~director~~) secretary of the department of (~~early~~
14 ~~learning~~) children, youth, and families shall investigate the
15 conviction records, pending charges, and other information including
16 civil adjudication proceeding records of current employees and of any
17 person actively being considered for any position with the department
18 who will or may have unsupervised access to children, or for state
19 positions otherwise required by federal law to meet employment
20 standards. "Considered for any position" includes decisions about (a)
21 initial hiring, layoffs, reallocations, transfers, promotions, or
22 demotions, or (b) other decisions that result in an individual being
23 in a position that will or may have unsupervised access to children
24 as an employee, an intern, or a volunteer.

25 (4) The (~~director~~) secretary of the department of (~~early~~
26 ~~learning~~) children, youth, and families shall adopt rules and
27 investigate conviction records, pending charges, and other
28 information including civil adjudication proceeding records, in the
29 following circumstances:

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

36 (b) When authorizing individuals who will or may have
37 unsupervised access to children who are in child day care, in early
38 learning programs, or receiving early childhood learning education
39 services in licensed or certified agencies, including but not limited
40 to licensees, agency staff, interns, volunteers, contracted

1 providers, and persons living on the premises who are sixteen years
2 of age or older;

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

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

11 (5) Whenever a state conviction record check is required by state
12 law, persons may be employed or engaged as volunteers or independent
13 contractors on a conditional basis pending completion of the state
14 background investigation. Whenever a national criminal record check
15 through the federal bureau of investigation is required by state law,
16 a person may be employed or engaged as a volunteer or independent
17 contractor on a conditional basis pending completion of the national
18 check. The Washington personnel resources board shall adopt rules to
19 accomplish the purposes of this subsection as it applies to state
20 employees.

21 (6)(a) For purposes of facilitating timely access to criminal
22 background information and to reasonably minimize the number of
23 requests made under this section, recognizing that certain health
24 care providers change employment frequently, health care facilities
25 may, upon request from another health care facility, share copies of
26 completed criminal background inquiry information.

27 (b) Completed criminal background inquiry information may be
28 shared by a willing health care facility only if the following
29 conditions are satisfied: The licensed health care facility sharing
30 the criminal background inquiry information is reasonably known to be
31 the person's most recent employer, no more than twelve months has
32 elapsed from the date the person was last employed at a licensed
33 health care facility to the date of their current employment
34 application, and the criminal background information is no more than
35 two years old.

36 (c) If criminal background inquiry information is shared, the
37 health care facility employing the subject of the inquiry must
38 require the applicant to sign a disclosure statement indicating that
39 there has been no conviction or finding as described in RCW 43.43.842

1 since the completion date of the most recent criminal background
2 inquiry.

3 (d) Any health care facility that knows or has reason to believe
4 that an applicant has or may have a disqualifying conviction or
5 finding as described in RCW 43.43.842, subsequent to the completion
6 date of their most recent criminal background inquiry, shall be
7 prohibited from relying on the applicant's previous employer's
8 criminal background inquiry information. A new criminal background
9 inquiry shall be requested pursuant to RCW 43.43.830 through
10 43.43.842.

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

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

18 **Sec. 225.** RCW 43.43.837 and 2012 c 164 s 506 are each amended to
19 read as follows:

20 (1) Except as provided in subsection (2) of this section, in
21 order to determine the character, competence, and suitability of any
22 applicant or service provider to have unsupervised access, the
23 secretary of the department of social and health services and the
24 secretary of the department of children, youth, and families may
25 require a fingerprint-based background check through both the
26 Washington state patrol and the federal bureau of investigation at
27 any time, but shall require a fingerprint-based background check when
28 the applicant or service provider has resided in the state less than
29 three consecutive years before application, and:

30 (a) Is an applicant or service provider providing services to
31 children or people with developmental disabilities under RCW
32 74.15.030;

33 (b) Is an individual residing in an applicant or service
34 provider's home, facility, entity, agency, or business or who is
35 authorized by the department of social and health services or the
36 department of children, youth, and families to provide services to
37 children or people with developmental disabilities under RCW
38 74.15.030; or

1 (c) Is an applicant or service provider providing in-home
2 services funded by:

3 (i) Medicaid personal care under RCW 74.09.520;

4 (ii) Community options program entry system waiver services under
5 RCW 74.39A.030;

6 (iii) Chore services under RCW 74.39A.110; or

7 (iv) Other home and community long-term care programs,
8 established pursuant to chapters 74.39 and 74.39A RCW, administered
9 by the department of social and health services.

10 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
11 hired after January 7, 2012, are subject to background checks under
12 RCW 74.39A.056.

13 (3) To satisfy the shared background check requirements provided
14 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
15 department of ~~((early learning))~~ children, youth, and families and
16 the department of social and health services shall share federal
17 fingerprint-based background check results as permitted under the
18 law. The purpose of this provision is to allow both departments to
19 fulfill their joint background check responsibility of checking any
20 individual who may have unsupervised access to vulnerable adults,
21 children, or juveniles. Neither department may share the federal
22 background check results with any other state agency or person.

23 (4) The secretary of the department of children, youth, and
24 families shall require a fingerprint-based background check through
25 the Washington state patrol identification and criminal history
26 section and the federal bureau of investigation when the department
27 seeks to approve an applicant or service provider for a foster or
28 adoptive placement of children in accordance with federal and state
29 law. Fees charged by the Washington state patrol and the federal
30 bureau of investigation for fingerprint-based background checks shall
31 be paid by the department of children, youth, and families for
32 applicant and service providers providing foster care as required in
33 RCW 74.15.030.

34 (5) Any secure facility operated by the department of social and
35 health services or the department of children, youth, and families
36 under chapter 71.09 RCW shall require applicants and service
37 providers to undergo a fingerprint-based background check through the
38 Washington state patrol identification and criminal history section
39 and the federal bureau of investigation.

1 (6) Service providers and service provider applicants who are
2 required to complete a fingerprint-based background check may be
3 hired for a one hundred twenty-day provisional period as allowed
4 under law or program rules when:

5 (a) A fingerprint-based background check is pending; and

6 (b) The applicant or service provider is not disqualified based
7 on the immediate result of the background check.

8 (7) Fees charged by the Washington state patrol and the federal
9 bureau of investigation for fingerprint-based background checks shall
10 be paid by the applicable department for applicants or service
11 providers providing:

12 (a) Services to people with a developmental disability under RCW
13 74.15.030;

14 (b) In-home services funded by medicaid personal care under RCW
15 74.09.520;

16 (c) Community options program entry system waiver services under
17 RCW 74.39A.030;

18 (d) Chore services under RCW 74.39A.110;

19 (e) Services under other home and community long-term care
20 programs, established pursuant to chapters 74.39 and 74.39A RCW,
21 administered by the department of social and health services or the
22 department of children, youth, and families; and

23 (f) Services in, or to residents of, a secure facility under RCW
24 71.09.115(~~and~~

25 ~~(g) Foster care as required under RCW 74.15.030~~)).

26 (8) Service providers licensed under RCW 74.15.030 must pay fees
27 charged by the Washington state patrol and the federal bureau of
28 investigation for conducting fingerprint-based background checks.

29 ((~~Children's administration~~)) Department of children, youth,
30 and families service providers licensed under RCW 74.15.030 may not
31 pass on the cost of the background check fees to their applicants
32 unless the individual is determined to be disqualified due to the
33 background information.

34 (10) The department of social and health services and the
35 department of children, youth, and families shall develop rules
36 identifying the financial responsibility of service providers,
37 applicants, and the department for paying the fees charged by law
38 enforcement to roll, print, or scan fingerprints-based for the
39 purpose of a Washington state patrol or federal bureau of
40 investigation fingerprint-based background check.

1 (11) For purposes of this section, unless the context plainly
2 indicates otherwise:

3 (a) "Applicant" means a current or prospective department of
4 social and health services, department of children, youth, and
5 families, or service provider employee, volunteer, student, intern,
6 researcher, contractor, or any other individual who will or may have
7 unsupervised access because of the nature of the work or services he
8 or she provides. "Applicant" includes but is not limited to any
9 individual who will or may have unsupervised access and is:

10 (i) Applying for a license or certification from the department
11 of social and health services or the department of children, youth,
12 and families;

13 (ii) Seeking a contract with the department of social and health
14 services, the department of children, youth, and families, or a
15 service provider;

16 (iii) Applying for employment, promotion, reallocation, or
17 transfer;

18 (iv) An individual that a department of social and health
19 services or the department of children, youth, and families client or
20 guardian of a department of social and health services or department
21 of children, youth, and families client chooses to hire or engage to
22 provide services to himself or herself or another vulnerable adult,
23 juvenile, or child and who might be eligible to receive payment from
24 the department of social and health services or the department of
25 children, youth, and families for services rendered; or

26 (v) A department of social and health services or department of
27 children, youth, and families applicant who will or may work in a
28 department-covered position.

29 (b) "Authorized" means the department of social and health
30 services or the department of children, youth, and families grants an
31 applicant, home, or facility permission to:

32 (i) Conduct licensing, certification, or contracting activities;

33 (ii) Have unsupervised access to vulnerable adults, juveniles,
34 and children;

35 (iii) Receive payments from a department of social and health
36 services or department of children, youth, and families program; or

37 (iv) Work or serve in a department of social and health services
38 or department of children, youth, and families-covered position.

39 (c) (~~"Department" means the department of social and health~~
40 ~~services.~~

1 ~~(d)~~) "Secretary" means the secretary of the department of social
2 and health services.

3 ~~((e))~~ (d) "Secure facility" has the meaning provided in RCW
4 71.09.020.

5 ~~((f))~~ (e) "Service provider" means entities, facilities,
6 agencies, businesses, or individuals who are licensed, certified,
7 authorized, or regulated by, receive payment from, or have contracts
8 or agreements with the department of social and health services or
9 the department of children, youth, and families to provide services
10 to vulnerable adults, juveniles, or children. "Service provider"
11 includes individuals whom a department of social and health services
12 or department of children, youth, and families client or guardian of
13 a department of social and health services or department of children,
14 youth, and families client may choose to hire or engage to provide
15 services to himself or herself or another vulnerable adult, juvenile,
16 or child and who might be eligible to receive payment from the
17 department of social and health services or the department of
18 children, youth, and families for services rendered. "Service
19 provider" does not include those certified under chapter 70.96A RCW.

20 **Sec. 226.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to
21 read as follows:

22 (1) After January 1, 1988, and notwithstanding any provision of
23 RCW 43.43.700 through 43.43.810 to the contrary, the state patrol
24 shall furnish a transcript of the conviction record pertaining to any
25 person for whom the state patrol or the federal bureau of
26 investigation has a record upon the written request of:

27 (a) The subject of the inquiry;

28 (b) Any business or organization for the purpose of conducting
29 evaluations under RCW 43.43.832;

30 (c) The department of social and health services;

31 (d) Any law enforcement agency, prosecuting authority, or the
32 office of the attorney general;

33 (e) The department of social and health services for the purpose
34 of meeting responsibilities set forth in chapter ~~((74.157))~~ 18.51,
35 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to
36 regulate or license a facility which handles vulnerable adults~~((-~~
37 ~~However, access to conviction records pursuant to this subsection~~
38 ~~(1)(e) does not limit or restrict the ability of the department to~~

1 ~~obtain additional information regarding conviction records and~~
2 ~~pending charges as set forth in RCW 74.15.030(2)(b))~~; or

3 (f) The department of (~~early learning~~) children, youth, and
4 families for the purpose of meeting responsibilities in chapters
5 43.215 (as recodified by this act) and 74.15 RCW. However, access to
6 conviction records pursuant to this subsection (1)(f) does not limit
7 or restrict the ability of department of children, youth, and
8 families to obtain additional information regarding conviction
9 records and pending charges as provided in RCW 74.15.030(2)(b).

10 (2) The state patrol shall by rule establish fees for
11 disseminating records under this section to recipients identified in
12 subsection (1)(a) and (b) of this section. The state patrol shall
13 also by rule establish fees for disseminating records in the custody
14 of the national crime information center. The revenue from the fees
15 shall cover, as nearly as practicable, the direct and indirect costs
16 to the state patrol of disseminating the records. No fee shall be
17 charged to a nonprofit organization for the records check. Record
18 checks requested by school districts and educational service
19 districts using only name and date of birth will be provided free of
20 charge.

21 (3) No employee of the state, employee of a business or
22 organization, or the business or organization is liable for
23 defamation, invasion of privacy, negligence, or any other claim in
24 connection with any lawful dissemination of information under RCW
25 43.43.830 through 43.43.840 or 43.43.760.

26 (4) Before July 26, 1987, the state patrol shall adopt rules and
27 forms to implement this section and to provide for security and
28 privacy of information disseminated under this section, giving first
29 priority to the criminal justice requirements of this chapter. The
30 rules may include requirements for users, audits of users, and other
31 procedures to prevent use of civil adjudication record information or
32 criminal history record information inconsistent with this chapter.

33 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
34 employer to make an inquiry not specifically authorized by this
35 chapter, or be construed to affect the policy of the state declared
36 in chapter 9.96A RCW.

37 **Sec. 227.** RCW 43.88.096 and 2013 2nd sp.s. c 32 s 1 are each
38 amended to read as follows:

39 (1) As used in this section:

1 (a) "Designated state agency" means the department of social and
2 health services, the department of health, the health care authority,
3 the department of commerce, the department of ecology, the department
4 of fish and wildlife, the office of the superintendent of public
5 instruction, and the department of (~~early learning~~) children,
6 youth, and families.

7 (b) "Federal receipts" means the federal financial assistance, as
8 defined in 31 U.S.C. Sec. 7501 on September 28, 2013, that is
9 reported as part of a single audit.

10 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501 on
11 September 28, 2013.

12 (2) Subject to subsection (3) of this section, a designated state
13 agency shall prepare as part of the agency's biennial budget
14 submittal under this chapter a report that:

15 (a) Reports the aggregate value of federal receipts the
16 designated state agency estimated for the ensuing biennium;

17 (b) Calculates the percentage of the designated state agency's
18 total budget for the ensuing biennium that constitutes federal
19 receipts that the designated state agency received; and

20 (c) Develops plans for operating the designated state agency if
21 there is a reduction of:

22 (i) Five percent or more in the federal receipts that the
23 designated state agency receives; and

24 (ii) Twenty-five percent or more in the federal receipts that the
25 designated state agency receives.

26 (3) The report required by subsection (2) of this section
27 prepared by the superintendent of public instruction shall include
28 the information required by subsection (2)(a) through (c) of this
29 section for each school district within the state.

30 PART III

31 TRANSFER OF CHILD WELFARE POLICIES AND PROGRAMS

32 **Sec. 301.** RCW 4.24.595 and 2012 c 259 s 13 are each amended to
33 read as follows:

34 (1) Governmental entities, and their officers, agents, employees,
35 and volunteers, are not liable in tort for any of their acts or
36 omissions in emergent placement investigations of child abuse or
37 neglect under chapter 26.44 RCW including, but not limited to, any
38 determination to leave a child with a parent, custodian, or guardian,

1 or to return a child to a parent, custodian, or guardian, unless the
2 act or omission constitutes gross negligence. Emergent placement
3 investigations are those conducted prior to a shelter care hearing
4 under RCW 13.34.065.

5 (2) The department of (~~social and health services~~) children,
6 youth, and families and its employees shall comply with the orders of
7 the court, including shelter care and other dependency orders, and
8 are not liable for acts performed to comply with such court orders.
9 In providing reports and recommendations to the court, employees of
10 the department of (~~social and health services~~) children, youth, and
11 families are entitled to the same witness immunity as would be
12 provided to any other witness.

13 **Sec. 302.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2
14 are each reenacted and amended to read as follows:

15 (~~For purposes of~~) The definitions in this section apply
16 throughout this chapter(~~(+)~~) unless the context clearly requires
17 otherwise.

18 (1) "Abandoned" means when the child's parent, guardian, or other
19 custodian has expressed, either by statement or conduct, an intent to
20 forego, for an extended period, parental rights or responsibilities
21 despite an ability to exercise such rights and responsibilities. If
22 the court finds that the petitioner has exercised due diligence in
23 attempting to locate the parent, no contact between the child and the
24 child's parent, guardian, or other custodian for a period of three
25 months creates a rebuttable presumption of abandonment, even if there
26 is no expressed intent to abandon.

27 (2) "Child," "juvenile," and "youth" mean(~~(s)~~):

28 (a) Any individual under the age of eighteen years; or

29 (b) Any individual age eighteen to twenty-one years who is
30 eligible to receive and who elects to receive the extended foster
31 care services authorized under RCW 74.13.031. A youth who remains
32 dependent and who receives extended foster care services under RCW
33 74.13.031 shall not be considered a "child" under any other statute
34 or for any other purpose.

35 (3) "Current placement episode" means the period of time that
36 begins with the most recent date that the child was removed from the
37 home of the parent, guardian, or legal custodian for purposes of
38 placement in out-of-home care and continues until: (a) The child
39 returns home; (b) an adoption decree, a permanent custody order, or

1 guardianship order is entered; or (c) the dependency is dismissed,
2 whichever occurs first.

3 (4) "Department" means the department of (~~social and health~~
4 ~~services~~) children, youth, and families.

5 (5) "Dependency guardian" means the person, nonprofit
6 corporation, or Indian tribe appointed by the court pursuant to this
7 chapter for the limited purpose of assisting the court in the
8 supervision of the dependency.

9 (6) "Dependent child" means any child who:

10 (a) Has been abandoned;

11 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
12 person legally responsible for the care of the child;

13 (c) Has no parent, guardian, or custodian capable of adequately
14 caring for the child, such that the child is in circumstances which
15 constitute a danger of substantial damage to the child's
16 psychological or physical development; or

17 (d) Is receiving extended foster care services, as authorized by
18 RCW 74.13.031.

19 (7) "Developmental disability" means a disability attributable to
20 intellectual disability, cerebral palsy, epilepsy, autism, or another
21 neurological or other condition of an individual found by the
22 secretary of the department of social and health services to be
23 closely related to an intellectual disability or to require treatment
24 similar to that required for individuals with intellectual
25 disabilities, which disability originates before the individual
26 attains age eighteen, which has continued or can be expected to
27 continue indefinitely, and which constitutes a substantial limitation
28 to the individual.

29 (8) "Educational liaison" means a person who has been appointed
30 by the court to fulfill responsibilities outlined in RCW 13.34.046.

31 (9) "Extended foster care services" means residential and other
32 support services the department is authorized to provide under RCW
33 74.13.031. These services may include placement in licensed,
34 relative, or otherwise approved care, or supervised independent
35 living settings; assistance in meeting basic needs; independent
36 living services; medical assistance; and counseling or treatment.

37 (10) "Guardian" means the person or agency that: (a) Has been
38 appointed as the guardian of a child in a legal proceeding, including
39 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
40 legal right to custody of the child pursuant to such appointment. The

1 term "guardian" does not include a "dependency guardian" appointed
2 pursuant to a proceeding under this chapter.

3 (11) "Guardian ad litem" means a person, appointed by the court
4 to represent the best interests of a child in a proceeding under this
5 chapter, or in any matter which may be consolidated with a proceeding
6 under this chapter. A "court-appointed special advocate" appointed by
7 the court to be the guardian ad litem for the child, or to perform
8 substantially the same duties and functions as a guardian ad litem,
9 shall be deemed to be guardian ad litem for all purposes and uses of
10 this chapter.

11 (12) "Guardian ad litem program" means a court-authorized
12 volunteer program, which is or may be established by the superior
13 court of the county in which such proceeding is filed, to manage all
14 aspects of volunteer guardian ad litem representation for children
15 alleged or found to be dependent. Such management shall include but
16 is not limited to: Recruitment, screening, training, supervision,
17 assignment, and discharge of volunteers.

18 (13) "Housing assistance" means appropriate referrals by the
19 department or other supervising agencies to federal, state, local, or
20 private agencies or organizations, assistance with forms,
21 applications, or financial subsidies or other monetary assistance for
22 housing. For purposes of this chapter, "housing assistance" is not a
23 remedial service or time-limited family reunification service as
24 described in RCW 13.34.025(2).

25 (14) "Indigent" means a person who, at any stage of a court
26 proceeding, is:

27 (a) Receiving one of the following types of public assistance:
28 Temporary assistance for needy families, aged, blind, or disabled
29 assistance benefits, medical care services under RCW 74.09.035,
30 pregnant women assistance benefits, poverty-related veterans'
31 benefits, food stamps or food stamp benefits transferred
32 electronically, refugee resettlement benefits, medicaid, or
33 supplemental security income; or

34 (b) Involuntarily committed to a public mental health facility;
35 or

36 (c) Receiving an annual income, after taxes, of one hundred
37 twenty-five percent or less of the federally established poverty
38 level; or

1 (d) Unable to pay the anticipated cost of counsel for the matter
2 before the court because his or her available funds are insufficient
3 to pay any amount for the retention of counsel.

4 (15) "Nonminor dependent" means any individual age eighteen to
5 twenty-one years who is participating in extended foster care
6 services authorized under RCW 74.13.031.

7 (16) "Out-of-home care" means placement in a foster family home
8 or group care facility licensed pursuant to chapter 74.15 RCW or
9 placement in a home, other than that of the child's parent, guardian,
10 or legal custodian, not required to be licensed pursuant to chapter
11 74.15 RCW.

12 (17) "Preventive services" means preservation services, as
13 defined in chapter 74.14C RCW, and other reasonably available
14 services, including housing assistance, capable of preventing the
15 need for out-of-home placement while protecting the child.

16 (18) "Shelter care" means temporary physical care in a facility
17 licensed pursuant to RCW 74.15.030 or in a home not required to be
18 licensed pursuant to RCW 74.15.030.

19 (19) "Sibling" means a child's birth brother, birth sister,
20 adoptive brother, adoptive sister, half-brother, or half-sister, or
21 as defined by the law or custom of the Indian child's tribe for an
22 Indian child as defined in RCW 13.38.040.

23 (20) "Social study" means a written evaluation of matters
24 relevant to the disposition of the case and shall contain the
25 following information:

26 (a) A statement of the specific harm or harms to the child that
27 intervention is designed to alleviate;

28 (b) A description of the specific services and activities, for
29 both the parents and child, that are needed in order to prevent
30 serious harm to the child; the reasons why such services and
31 activities are likely to be useful; the availability of any proposed
32 services; and the agency's overall plan for ensuring that the
33 services will be delivered. The description shall identify the
34 services chosen and approved by the parent;

35 (c) If removal is recommended, a full description of the reasons
36 why the child cannot be protected adequately in the home, including a
37 description of any previous efforts to work with the parents and the
38 child in the home; the in-home treatment programs that have been
39 considered and rejected; the preventive services, including housing
40 assistance, that have been offered or provided and have failed to

1 prevent the need for out-of-home placement, unless the health,
2 safety, and welfare of the child cannot be protected adequately in
3 the home; and the parents' attitude toward placement of the child;

4 (d) A statement of the likely harms the child will suffer as a
5 result of removal;

6 (e) A description of the steps that will be taken to minimize the
7 harm to the child that may result if separation occurs including an
8 assessment of the child's relationship and emotional bond with any
9 siblings, and the agency's plan to provide ongoing contact between
10 the child and the child's siblings if appropriate; and

11 (f) Behavior that will be expected before determination that
12 supervision of the family or placement is no longer necessary.

13 (21) "Supervised independent living" includes, but is not limited
14 to, apartment living, room and board arrangements, college or
15 university dormitories, and shared roommate settings. Supervised
16 independent living settings must be approved by the children's
17 administration or the court.

18 (22) "Supervising agency" means an agency licensed by the state
19 under RCW 74.15.090, or licensed by a federally recognized Indian
20 tribe located in this state under RCW 74.15.190, that has entered
21 into a performance-based contract with the department to provide case
22 management for the delivery and documentation of child welfare
23 services as defined in RCW 74.13.020.

24 (23) "Voluntary placement agreement" means, for the purposes of
25 extended foster care services, a written voluntary agreement between
26 a nonminor dependent who agrees to submit to the care and authority
27 of the department for the purposes of participating in the extended
28 foster care program.

29 **Sec. 303.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to
30 read as follows:

31 (1) Any party has a right to be represented by an attorney in all
32 proceedings under this chapter, to introduce evidence, to be heard in
33 his or her own behalf, to examine witnesses, to receive a decision
34 based solely on the evidence adduced at the hearing, and to an
35 unbiased fact finder.

36 (2) At all stages of a proceeding in which a child is alleged to
37 be dependent, the child's parent, guardian, or legal custodian has
38 the right to be represented by counsel, and if indigent, to have
39 counsel appointed for him or her by the court. Unless waived in

1 court, counsel shall be provided to the child's parent, guardian, or
2 legal custodian, if such person (a) has appeared in the proceeding or
3 requested the court to appoint counsel and (b) is financially unable
4 to obtain counsel because of indigency.

5 (3) If a party to an action under this chapter is represented by
6 counsel, no order shall be provided to that party for his or her
7 signature without prior notice and provision of the order to counsel.

8 (4) Copies of department (~~(of social and health services)~~) or
9 supervising agency records to which parents have legal access
10 pursuant to chapter 13.50 RCW shall be given to the child's parent,
11 guardian, legal custodian, or his or her legal counsel, prior to any
12 shelter care hearing and within fifteen days after the department or
13 supervising agency receives a written request for such records from
14 the parent, guardian, legal custodian, or his or her legal counsel.
15 These records shall be provided to the child's parents, guardian,
16 legal custodian, or legal counsel a reasonable period of time prior
17 to the shelter care hearing in order to allow an opportunity to
18 review the records prior to the hearing. These records shall be
19 legible and shall be provided at no expense to the parents, guardian,
20 legal custodian, or his or her counsel. When the records are served
21 on legal counsel, legal counsel shall have the opportunity to review
22 the records with the parents and shall review the records with the
23 parents prior to the shelter care hearing.

24 **Sec. 304.** RCW 13.34.096 and 2016 c 180 s 1 are each amended to
25 read as follows:

26 (1) The department or supervising agency shall provide the
27 child's foster parents, preadoptive parents, or other caregivers with
28 timely and adequate notice of their right to be heard prior to each
29 proceeding held with respect to the child in juvenile court under
30 this chapter. For purposes of this section, "timely and adequate
31 notice" means notice at the time the department would be required to
32 give notice to parties to the case and by any means reasonably
33 certain of notifying the foster parents, preadoptive parents, or
34 other caregivers, including but not limited to written, telephone, or
35 in person oral notification. For emergency hearings, the department
36 shall give notice to foster parents, preadoptive parents, or other
37 caregivers as soon as is practicable. For six-month review and annual
38 permanency hearings, the department shall give notice to foster
39 parents upon placement or as soon as practicable.

1 (2) The court shall establish and include in the court record
2 after every hearing for which the department or supervising agency is
3 required to provide notice to the child's foster parents, preadoptive
4 parents, and caregivers whether the department provided adequate and
5 timely notice, whether a caregiver's report was received by the
6 court, and whether the court provided the child's foster parents,
7 preadoptive parents, or caregivers with an opportunity to be heard in
8 court. For purposes of this section, "caregiver's report" means a
9 form provided by the department (~~of social and health services~~) to
10 a child's foster parents, preadoptive parents, or caregivers that
11 provides an opportunity for those individuals to share information
12 about the child with the court before a court hearing. A caregiver's
13 report shall not include information related to a child's biological
14 parent that is not directly related to the child's well-being.

15 (3) Absent exigent circumstances, the department shall provide
16 the child's foster family home notice of expected placement changes
17 as required by RCW 74.13.300.

18 (4) The rights to notice and to be heard apply only to persons
19 with whom a child has been placed by the department or supervising
20 agency and who are providing care to the child at the time of the
21 proceeding. This section shall not be construed to grant party status
22 to any person solely on the basis of such notice and right to be
23 heard.

24 **Sec. 305.** RCW 13.34.110 and 2007 c 220 s 9 are each amended to
25 read as follows:

26 (1) The court shall hold a fact-finding hearing on the petition
27 and, unless the court dismisses the petition, shall make written
28 findings of fact, stating the reasons therefor. The rules of evidence
29 shall apply at the fact-finding hearing and the parent, guardian, or
30 legal custodian of the child shall have all of the rights provided in
31 RCW 13.34.090(1). The petitioner shall have the burden of
32 establishing by a preponderance of the evidence that the child is
33 dependent within the meaning of RCW 13.34.030.

34 (2) The court in a fact-finding hearing may consider the history
35 of past involvement of child protective services or law enforcement
36 agencies with the family for the purpose of establishing a pattern of
37 conduct, behavior, or inaction with regard to the health, safety, or
38 welfare of the child on the part of the child's parent, guardian, or
39 legal custodian, or for the purpose of establishing that reasonable

1 efforts have been made by the department to prevent or eliminate the
2 need for removal of the child from the child's home. No report of
3 child abuse or neglect that has been destroyed or expunged under RCW
4 26.44.031 may be used for such purposes.

5 (3)(a) The parent, guardian, or legal custodian of the child may
6 waive his or her right to a fact-finding hearing by stipulating or
7 agreeing to the entry of an order of dependency establishing that the
8 child is dependent within the meaning of RCW 13.34.030. The parent,
9 guardian, or legal custodian may also stipulate or agree to an order
10 of disposition pursuant to RCW 13.34.130 at the same time. Any
11 stipulated or agreed order of dependency or disposition must be
12 signed by the parent, guardian, or legal custodian and his or her
13 attorney, unless the parent, guardian, or legal custodian has waived
14 his or her right to an attorney in open court, and by the petitioner
15 and the attorney, guardian ad litem, or court-appointed special
16 advocate for the child, if any. If the department (~~of social and~~
17 ~~health services~~) is not the petitioner and is required by the order
18 to supervise the placement of the child or provide services to any
19 party, the department must also agree to and sign the order.

20 (b) Entry of any stipulated or agreed order of dependency or
21 disposition is subject to approval by the court. The court shall
22 receive and review a social study before entering a stipulated or
23 agreed order and shall consider whether the order is consistent with
24 the allegations of the dependency petition and the problems that
25 necessitated the child's placement in out-of-home care. No social
26 file or social study may be considered by the court in connection
27 with the fact-finding hearing or prior to factual determination,
28 except as otherwise admissible under the rules of evidence.

29 (c) Prior to the entry of any stipulated or agreed order of
30 dependency, the parent, guardian, or legal custodian of the child and
31 his or her attorney must appear before the court and the court within
32 available resources must inquire and establish on the record that:

33 (i) The parent, guardian, or legal custodian understands the
34 terms of the order or orders he or she has signed, including his or
35 her responsibility to participate in remedial services as provided in
36 any disposition order;

37 (ii) The parent, guardian, or legal custodian understands that
38 entry of the order starts a process that could result in the filing
39 of a petition to terminate his or her relationship with the child
40 within the time frames required by state and federal law if he or she

1 fails to comply with the terms of the dependency or disposition
2 orders or fails to substantially remedy the problems that
3 necessitated the child's placement in out-of-home care;

4 (iii) The parent, guardian, or legal custodian understands that
5 the entry of the stipulated or agreed order of dependency is an
6 admission that the child is dependent within the meaning of RCW
7 13.34.030 and shall have the same legal effect as a finding by the
8 court that the child is dependent by at least a preponderance of the
9 evidence, and that the parent, guardian, or legal custodian shall not
10 have the right in any subsequent proceeding for termination of
11 parental rights or dependency guardianship pursuant to this chapter
12 or nonparental custody pursuant to chapter 26.10 RCW to challenge or
13 dispute the fact that the child was found to be dependent; and

14 (iv) The parent, guardian, or legal custodian knowingly and
15 willingly stipulated and agreed to and signed the order or orders,
16 without duress, and without misrepresentation or fraud by any other
17 party.

18 If a parent, guardian, or legal custodian fails to appear before
19 the court after stipulating or agreeing to entry of an order of
20 dependency, the court may enter the order upon a finding that the
21 parent, guardian, or legal custodian had actual notice of the right
22 to appear before the court and chose not to do so. The court may
23 require other parties to the order, including the attorney for the
24 parent, guardian, or legal custodian, to appear and advise the court
25 of the parent's, guardian's, or legal custodian's notice of the right
26 to appear and understanding of the factors specified in this
27 subsection. A parent, guardian, or legal custodian may choose to
28 waive his or her presence at the in-court hearing for entry of the
29 stipulated or agreed order of dependency by submitting to the court
30 through counsel a completed stipulated or agreed dependency fact-
31 finding/disposition statement in a form determined by the Washington
32 state supreme court pursuant to General Rule GR 9.

33 (4) Immediately after the entry of the findings of fact, the
34 court shall hold a disposition hearing, unless there is good cause
35 for continuing the matter for up to fourteen days. If good cause is
36 shown, the case may be continued for longer than fourteen days.
37 Notice of the time and place of the continued hearing may be given in
38 open court. If notice in open court is not given to a party, that
39 party shall be notified by certified mail of the time and place of
40 any continued hearing. Unless there is reasonable cause to believe

1 the health, safety, or welfare of the child would be jeopardized or
2 efforts to reunite the parent and child would be hindered, the court
3 shall direct the department to notify those adult persons who: (a)
4 Are related by blood or marriage to the child in the following
5 degrees: Parent, grandparent, brother, sister, stepparent,
6 stepbrother, stepsister, uncle, or aunt; (b) are known to the
7 department as having been in contact with the family or child within
8 the past twelve months; and (c) would be an appropriate placement for
9 the child. Reasonable cause to dispense with notification to a parent
10 under this section must be proved by clear, cogent, and convincing
11 evidence.

12 The parties need not appear at the fact-finding or dispositional
13 hearing if the parties, their attorneys, the guardian ad litem, and
14 court-appointed special advocates, if any, are all in agreement.

15 **Sec. 306.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to
16 read as follows:

17 (1) Whenever a child is ordered removed from the home, a
18 permanency plan shall be developed no later than sixty days from the
19 time the supervising agency assumes responsibility for providing
20 services, including placing the child, or at the time of a hearing
21 under RCW 13.34.130, whichever occurs first. The permanency planning
22 process continues until a permanency planning goal is achieved or
23 dependency is dismissed. The planning process shall include
24 reasonable efforts to return the child to the parent's home.

25 (2) The agency supervising the dependency shall submit a written
26 permanency plan to all parties and the court not less than fourteen
27 days prior to the scheduled hearing. Responsive reports of parties
28 not in agreement with the department's or supervising agency's
29 proposed permanency plan must be provided to the department or
30 supervising agency, all other parties, and the court at least seven
31 days prior to the hearing.

32 The permanency plan shall include:

33 (a) A permanency plan of care that shall identify one of the
34 following outcomes as a primary goal and may identify additional
35 outcomes as alternative goals: Return of the child to the home of the
36 child's parent, guardian, or legal custodian; adoption, including a
37 tribal customary adoption as defined in RCW 13.38.040; guardianship;
38 permanent legal custody; long-term relative or foster care, if the
39 child is between ages sixteen and eighteen, with a written agreement

1 between the parties and the care provider; successful completion of a
2 responsible living skills program; or independent living, if
3 appropriate and if the child is age sixteen or older. Although a
4 permanency plan of care may only identify long-term relative or
5 foster care for children between ages sixteen and eighteen, children
6 under sixteen may remain placed with relatives or in foster care. The
7 department or supervising agency shall not discharge a child to an
8 independent living situation before the child is eighteen years of
9 age unless the child becomes emancipated pursuant to chapter 13.64
10 RCW;

11 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
12 that a termination petition be filed, a specific plan as to where the
13 child will be placed, what steps will be taken to return the child
14 home, what steps the supervising agency or the department will take
15 to promote existing appropriate sibling relationships and/or
16 facilitate placement together or contact in accordance with the best
17 interests of each child, and what actions the department or
18 supervising agency will take to maintain parent-child ties. All
19 aspects of the plan shall include the goal of achieving permanence
20 for the child.

21 (i) The department's or supervising agency's plan shall specify
22 what services the parents will be offered to enable them to resume
23 custody, what requirements the parents must meet to resume custody,
24 and a time limit for each service plan and parental requirement.

25 (A) If the parent is incarcerated, the plan must address how the
26 parent will participate in the case conference and permanency
27 planning meetings and, where possible, must include treatment that
28 reflects the resources available at the facility where the parent is
29 confined. The plan must provide for visitation opportunities, unless
30 visitation is not in the best interests of the child.

31 (B) If a parent has a developmental disability according to the
32 definition provided in RCW 71A.10.020, and that individual is
33 eligible for services provided by the department of social and health
34 services developmental disabilities administration, the department
35 shall make reasonable efforts to consult with the department of
36 social and health services developmental disabilities administration
37 to create an appropriate plan for services. For individuals who meet
38 the definition of developmental disability provided in RCW 71A.10.020
39 and who are eligible for services through the developmental
40 disabilities administration, the plan for services must be tailored

1 to correct the parental deficiency taking into consideration the
2 parent's disability and the department shall also determine an
3 appropriate method to offer those services based on the parent's
4 disability.

5 (ii)(A) Visitation is the right of the family, including the
6 child and the parent, in cases in which visitation is in the best
7 interest of the child. Early, consistent, and frequent visitation is
8 crucial for maintaining parent-child relationships and making it
9 possible for parents and children to safely reunify. The supervising
10 agency or department shall encourage the maximum parent and child and
11 sibling contact possible, when it is in the best interest of the
12 child, including regular visitation and participation by the parents
13 in the care of the child while the child is in placement.

14 (B) Visitation shall not be limited as a sanction for a parent's
15 failure to comply with court orders or services where the health,
16 safety, or welfare of the child is not at risk as a result of the
17 visitation.

18 (C) Visitation may be limited or denied only if the court
19 determines that such limitation or denial is necessary to protect the
20 child's health, safety, or welfare. When a parent or sibling has been
21 identified as a suspect in an active criminal investigation for a
22 violent crime that, if the allegations are true, would impact the
23 safety of the child, the department shall make a concerted effort to
24 consult with the assigned law enforcement officer in the criminal
25 case before recommending any changes in parent/child or child/sibling
26 contact. In the event that the law enforcement officer has
27 information pertaining to the criminal case that may have serious
28 implications for child safety or well-being, the law enforcement
29 officer shall provide this information to the department during the
30 consultation. The department may only use the information provided by
31 law enforcement during the consultation to inform family visitation
32 plans and may not share or otherwise distribute the information to
33 any person or entity. Any information provided to the department by
34 law enforcement during the consultation is considered investigative
35 information and is exempt from public inspection pursuant to RCW
36 42.56.240. The results of the consultation shall be communicated to
37 the court.

38 (D) The court and the department or supervising agency should
39 rely upon community resources, relatives, foster parents, and other
40 appropriate persons to provide transportation and supervision for

1 visitation to the extent that such resources are available, and
2 appropriate, and the child's safety would not be compromised.

3 (iii)(A) The department, court, or caregiver in the out-of-home
4 placement may not limit visitation or contact between a child and
5 sibling as a sanction for a child's behavior or as an incentive to
6 the child to change his or her behavior.

7 (B) Any exceptions, limitation, or denial of contacts or
8 visitation must be approved by the supervisor of the department
9 caseworker and documented. The child, parent, department, guardian ad
10 litem, or court-appointed special advocate may challenge the denial
11 of visits in court.

12 (iv) A child shall be placed as close to the child's home as
13 possible, preferably in the child's own neighborhood, unless the
14 court finds that placement at a greater distance is necessary to
15 promote the child's or parents' well-being.

16 (v) The plan shall state whether both in-state and, where
17 appropriate, out-of-state placement options have been considered by
18 the department or supervising agency.

19 (vi) Unless it is not in the best interests of the child,
20 whenever practical, the plan should ensure the child remains enrolled
21 in the school the child was attending at the time the child entered
22 foster care.

23 (vii) The supervising agency or department shall provide all
24 reasonable services that are available within the department or
25 supervising agency, or within the community, or those services which
26 the department has existing contracts to purchase. It shall report to
27 the court if it is unable to provide such services; and

28 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
29 a termination petition be filed, a specific plan as to where the
30 child will be placed, what steps will be taken to achieve permanency
31 for the child, services to be offered or provided to the child, and,
32 if visitation would be in the best interests of the child, a
33 recommendation to the court regarding visitation between parent and
34 child pending a fact-finding hearing on the termination petition. The
35 department or supervising agency shall not be required to develop a
36 plan of services for the parents or provide services to the parents
37 if the court orders a termination petition be filed. However,
38 reasonable efforts to ensure visitation and contact between siblings
39 shall be made unless there is reasonable cause to believe the best
40 interests of the child or siblings would be jeopardized.

1 (3) Permanency planning goals should be achieved at the earliest
2 possible date. If the child has been in out-of-home care for fifteen
3 of the most recent twenty-two months, and the court has not made a
4 good cause exception, the court shall require the department or
5 supervising agency to file a petition seeking termination of parental
6 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
7 parental rights have been terminated, the child is legally free for
8 adoption, and adoption has been identified as the primary permanency
9 planning goal, it shall be a goal to complete the adoption within six
10 months following entry of the termination order.

11 (4) If the court determines that the continuation of reasonable
12 efforts to prevent or eliminate the need to remove the child from his
13 or her home or to safely return the child home should not be part of
14 the permanency plan of care for the child, reasonable efforts shall
15 be made to place the child in a timely manner and to complete
16 whatever steps are necessary to finalize the permanent placement of
17 the child.

18 (5) The identified outcomes and goals of the permanency plan may
19 change over time based upon the circumstances of the particular case.

20 (6) The court shall consider the child's relationships with the
21 child's siblings in accordance with RCW 13.34.130(6). Whenever the
22 permanency plan for a child is adoption, the court shall encourage
23 the prospective adoptive parents, birth parents, foster parents,
24 kinship caregivers, and the department or other supervising agency to
25 seriously consider the long-term benefits to the child adoptee and
26 his or her siblings of providing for and facilitating continuing
27 postadoption contact between the siblings. To the extent that it is
28 feasible, and when it is in the best interests of the child adoptee
29 and his or her siblings, contact between the siblings should be
30 frequent and of a similar nature as that which existed prior to the
31 adoption. If the child adoptee or his or her siblings are represented
32 by an attorney or guardian ad litem in a proceeding under this
33 chapter or in any other child custody proceeding, the court shall
34 inquire of each attorney and guardian ad litem regarding the
35 potential benefits of continuing contact between the siblings and the
36 potential detriments of severing contact. This section does not
37 require the department (~~of social and health services~~) or other
38 supervising agency to agree to any specific provisions in an open
39 adoption agreement and does not create a new obligation for the

1 department to provide supervision or transportation for visits
2 between siblings separated by adoption from foster care.

3 (7) For purposes related to permanency planning:

4 (a) "Guardianship" means a dependency guardianship or a legal
5 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
6 another state or a federally recognized Indian tribe.

7 (b) "Permanent custody order" means a custody order entered
8 pursuant to chapter 26.10 RCW.

9 (c) "Permanent legal custody" means legal custody pursuant to
10 chapter 26.10 RCW or equivalent laws of another state or a federally
11 recognized Indian tribe.

12 **Sec. 307.** RCW 13.34.141 and 2009 c 484 s 1 are each amended to
13 read as follows:

14 (1) After entry of a dispositional order pursuant to RCW
15 13.34.130 ordering placement of a child in out-of-home care, the
16 department shall continue to encourage the parent, guardian, or
17 custodian of the child to engage in services and maintain contact
18 with the child, which shall be accomplished by attaching a standard
19 notice to the services and safety plan to be provided in advance of
20 hearings conducted pursuant to RCW 13.34.138.

21 (2) The notice shall be photocopied on contrasting paper to
22 distinguish it from the services and safety plan to which it is
23 attached, and shall be in substantially the following form:

24 "NOTICE

25 If you have not been maintaining consistent contact with your
26 child in out-of-home care, your ability to reunify with your child
27 may be jeopardized. If this is your situation, you need to be aware
28 that you have important legal rights and must take steps to protect
29 your interests.

30 1. The department of (~~social and health services~~) children,
31 youth, and families (or other supervising agency) and the court have
32 created a permanency plan for your child, including a primary
33 placement plan and a secondary placement plan, and recommending
34 services needed before your child can be placed in the primary or
35 secondary placement. If you want the court to order that your child
36 be reunified with you, you should notify your lawyer and the
37 department, and you should carefully comply with court orders for
38 services and participate regularly in visitation with your child.

1 Failure to promptly engage in services or to maintain contact with
2 your child may lead to the filing of a petition to terminate your
3 rights as a parent.

4 2. Primary and secondary permanency plans are intended to run at
5 the same time so that your child will have a permanent home as
6 quickly as possible. Even if you want another parent or person to be
7 the primary placement choice for your child, you should tell your
8 lawyer, the department, and the court if you want to be the secondary
9 placement option, and you should comply with any court orders for
10 services and participate in visitation with your child. Early and
11 consistent involvement in your child's case plan is important for the
12 well-being of your child.

13 3. Dependency review hearings, and all other dependency case
14 hearings, are legal proceedings with potentially serious
15 consequences. Failure to participate, respond, or comply with court
16 orders may lead to the loss of your parental rights."

17 **Sec. 308.** RCW 13.34.180 and 2013 c 173 s 4 are each amended to
18 read as follows:

19 (1) A petition seeking termination of a parent and child
20 relationship may be filed in juvenile court by any party, including
21 the supervising agency, to the dependency proceedings concerning that
22 child. Such petition shall conform to the requirements of RCW
23 13.34.040, shall be served upon the parties as provided in RCW
24 13.34.070(8), and shall allege all of the following unless subsection
25 (3) or (4) of this section applies:

26 (a) That the child has been found to be a dependent child;

27 (b) That the court has entered a dispositional order pursuant to
28 RCW 13.34.130;

29 (c) That the child has been removed or will, at the time of the
30 hearing, have been removed from the custody of the parent for a
31 period of at least six months pursuant to a finding of dependency;

32 (d) That the services ordered under RCW 13.34.136 have been
33 expressly and understandably offered or provided and all necessary
34 services, reasonably available, capable of correcting the parental
35 deficiencies within the foreseeable future have been expressly and
36 understandably offered or provided;

37 (e) That there is little likelihood that conditions will be
38 remedied so that the child can be returned to the parent in the near
39 future. A parent's failure to substantially improve parental

1 deficiencies within twelve months following entry of the
2 dispositional order shall give rise to a rebuttable presumption that
3 there is little likelihood that conditions will be remedied so that
4 the child can be returned to the parent in the near future. The
5 presumption shall not arise unless the petitioner makes a showing
6 that all necessary services reasonably capable of correcting the
7 parental deficiencies within the foreseeable future have been clearly
8 offered or provided. In determining whether the conditions will be
9 remedied the court may consider, but is not limited to, the following
10 factors:

11 (i) Use of intoxicating or controlled substances so as to render
12 the parent incapable of providing proper care for the child for
13 extended periods of time or for periods of time that present a risk
14 of imminent harm to the child, and documented unwillingness of the
15 parent to receive and complete treatment or documented multiple
16 failed treatment attempts;

17 (ii) Psychological incapacity or mental deficiency of the parent
18 that is so severe and chronic as to render the parent incapable of
19 providing proper care for the child for extended periods of time or
20 for periods of time that present a risk of imminent harm to the
21 child, and documented unwillingness of the parent to receive and
22 complete treatment or documentation that there is no treatment that
23 can render the parent capable of providing proper care for the child
24 in the near future; or

25 (iii) Failure of the parent to have contact with the child for an
26 extended period of time after the filing of the dependency petition
27 if the parent was provided an opportunity to have a relationship with
28 the child by the department or the court and received documented
29 notice of the potential consequences of this failure, except that the
30 actual inability of a parent to have visitation with the child
31 including, but not limited to, mitigating circumstances such as a
32 parent's current or prior incarceration or service in the military
33 does not in and of itself constitute failure to have contact with the
34 child; and

35 (f) That continuation of the parent and child relationship
36 clearly diminishes the child's prospects for early integration into a
37 stable and permanent home. If the parent is incarcerated, the court
38 shall consider whether a parent maintains a meaningful role in his or
39 her child's life based on factors identified in RCW 13.34.145(5)(b);
40 whether the department or supervising agency made reasonable efforts

1 as defined in this chapter; and whether particular barriers existed
2 as described in RCW 13.34.145(5)(b) including, but not limited to,
3 delays or barriers experienced in keeping the agency apprised of his
4 or her location and in accessing visitation or other meaningful
5 contact with the child.

6 (2) As evidence of rebuttal to any presumption established
7 pursuant to subsection (1)(e) of this section, the court may consider
8 the particular constraints of a parent's current or prior
9 incarceration. Such evidence may include, but is not limited to,
10 delays or barriers a parent may experience in keeping the agency
11 apprised of his or her location and in accessing visitation or other
12 meaningful contact with the child.

13 (3) In lieu of the allegations in subsection (1) of this section,
14 the petition may allege that the child was found under such
15 circumstances that the whereabouts of the child's parent are unknown
16 and no person has acknowledged paternity or maternity and requested
17 custody of the child within two months after the child was found.

18 (4) In lieu of the allegations in subsection (1)(b) through (f)
19 of this section, the petition may allege that the parent has been
20 convicted of:

21 (a) Murder in the first degree, murder in the second degree, or
22 homicide by abuse as defined in chapter 9A.32 RCW against another
23 child of the parent;

24 (b) Manslaughter in the first degree or manslaughter in the
25 second degree, as defined in chapter 9A.32 RCW against another child
26 of the parent;

27 (c) Attempting, conspiring, or soliciting another to commit one
28 or more of the crimes listed in (a) or (b) of this subsection; or

29 (d) Assault in the first or second degree, as defined in chapter
30 9A.36 RCW, against the surviving child or another child of the
31 parent.

32 (5) When a parent has been sentenced to a long-term incarceration
33 and has maintained a meaningful role in the child's life considering
34 the factors provided in RCW 13.34.145(5)(b), and it is in the best
35 interest of the child, the department should consider a permanent
36 placement that allows the parent to maintain a relationship with his
37 or her child, such as, but not limited to, a guardianship pursuant to
38 chapter 13.36 RCW.

1 (6) Notice of rights shall be served upon the parent, guardian,
2 or legal custodian with the petition and shall be in substantially
3 the following form:

4 "NOTICE

5 A petition for termination of parental rights has been filed
6 against you. You have important legal rights and you must
7 take steps to protect your interests. This petition could
8 result in permanent loss of your parental rights.

9 1. You have the right to a fact-finding hearing before a
10 judge.

11 2. You have the right to have a lawyer represent you at
12 the hearing. A lawyer can look at the files in your case,
13 talk to the department of (~~social and health services~~)
14 children, youth, and families or the supervising agency and
15 other agencies, tell you about the law, help you understand
16 your rights, and help you at hearings. If you cannot afford a
17 lawyer, the court will appoint one to represent you. To get a
18 court-appointed lawyer you must contact: (explain local
19 procedure).

20 3. At the hearing, you have the right to speak on your
21 own behalf, to introduce evidence, to examine witnesses, and
22 to receive a decision based solely on the evidence presented
23 to the judge.

24 You should be present at this hearing.

25 You may call (insert agency) for more information
26 about your child. The agency's name and telephone number are
27 (insert name and telephone number)."

28 **Sec. 309.** RCW 13.34.820 and 2016 c 180 s 2 are each amended to
29 read as follows:

30 (1) The administrative office of the courts, in consultation with
31 the attorney general's office and the department (~~of social and~~
32 ~~health services~~), shall compile an annual report, providing
33 information about cases that fail to meet statutory guidelines to
34 achieve permanency for dependent children.

35 (2) The administrative office of the courts shall submit the
36 annual report required by this section to appropriate committees of
37 the legislature by December 1st of each year, beginning on December
38 1, 2007. The administrative office of the courts shall also submit

1 the annual report to a representative of the foster parent
2 association of Washington state.

3 (3) The annual report shall include information regarding whether
4 foster parents received timely notification of dependency hearings as
5 required by RCW 13.34.096 and 13.34.145 and whether caregivers
6 submitted reports to the court.

7 **Sec. 310.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
8 and amended to read as follows:

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

11 (1) "Child" means any individual under the age of eighteen years.

12 (2) "Department" means the department of (~~social and health~~
13 ~~services~~) children, youth, and families.

14 (3) "Dependent child" means a child who has been found by a court
15 to be dependent in a proceeding under chapter 13.34 RCW.

16 (4) "Guardian" means a person who: (a) Has been appointed by the
17 court as the guardian of a child in a legal proceeding under this
18 chapter; and (b) has the legal right to custody of the child pursuant
19 to court order. The term "guardian" does not include a "dependency
20 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
21 for the purpose of assisting the court in supervising the dependency.

22 (5) "Relative" means a person related to the child in the
23 following ways: (a) Any blood relative, including those of half-
24 blood, and including first cousins, second cousins, nephews or
25 nieces, and persons of preceding generations as denoted by prefixes
26 of grand, great, or great-great; (b) stepfather, stepmother,
27 stepbrother, and stepsister; (c) a person who legally adopts a child
28 or the child's parent as well as the natural and other legally
29 adopted children of such persons, and other relatives of the adoptive
30 parents in accordance with state law; (d) spouses of any persons
31 named in (a), (b), or (c) of this subsection, even after the marriage
32 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
33 this subsection, of any half sibling of the child; or (f) extended
34 family members, as defined by the law or custom of the Indian child's
35 tribe or, in the absence of such law or custom, a person who has
36 reached the age of eighteen and who is the Indian child's
37 grandparent, aunt or uncle, brother or sister, brother-in-law or
38 sister-in-law, niece or nephew, first or second cousin, or stepparent

1 who provides care in the family abode on a twenty-four hour basis to
2 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

3 (6) "Suitable person" means a nonrelative with whom the child or
4 the child's family has a preexisting relationship; who has completed
5 all required criminal history background checks and otherwise appears
6 to be suitable and competent to provide care for the child; and with
7 whom the child has been placed pursuant to RCW 13.34.130.

8 (7) "Supervising agency" means an agency licensed by the state
9 under RCW 74.15.090, or licensed by a federally recognized Indian
10 tribe located in this state under RCW 74.15.190, that has entered
11 into a performance-based contract with the department to provide case
12 management for the delivery and documentation of child welfare
13 services as defined in RCW 74.13.020.

14 **Sec. 311.** RCW 13.38.040 and 2011 c 309 s 4 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Active efforts" means the following:

19 (a) In any foster care placement or termination of parental
20 rights proceeding of an Indian child under chapter 13.34 RCW and this
21 chapter where the department or a supervising agency as defined in
22 RCW 74.13.020 has a statutory or contractual duty to provide services
23 to, or procure services for, the parent or parents or Indian
24 custodian, or is providing services to a parent or parents or Indian
25 custodian pursuant to a disposition order entered pursuant to RCW
26 13.34.130, the department or supervising agency shall make timely and
27 diligent efforts to provide or procure such services, including
28 engaging the parent or parents or Indian custodian in reasonably
29 available and culturally appropriate preventive, remedial, or
30 rehabilitative services. This shall include those services offered by
31 tribes and Indian organizations whenever possible. At a minimum
32 "active efforts" shall include:

33 (i) In any dependency proceeding under chapter 13.34 RCW seeking
34 out-of-home placement of an Indian child in which the department or
35 supervising agency provided voluntary services to the parent,
36 parents, or Indian custodian prior to filing the dependency petition,
37 a showing to the court that the department or supervising agency
38 social workers actively worked with the parent, parents, or Indian
39 custodian to engage them in remedial services and rehabilitation

1 programs to prevent the breakup of the family beyond simply providing
2 referrals to such services.

3 (ii) In any dependency proceeding under chapter 13.34 RCW, in
4 which the petitioner is seeking the continued out-of-home placement
5 of an Indian child, the department or supervising agency must show to
6 the court that it has actively worked with the parent, parents, or
7 Indian custodian in accordance with existing court orders and the
8 individual service plan to engage them in remedial services and
9 rehabilitative programs to prevent the breakup of the family beyond
10 simply providing referrals to such services.

11 (iii) In any termination of parental rights proceeding regarding
12 an Indian child under chapter 13.34 RCW in which the department or
13 supervising agency provided services to the parent, parents, or
14 Indian custodian, a showing to the court that the department or
15 supervising agency social workers actively worked with the parent,
16 parents, or Indian custodian to engage them in remedial services and
17 rehabilitation programs ordered by the court or identified in the
18 department or supervising agency's individual service and safety plan
19 beyond simply providing referrals to such services.

20 (b) In any foster care placement or termination of parental
21 rights proceeding in which the petitioner does not otherwise have a
22 statutory or contractual duty to directly provide services to, or
23 procure services for, the parent or Indian custodian, "active
24 efforts" means a documented, concerted, and good faith effort to
25 facilitate the parent's or Indian custodian's receipt of and
26 engagement in services capable of meeting the criteria set out in (a)
27 of this subsection.

28 (2) "Best interests of the Indian child" means the use of
29 practices in accordance with the federal Indian child welfare act,
30 this chapter, and other applicable law, that are designed to
31 accomplish the following: (a) Protect the safety, well-being,
32 development, and stability of the Indian child; (b) prevent the
33 unnecessary out-of-home placement of the Indian child; (c)
34 acknowledge the right of Indian tribes to maintain their existence
35 and integrity which will promote the stability and security of their
36 children and families; (d) recognize the value to the Indian child of
37 establishing, developing, or maintaining a political, cultural,
38 social, and spiritual relationship with the Indian child's tribe and
39 tribal community; and (e) in a proceeding under this chapter where
40 out-of-home placement is necessary, to prioritize placement of the

1 Indian child in accordance with the placement preferences of this
2 chapter.

3 (3) "Child custody proceeding" includes:

4 (a) "Foster care placement" which means any action removing an
5 Indian child from his or her parent or Indian custodian for temporary
6 placement in a foster home, institution, or with a relative,
7 guardian, conservator, or suitable other person where the parent or
8 Indian custodian cannot have the child returned upon demand, but
9 where parental rights have not been terminated;

10 (b) "Termination of parental rights" which means any action
11 resulting in the termination of the parent-child relationship;

12 (c) "Preadoptive placement" which means the temporary placement
13 of an Indian child in a foster home or institution after the
14 termination of parental rights but before or in lieu of adoptive
15 placement; and

16 (d) "Adoptive placement" which means the permanent placement of
17 an Indian child for adoption, including any action resulting in a
18 final decree of adoption.

19 These terms shall not include a placement based upon an act
20 which, if committed by an adult, would be deemed a crime or upon an
21 award, in a dissolution proceeding of custody to one of the parents.

22 (4) "Court of competent jurisdiction" means a federal court, or a
23 state court that entered an order in a child custody proceeding
24 involving an Indian child, as long as the state court had proper
25 subject matter jurisdiction in accordance with this chapter and the
26 laws of that state, or a tribal court that had or has exclusive or
27 concurrent jurisdiction pursuant to 25 U.S.C. Sec. 1911.

28 (5) "Department" means the department of (~~social and health~~
29 ~~services~~) children, youth, and families and any of its divisions.
30 "Department" also includes supervising agencies as defined in RCW
31 74.13.020(~~(+12)~~) with which the department entered into a contract
32 to provide services, care, placement, case management, contract
33 monitoring, or supervision to children subject to a petition filed
34 under chapter 13.34 or 26.33 RCW.

35 (6) "Indian" means a person who is a member of an Indian tribe,
36 or who is an Alaska native and a member of a regional corporation as
37 defined in 43 U.S.C. Sec. 1606.

38 (7) "Indian child" means an unmarried and unemancipated Indian
39 person who is under eighteen years of age and is either: (a) A member

1 of an Indian tribe; or (b) eligible for membership in an Indian tribe
2 and is the biological child of a member of an Indian tribe.

3 (8) "Indian child's family" or "extended family member" means an
4 individual, defined by the law or custom of the child's tribe, as a
5 relative of the child. If the child's tribe does not identify such
6 individuals by law or custom, the term means an adult who is the
7 Indian child's grandparent, aunt, uncle, brother, sister,
8 brother-in-law, sister-in-law, niece, nephew, first or second cousin,
9 or stepparent, even following termination of the marriage.

10 (9) "Indian child's tribe" means a tribe in which an Indian child
11 is a member or eligible for membership.

12 (10) "Indian custodian" means an Indian person who under tribal
13 law, tribal custom, or state law((7)) has legal or temporary physical
14 custody of an Indian child, or to whom the parent has transferred
15 temporary care, physical custody, and control of an Indian child.

16 (11) "Indian tribe" or "tribe" means any Indian tribe, band,
17 nation, or other organized group or community of Indians recognized
18 as eligible for the services provided to Indians by the secretary of
19 the interior because of their status as Indians, including any Alaska
20 native village as defined in 43 U.S.C. Sec. 1602(c).

21 (12) "Member" and "membership" means a determination by an Indian
22 tribe that a person is a member or eligible for membership in that
23 Indian tribe.

24 (13) "Parent" means a biological parent or parents of an Indian
25 child or a person who has lawfully adopted an Indian child, including
26 adoptions made under tribal law or custom. "Parent" does not include
27 an unwed father whose paternity has not been acknowledged or
28 established under chapter 26.26 RCW or the applicable laws of other
29 states.

30 (14) "Secretary of the interior" means the secretary of the
31 United States department of the interior.

32 (15) "Tribal court" means a court or body vested by an Indian
33 tribe with jurisdiction over child custody proceedings, including but
34 not limited to a federal court of Indian offenses, a court
35 established and operated under the code or custom of an Indian tribe,
36 or an administrative body of an Indian tribe vested with authority
37 over child custody proceedings.

38 (16) "Tribal customary adoption" means adoption or other process
39 through the tribal custom, traditions, or laws of an Indian child's
40 tribe by which the Indian child is permanently placed with a

1 nonparent and through which the nonparent is vested with the rights,
2 privileges, and obligations of a legal parent. Termination of the
3 parent-child relationship between the Indian child and the biological
4 parent is not required to effect or recognize a tribal customary
5 adoption.

6 **Sec. 312.** RCW 13.50.010 and 2016 c 93 s 2, 2016 c 72 s 109, and
7 2016 c 71 s 2 are each reenacted and amended to read as follows:

8 (1) For purposes of this chapter:

9 (a) "Good faith effort to pay" means a juvenile offender has
10 either (i) paid the principal amount in full; (ii) made at least
11 eighty percent of the value of full monthly payments within the
12 period from disposition or deferred disposition until the time the
13 amount of restitution owed is under review; or (iii) can show good
14 cause why he or she paid an amount less than eighty percent of the
15 value of full monthly payments;

16 (b) "Juvenile justice or care agency" means any of the following:
17 Police, diversion units, court, prosecuting attorney, defense
18 attorney, detention center, attorney general, the (~~legislative~~
19 ~~children's oversight committee~~) oversight board for children, youth,
20 and families, the office of the family and children's ombuds, the
21 department of social and health services and its contracting
22 agencies, the department of children, youth, and families and its
23 contracting agencies, schools; persons or public or private agencies
24 having children committed to their custody; and any placement
25 oversight committee created under RCW 72.05.415;

26 (c) "Official juvenile court file" means the legal file of the
27 juvenile court containing the petition or information, motions,
28 memorandums, briefs, notices of hearing or appearance, service
29 documents, witness and exhibit lists, findings of the court and court
30 orders, agreements, judgments, decrees, notices of appeal, as well as
31 documents prepared by the clerk, including court minutes, letters,
32 warrants, waivers, affidavits, declarations, invoices, and the index
33 to clerk papers;

34 (d) "Records" means the official juvenile court file, the social
35 file, and records of any other juvenile justice or care agency in the
36 case;

37 (e) "Social file" means the juvenile court file containing the
38 records and reports of the probation counselor.

1 (2) Each petition or information filed with the court may include
2 only one juvenile and each petition or information shall be filed
3 under a separate docket number. The social file shall be filed
4 separately from the official juvenile court file.

5 (3) It is the duty of any juvenile justice or care agency to
6 maintain accurate records. To this end:

7 (a) The agency may never knowingly record inaccurate information.
8 Any information in records maintained by the department of social and
9 health services relating to a petition filed pursuant to chapter
10 13.34 RCW that is found by the court to be false or inaccurate shall
11 be corrected or expunged from such records by the agency;

12 (b) An agency shall take reasonable steps to assure the security
13 of its records and prevent tampering with them; and

14 (c) An agency shall make reasonable efforts to insure the
15 completeness of its records, including action taken by other agencies
16 with respect to matters in its files.

17 (4) Each juvenile justice or care agency shall implement
18 procedures consistent with the provisions of this chapter to
19 facilitate inquiries concerning records.

20 (5) Any person who has reasonable cause to believe information
21 concerning that person is included in the records of a juvenile
22 justice or care agency and who has been denied access to those
23 records by the agency may make a motion to the court for an order
24 authorizing that person to inspect the juvenile justice or care
25 agency record concerning that person. The court shall grant the
26 motion to examine records unless it finds that in the interests of
27 justice or in the best interests of the juvenile the records or parts
28 of them should remain confidential.

29 (6) A juvenile, or his or her parents, or any person who has
30 reasonable cause to believe information concerning that person is
31 included in the records of a juvenile justice or care agency may make
32 a motion to the court challenging the accuracy of any information
33 concerning the moving party in the record or challenging the
34 continued possession of the record by the agency. If the court grants
35 the motion, it shall order the record or information to be corrected
36 or destroyed.

37 (7) The person making a motion under subsection (5) or (6) of
38 this section shall give reasonable notice of the motion to all
39 parties to the original action and to any agency whose records will
40 be affected by the motion.

1 (8) The court may permit inspection of records by, or release of
2 information to, any clinic, hospital, or agency which has the subject
3 person under care or treatment. The court may also permit inspection
4 by or release to individuals or agencies, including juvenile justice
5 advisory committees of county law and justice councils, engaged in
6 legitimate research for educational, scientific, or public purposes.
7 Each person granted permission to inspect juvenile justice or care
8 agency records for research purposes shall present a notarized
9 statement to the court stating that the names of juveniles and
10 parents will remain confidential.

11 (9) The court shall release to the caseload forecast council the
12 records needed for its research and data-gathering functions. Access
13 to caseload forecast data may be permitted by the council for
14 research purposes only if the anonymity of all persons mentioned in
15 the records or information will be preserved.

16 (10) Juvenile detention facilities shall release records to the
17 caseload forecast council upon request. The commission shall not
18 disclose the names of any juveniles or parents mentioned in the
19 records without the named individual's written permission.

20 (11) Requirements in this chapter relating to the court's
21 authority to compel disclosure shall not apply to the (~~legislative~~
22 ~~children's oversight committee~~) oversight board for children, youth,
23 and families or the office of the family and children's ombuds.

24 (12) For the purpose of research only, the administrative office
25 of the courts shall maintain an electronic research copy of all
26 records in the judicial information system related to juveniles.
27 Access to the research copy is restricted to the administrative
28 office of the courts for research purposes as authorized by the
29 supreme court or by state statute. The administrative office of the
30 courts shall maintain the confidentiality of all confidential records
31 and shall preserve the anonymity of all persons identified in the
32 research copy. Data contained in the research copy may be shared with
33 other governmental agencies as authorized by state statute, pursuant
34 to data-sharing and research agreements, and consistent with
35 applicable security and confidentiality requirements. The research
36 copy may not be subject to any records retention schedule and must
37 include records destroyed or removed from the judicial information
38 system pursuant to RCW 13.50.270 and 13.50.100(3).

39 (13) The court shall release to the Washington state office of
40 public defense records needed to implement the agency's oversight,

1 technical assistance, and other functions as required by RCW
2 2.70.020. Access to the records used as a basis for oversight,
3 technical assistance, or other agency functions is restricted to the
4 Washington state office of public defense. The Washington state
5 office of public defense shall maintain the confidentiality of all
6 confidential information included in the records.

7 (14) The court shall release to the Washington state office of
8 civil legal aid records needed to implement the agency's oversight,
9 technical assistance, and other functions as required by RCW
10 2.53.045. Access to the records used as a basis for oversight,
11 technical assistance, or other agency functions is restricted to the
12 Washington state office of civil legal aid. The Washington state
13 office of civil legal aid shall maintain the confidentiality of all
14 confidential information included in the records, and shall, as soon
15 as possible, destroy any retained notes or records obtained under
16 this section that are not necessary for its functions related to RCW
17 2.53.045.

18 (15) For purposes of providing for the educational success of
19 youth in foster care, the department of (~~social and health~~
20 ~~services~~) children, youth, and families may disclose only those
21 confidential child welfare records that pertain to or may assist with
22 meeting the educational needs of foster youth to another state agency
23 or state agency's contracted provider responsible under state law or
24 contract for assisting foster youth to attain educational success.
25 The records retain their confidentiality pursuant to this chapter and
26 federal law and cannot be further disclosed except as allowed under
27 this chapter and federal law.

28 (16) For purposes of investigating and preventing child abuse and
29 neglect, and providing for the health care coordination and the well-
30 being of children in foster care, the department of children, youth,
31 and families may disclose only those confidential child welfare
32 records that pertain to or may assist with investigation and
33 prevention of child abuse and neglect, or may assist with providing
34 for the health and well-being of children in foster care to the
35 department of social and health services, the health care authority,
36 or their contracting agencies. For purposes of investigating and
37 preventing child abuse and neglect, and to provide for the
38 coordination of health care and the well-being of children in foster
39 care, the department of social and health services and the health
40 care authority may disclose only those confidential child welfare

1 records that pertain to or may assist with investigation and
2 prevention of child abuse and neglect, or may assist with providing
3 for the health care coordination and the well-being of children in
4 foster care to the department of children, youth, and families, or
5 its contracting agencies. The records retain their confidentiality
6 pursuant to this chapter and federal law and cannot be further
7 disclosed except as allowed under this chapter and federal law.

8 **Sec. 313.** RCW 13.50.100 and 2014 c 175 s 8 are each amended to
9 read as follows:

10 (1) This section governs records not covered by RCW 13.50.050,
11 13.50.260, and 13.50.270.

12 (2) Records covered by this section shall be confidential and
13 shall be released only pursuant to this section and RCW 13.50.010.

14 (3) Records retained or produced by any juvenile justice or care
15 agency may be released to other participants in the juvenile justice
16 or care system only when an investigation or case involving the
17 juvenile in question is being pursued by the other participant or
18 when that other participant is assigned the responsibility of
19 supervising the juvenile. Records covered under this section and
20 maintained by the juvenile courts which relate to the official
21 actions of the agency may be entered in the statewide judicial
22 information system. However, truancy records associated with a
23 juvenile who has no other case history, and records of a juvenile's
24 parents who have no other case history, shall be removed from the
25 judicial information system when the juvenile is no longer subject to
26 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk
27 is not liable for unauthorized release of this data by persons or
28 agencies not in his or her employ or otherwise subject to his or her
29 control, nor is the county clerk liable for inaccurate or incomplete
30 information collected from litigants or other persons required to
31 provide identifying data pursuant to this section.

32 (4) Subject to (a) of this subsection, the department of (~~social~~
33 ~~and health services~~) children, youth, and families may release
34 information retained in the course of conducting child protective
35 services investigations to a family or juvenile court hearing a
36 petition for custody under chapter 26.10 RCW.

37 (a) Information that may be released shall be limited to
38 information regarding investigations in which: (i) The juvenile was
39 an alleged victim of abandonment or abuse or neglect; or (ii) the

1 petitioner for custody of the juvenile, or any individual aged
2 sixteen or older residing in the petitioner's household, is the
3 subject of a founded or currently pending child protective services
4 investigation made by the department of social and health services or
5 the department of children, youth, and families subsequent to October
6 1, 1998.

7 (b) Additional information may only be released with the written
8 consent of the subject of the investigation and the juvenile alleged
9 to be the victim of abandonment or abuse and neglect, or the parent,
10 custodian, guardian, or personal representative of the juvenile, or
11 by court order obtained with notice to all interested parties.

12 (5) Any disclosure of records or information by the department of
13 social and health services or the department of children, youth, and
14 families, pursuant to this section shall not be deemed a waiver of
15 any confidentiality or privilege attached to the records or
16 information by operation of any state or federal statute or
17 regulation, and any recipient of such records or information shall
18 maintain it in such a manner as to comply with such state and federal
19 statutes and regulations and to protect against unauthorized
20 disclosure.

21 (6) A contracting agency or service provider of the department of
22 social and health services or the department of children, youth, and
23 families, that provides counseling, psychological, psychiatric, or
24 medical services may release to the office of the family and
25 children's ombuds information or records relating to services
26 provided to a juvenile who is dependent under chapter 13.34 RCW
27 without the consent of the parent or guardian of the juvenile, or of
28 the juvenile if the juvenile is under the age of thirteen years,
29 unless such release is otherwise specifically prohibited by law.

30 (7) A juvenile, his or her parents, the juvenile's attorney, and
31 the juvenile's parent's attorney, shall, upon request, be given
32 access to all records and information collected or retained by a
33 juvenile justice or care agency which pertain to the juvenile except:

34 (a) If it is determined by the agency that release of this
35 information is likely to cause severe psychological or physical harm
36 to the juvenile or his or her parents the agency may withhold the
37 information subject to other order of the court: PROVIDED, That if
38 the court determines that limited release of the information is
39 appropriate, the court may specify terms and conditions for the
40 release of the information; or

1 (b) If the information or record has been obtained by a juvenile
2 justice or care agency in connection with the provision of
3 counseling, psychological, psychiatric, or medical services to the
4 juvenile, when the services have been sought voluntarily by the
5 juvenile, and the juvenile has a legal right to receive those
6 services without the consent of any person or agency, then the
7 information or record may not be disclosed to the juvenile's parents
8 without the informed consent of the juvenile unless otherwise
9 authorized by law; or

10 (c) That the department of (~~social and health services~~)
11 children, youth, and families may delete the name and identifying
12 information regarding persons or organizations who have reported
13 alleged child abuse or neglect.

14 (8) A juvenile or his or her parent denied access to any records
15 following an agency determination under subsection (7) of this
16 section may file a motion in juvenile court requesting access to the
17 records. The court shall grant the motion unless it finds access may
18 not be permitted according to the standards found in subsection
19 (7)(a) and (b) of this section.

20 (9) The person making a motion under subsection (8) of this
21 section shall give reasonable notice of the motion to all parties to
22 the original action and to any agency whose records will be affected
23 by the motion.

24 (10) Subject to the rules of discovery in civil cases, any party
25 to a proceeding seeking a declaration of dependency or a termination
26 of the parent-child relationship and any party's counsel and the
27 guardian ad litem of any party, shall have access to the records of
28 any natural or adoptive child of the parent, subject to the
29 limitations in subsection (7) of this section. A party denied access
30 to records may request judicial review of the denial. If the party
31 prevails, he or she shall be awarded attorneys' fees, costs, and an
32 amount not less than five dollars and not more than one hundred
33 dollars for each day the records were wrongfully denied.

34 (11) No unfounded allegation of child abuse or neglect as defined
35 in RCW 26.44.020(1) may be disclosed to a child-placing agency,
36 private adoption agency, or any other licensed provider.

37 **Sec. 314.** RCW 13.50.140 and 2013 c 23 s 8 are each amended to
38 read as follows:

1 Any communication or advice privileged under RCW 5.60.060 that is
2 disclosed by the office of the attorney general, the department of
3 children, youth, and families, or the department of social and health
4 services to the office of the family and children's ombuds may not be
5 deemed to be a waiver of the privilege as to others.

6 **Sec. 315.** RCW 13.60.010 and 2015 1st sp.s. c 2 s 2 are each
7 amended to read as follows:

8 (1) The Washington state patrol shall establish a missing
9 children and endangered person clearinghouse which shall include the
10 maintenance and operation of a toll-free telephone hotline. The
11 clearinghouse shall distribute information to local law enforcement
12 agencies, school districts, the department of (~~social and health~~
13 ~~services~~) children, youth, and families, and the general public
14 regarding missing children and endangered persons. The information
15 shall include pictures, bulletins, training sessions, reports, and
16 biographical materials that will assist in local law enforcement
17 efforts to locate missing children and endangered persons. The state
18 patrol shall also maintain a regularly updated computerized link with
19 national and other statewide missing person systems or
20 clearinghouses, and within existing resources, shall develop and
21 implement a plan, commonly known as an "amber alert plan" or an
22 "endangered missing person advisory plan" which includes a "silver
23 alert" designation for voluntary cooperation between local, state,
24 tribal, and other law enforcement agencies, state government
25 agencies, radio and television stations, cable and satellite systems,
26 and social media pages and sites to enhance the public's ability to
27 assist in recovering abducted children and missing endangered persons
28 consistent with the state endangered missing person advisory plan.

29 (2) For the purposes of this chapter:

30 (a) "Child" or "children" means an individual under eighteen
31 years of age.

32 (b) "Missing endangered person" means a person who is believed to
33 be in danger because of age, health, mental or physical disability,
34 in combination with environmental or weather conditions, or is
35 believed to be unable to return to safety without assistance and who
36 is:

37 (i) A person with a developmental disability as defined in RCW
38 71A.10.020(5);

39 (ii) A vulnerable adult as defined in RCW 74.34.020(~~(+17)~~); or

1 (iii) A person who has been diagnosed as having Alzheimer's
2 disease or other age-related dementia.

3 (c) "Silver alert" means the designated title of a missing
4 endangered person advisory that will be used on a variable message
5 sign and text of the highway advisory radio message when used as part
6 of an activated advisory to assist in the recovery of a missing
7 endangered person age sixty or older.

8 **Sec. 316.** RCW 13.60.040 and 1999 c 267 s 18 are each amended to
9 read as follows:

10 The department of (~~social and health services~~) children, youth,
11 and families shall develop a procedure for reporting missing children
12 information to the missing children clearinghouse on children who are
13 receiving departmental services in each of its administrative
14 regions. The purpose of this procedure is to link parents to missing
15 children. When the department has obtained information that a minor
16 child has been located at a facility funded by the department, the
17 department shall notify the clearinghouse and the child's legal
18 custodian, advising the custodian of the child's whereabouts or that
19 the child is subject to a dependency action. The department shall
20 inform the clearinghouse when reunification occurs.

21 **Sec. 317.** RCW 13.64.030 and 1993 c 294 s 3 are each amended to
22 read as follows:

23 The petitioner shall serve a copy of the filed petition and
24 notice of hearing on the petitioner's parent or parents, guardian, or
25 custodian at least fifteen days before the emancipation hearing. No
26 summons shall be required. Service shall be waived if proof is made
27 to the court that the address of the parent or parents, guardian, or
28 custodian is unavailable or unascertainable. The petitioner shall
29 also serve notice of the hearing on the department of children,
30 youth, and families if the petitioner is subject to dependency
31 disposition order under RCW 13.34.130. The hearing shall be held no
32 later than sixty days after the date on which the petition is filed.

33 **Sec. 318.** RCW 13.64.050 and 1993 c 294 s 5 are each amended to
34 read as follows:

35 (1) The court shall grant the petition for emancipation, except
36 as provided in subsection (2) of this section, if the petitioner
37 proves the following facts by clear and convincing evidence: (a) That

1 the petitioner is sixteen years of age or older; (b) that the
2 petitioner is a resident of the state; (c) that the petitioner has
3 the ability to manage his or her financial affairs; and (d) that the
4 petitioner has the ability to manage his or her personal, social,
5 educational, and nonfinancial affairs.

6 (2) A parent, guardian, custodian, or in the case of a dependent
7 minor, the department of children, youth, and families, may oppose
8 the petition for emancipation. The court shall deny the petition
9 unless it finds, by clear and convincing evidence, that denial of the
10 grant of emancipation would be detrimental to the interests of the
11 minor.

12 (3) Upon entry of a decree of emancipation by the court the
13 petitioner shall be given a certified copy of the decree. The decree
14 shall instruct the petitioner to obtain a Washington driver's license
15 or a Washington identification card and direct the department of
16 licensing make a notation of the emancipated status on the license or
17 identification card.

18 **Sec. 319.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Alleged father" means a person whose parent-child
23 relationship has not been terminated, who is not a presumed father
24 under chapter 26.26 RCW, and who alleges himself or whom a party
25 alleges to be the father of the child. It includes a person whose
26 marriage to the mother was terminated more than three hundred days
27 before the birth of the child or who was separated from the mother
28 more than three hundred days before the birth of the child.

29 (2) "Child" means a person under eighteen years of age.

30 (3) "Adoptee" means a person who is to be adopted or who has been
31 adopted.

32 (4) "Adoptive parent" means the person or persons who seek to
33 adopt or have adopted an adoptee.

34 (5) "Court" means the superior court.

35 (6) "Department" means the department of (~~social and health~~
36 ~~services~~) children, youth, and families.

37 (7) "Agency" means any public or private association,
38 corporation, or individual licensed or certified by the department as

1 a child-placing agency under chapter 74.15 RCW or as an adoption
2 agency.

3 (8) "Parent" means the natural or adoptive mother or father of a
4 child, including a presumed father under chapter 26.26 RCW. It does
5 not include any person whose parent-child relationship has been
6 terminated by a court of competent jurisdiction.

7 (9) "Legal guardian" means the department, an agency, or a
8 person, other than a parent or stepparent, appointed by the court to
9 promote the child's general welfare, with the authority and duty to
10 make decisions affecting the child's development.

11 (10) "Guardian ad litem" means a person, not related to a party
12 to the action, appointed by the court to represent the best interests
13 of a party who is under a legal disability.

14 (11) "Relinquish or relinquishment" means the voluntary surrender
15 of custody of a child to the department, an agency, or prospective
16 adoptive parents.

17 (12) "Individual approved by the court" or "qualified salaried
18 court employee" means a person who has a master's degree in social
19 work or a related field and one year of experience in social work, or
20 a bachelor's degree and two years of experience in social work, and
21 includes a person not having such qualifications only if the court
22 makes specific findings of fact that are entered of record
23 establishing that the person has reasonably equivalent experience.

24 (13) "Birth parent" means the biological mother or biological or
25 alleged father of a child, including a presumed father under chapter
26 26.26 RCW, whether or not any such person's parent-child relationship
27 has been terminated by a court of competent jurisdiction. "Birth
28 parent" does not include a biological mother or biological or alleged
29 father, including a presumed father under chapter 26.26 RCW, if the
30 parent-child relationship was terminated because of an act for which
31 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

32 (14) "Nonidentifying information" includes, but is not limited
33 to, the following information about the birth parents, adoptive
34 parents, and adoptee:

- 35 (a) Age in years at the time of adoption;
- 36 (b) Heritage, including nationality, ethnic background, and race;
- 37 (c) Education, including number of years of school completed at
38 the time of adoption, but not name or location of school;
- 39 (d) General physical appearance, including height, weight, color
40 of hair, eyes, and skin, or other information of a similar nature;

- 1 (e) Religion;
- 2 (f) Occupation, but not specific titles or places of employment;
- 3 (g) Talents, hobbies, and special interests;
- 4 (h) Circumstances leading to the adoption;
- 5 (i) Medical and genetic history of birth parents;
- 6 (j) First names;
- 7 (k) Other children of birth parents by age, sex, and medical
8 history;
- 9 (l) Extended family of birth parents by age, sex, and medical
10 history;
- 11 (m) The fact of the death, and age and cause, if known;
- 12 (n) Photographs;
- 13 (o) Name of agency or individual that facilitated the adoption.

14 **Sec. 320.** RCW 26.33.345 and 2013 c 321 s 1 are each amended to
15 read as follows:

16 (1) The department (~~(of social and health services)~~), adoption
17 agencies, and independent adoption facilitators shall release the
18 name and location of the court where a relinquishment of parental
19 rights or finalization of an adoption took place to an adult adoptee,
20 a birth parent of an adult adoptee, an adoptive parent, a birth or
21 adoptive grandparent of an adult adoptee, or an adult sibling of an
22 adult adoptee, or the legal guardian of any of these.

23 (2) The department of health shall make available a noncertified
24 copy of the original birth certificate of a child to the child's
25 birth parents upon request.

26 (3)(a) For adoptions finalized after October 1, 1993, the
27 department of health shall provide a noncertified copy of the
28 original birth certificate to an adoptee eighteen years of age or
29 older upon request, unless the birth parent has filed an affidavit of
30 nondisclosure before July 28, 2013, or a contact preference form that
31 indicates he or she does not want the original birth certificate
32 released: PROVIDED, That the affidavit of nondisclosure, the contact
33 preference form, or both have not expired.

34 (b) For adoptions finalized on or before October 1, 1993, the
35 department of health may not provide a noncertified copy of the
36 original birth certificate to the adoptee until after June 30, 2014.
37 After June 30, 2014, the department of health shall provide a
38 noncertified copy of the original birth certificate to an adoptee
39 eighteen years of age or older upon request, unless the birth parent

1 has filed a contact preference form that indicates he or she does not
2 want the original birth certificate released: PROVIDED, That the
3 contact preference form has not expired.

4 (c) An affidavit of nondisclosure expires upon the death of the
5 birth parent.

6 (4)(a) Regardless of whether a birth parent has filed an
7 affidavit of nondisclosure or when the adoption was finalized, a
8 birth parent may at any time complete a contact preference form
9 stating his or her preference about personal contact with the
10 adoptee, which, if available, must accompany an original birth
11 certificate provided to an adoptee under subsection (3) of this
12 section.

13 (b) The contact preference form must include the following
14 options:

15 (i) I would like to be contacted. I give the department of health
16 consent to provide the adoptee with a noncertified copy of his or her
17 original birth certificate;

18 (ii) I would like to be contacted only through a confidential
19 intermediary as described in RCW 26.33.343. I give the department of
20 health consent to provide the adoptee with a noncertified copy of his
21 or her original birth certificate;

22 (iii) I prefer not to be contacted and have completed the birth
23 parent updated medical history form. I give the department of health
24 consent to provide the adoptee with a noncertified copy of his or her
25 original birth certificate; and

26 (iv) I prefer not to be contacted and have completed the birth
27 parent updated medical history form. I do not want a noncertified
28 copy of the original birth certificate released to the adoptee.

29 (c) If the birth parent indicates he or she prefers not to be
30 contacted, personally identifying information on the contact
31 preference form must be kept confidential and may not be released.

32 (d) Nothing in this section precludes a birth parent from
33 subsequently filing another contact preference form to rescind the
34 previous contact preference form and state a different preference.

35 (e) A contact preference form expires upon the death of the birth
36 parent.

37 (5) If a birth parent files a contact preference form, the birth
38 parent must also file an updated medical history form with the
39 department of health. Upon request of the adoptee, the department of

1 health must provide the adoptee with the updated medical history form
2 filed by the adoptee's birth parent.

3 (6) Both a completed contact preference form and birth parent
4 updated medical history form are confidential and must be placed in
5 the adoptee's sealed file.

6 (7) If a birth parent files a contact preference form within six
7 months after the first time an adoptee requests a copy of his or her
8 original birth certificate as provided in subsection (3) of this
9 section, the department of health must forward the contact preference
10 form and the birth parent updated medical history form to the address
11 of the adoptee.

12 (8) The department of health may charge a fee not to exceed
13 twenty dollars for providing a noncertified copy of a birth
14 certificate to an adoptee.

15 (9) The department of health must create the contact preference
16 form and an updated medical history form. The contact preference form
17 must provide a method to ensure personally identifying information
18 can be kept confidential. The updated medical history form may not
19 require the birth parent to disclose any identifying information
20 about the birth parent.

21 (10) If the department of health does not provide an adoptee with
22 a noncertified copy of the original birth certificate because a valid
23 affidavit of nondisclosure or contact preference form has been filed,
24 the adoptee may request, no more than once per year, that the
25 department of health attempt to determine if the birth parent is
26 deceased. Upon request of the adoptee, the department of health must
27 make a reasonable effort to search public records that are accessible
28 and already available to the department of health to determine if the
29 birth parent is deceased. The department of health may charge the
30 adoptee a reasonable fee to cover the cost of conducting a search.

31 **Sec. 321.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
36 or injury of a child by any person under circumstances which cause
37 harm to the child's health, welfare, or safety, excluding conduct
38 permitted under RCW 9A.16.100; or the negligent treatment or
39 maltreatment of a child by a person responsible for or providing care

1 to the child. An abused child is a child who has been subjected to
2 child abuse or neglect as defined in this section.

3 (2) "Child" or "children" means any person under the age of
4 eighteen years of age.

5 (3) "Child protective services" means those services provided by
6 the department designed to protect children from child abuse and
7 neglect and safeguard such children from future abuse and neglect,
8 and conduct investigations of child abuse and neglect reports.
9 Investigations may be conducted regardless of the location of the
10 alleged abuse or neglect. Child protective services includes referral
11 to services to ameliorate conditions that endanger the welfare of
12 children, the coordination of necessary programs and services
13 relevant to the prevention, intervention, and treatment of child
14 abuse and neglect, and services to children to ensure that each child
15 has a permanent home. In determining whether protective services
16 should be provided, the department shall not decline to provide such
17 services solely because of the child's unwillingness or developmental
18 inability to describe the nature and severity of the abuse or
19 neglect.

20 (4) "Child protective services section" means the child
21 protective services section of the department.

22 (5) "Children's advocacy center" means a child-focused facility
23 in good standing with the state chapter for children's advocacy
24 centers and that coordinates a multidisciplinary process for the
25 investigation, prosecution, and treatment of sexual and other types
26 of child abuse. Children's advocacy centers provide a location for
27 forensic interviews and coordinate access to services such as, but
28 not limited to, medical evaluations, advocacy, therapy, and case
29 review by multidisciplinary teams within the context of county
30 protocols as defined in RCW 26.44.180 and 26.44.185.

31 (6) "Clergy" means any regularly licensed or ordained minister,
32 priest, or rabbi of any church or religious denomination, whether
33 acting in an individual capacity or as an employee or agent of any
34 public or private organization or institution.

35 (7) "Court" means the superior court of the state of Washington,
36 juvenile department.

37 (8) "Department" means the ((state)) department of ((social and
38 health services)) children, youth, and families.

39 (9) "Family assessment" means a comprehensive assessment of child
40 safety, risk of subsequent child abuse or neglect, and family

1 strengths and needs that is applied to a child abuse or neglect
2 report. Family assessment does not include a determination as to
3 whether child abuse or neglect occurred, but does determine the need
4 for services to address the safety of the child and the risk of
5 subsequent maltreatment.

6 (10) "Family assessment response" means a way of responding to
7 certain reports of child abuse or neglect made under this chapter
8 using a differential response approach to child protective services.
9 The family assessment response shall focus on the safety of the
10 child, the integrity and preservation of the family, and shall assess
11 the status of the child and the family in terms of risk of abuse and
12 neglect including the parent's or guardian's or other caretaker's
13 capacity and willingness to protect the child and, if necessary, plan
14 and arrange the provision of services to reduce the risk and
15 otherwise support the family. No one is named as a perpetrator, and
16 no investigative finding is entered in the record as a result of a
17 family assessment.

18 (11) "Founded" means the determination following an investigation
19 by the department that, based on available information, it is more
20 likely than not that child abuse or neglect did occur.

21 (12) "Inconclusive" means the determination following an
22 investigation by the department of social and health services, prior
23 to October 1, 2008, that based on available information a decision
24 cannot be made that more likely than not, child abuse or neglect did
25 or did not occur.

26 (13) "Institution" means a private or public hospital or any
27 other facility providing medical diagnosis, treatment, or care.

28 (14) "Law enforcement agency" means the police department, the
29 prosecuting attorney, the state patrol, the director of public
30 safety, or the office of the sheriff.

31 (15) "Malice" or "maliciously" means an intent, wish, or design
32 to intimidate, annoy, or injure another person. Such malice may be
33 inferred from an act done in willful disregard of the rights of
34 another, or an act wrongfully done without just cause or excuse, or
35 an act or omission of duty betraying a willful disregard of social
36 duty.

37 (16) "Negligent treatment or maltreatment" means an act or a
38 failure to act, or the cumulative effects of a pattern of conduct,
39 behavior, or inaction, that evidences a serious disregard of
40 consequences of such magnitude as to constitute a clear and present

1 danger to a child's health, welfare, or safety, including but not
2 limited to conduct prohibited under RCW 9A.42.100. When considering
3 whether a clear and present danger exists, evidence of a parent's
4 substance abuse as a contributing factor to negligent treatment or
5 maltreatment shall be given great weight. The fact that siblings
6 share a bedroom is not, in and of itself, negligent treatment or
7 maltreatment. Poverty, homelessness, or exposure to domestic violence
8 as defined in RCW 26.50.010 that is perpetrated against someone other
9 than the child does not constitute negligent treatment or
10 maltreatment in and of itself.

11 (17) "Pharmacist" means any registered pharmacist under chapter
12 18.64 RCW, whether acting in an individual capacity or as an employee
13 or agent of any public or private organization or institution.

14 (18) "Practitioner of the healing arts" or "practitioner" means a
15 person licensed by this state to practice podiatric medicine and
16 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
17 medicine and surgery, or medicine and surgery or to provide other
18 health services. The term "practitioner" includes a duly accredited
19 Christian Science practitioner. A person who is being furnished
20 Christian Science treatment by a duly accredited Christian Science
21 practitioner will not be considered, for that reason alone, a
22 neglected person for the purposes of this chapter.

23 (19) "Professional school personnel" include, but are not limited
24 to, teachers, counselors, administrators, child care facility
25 personnel, and school nurses.

26 (20) "Psychologist" means any person licensed to practice
27 psychology under chapter 18.83 RCW, whether acting in an individual
28 capacity or as an employee or agent of any public or private
29 organization or institution.

30 (21) "Screened-out report" means a report of alleged child abuse
31 or neglect that the department has determined does not rise to the
32 level of a credible report of abuse or neglect and is not referred
33 for investigation.

34 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
35 encouraging a child to engage in prostitution by any person; or (b)
36 allowing, permitting, encouraging, or engaging in the obscene or
37 pornographic photographing, filming, or depicting of a child by any
38 person.

39 (23) "Sexually aggressive youth" means a child who is defined in
40 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

1 (24) "Social service counselor" means anyone engaged in a
2 professional capacity during the regular course of employment in
3 encouraging or promoting the health, welfare, support, or education
4 of children, or providing social services to adults or families,
5 including mental health, drug and alcohol treatment, and domestic
6 violence programs, whether in an individual capacity, or as an
7 employee or agent of any public or private organization or
8 institution.

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

13 (26) "Unfounded" means the determination following an
14 investigation by the department that available information indicates
15 that, more likely than not, child abuse or neglect did not occur, or
16 that there is insufficient evidence for the department to determine
17 whether the alleged child abuse did or did not occur.

18 **Sec. 322.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to
19 read as follows:

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

33 (b) When any person, in his or her official supervisory capacity
34 with a nonprofit or for-profit organization, has reasonable cause to
35 believe that a child has suffered abuse or neglect caused by a person
36 over whom he or she regularly exercises supervisory authority, he or
37 she shall report such incident, or cause a report to be made, to the
38 proper law enforcement agency, provided that the person alleged to
39 have caused the abuse or neglect is employed by, contracted by, or

1 volunteers with the organization and coaches, trains, educates, or
2 counsels a child or children or regularly has unsupervised access to
3 a child or children as part of the employment, contract, or voluntary
4 service. No one shall be required to report under this section when
5 he or she obtains the information solely as a result of a privileged
6 communication as provided in RCW 5.60.060.

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

9 For the purposes of this subsection, the following definitions
10 apply:

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

17 (ii) "Organization" includes a sole proprietor, partnership,
18 corporation, limited liability company, trust, association, financial
19 institution, governmental entity, other than the federal government,
20 and any other individual or group engaged in a trade, occupation,
21 enterprise, governmental function, charitable function, or similar
22 activity in this state whether or not the entity is operated as a
23 nonprofit or for-profit entity.

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

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

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

31 (c) The reporting requirement also applies to department of
32 corrections personnel who, in the course of their employment, observe
33 offenders or the children with whom the offenders are in contact. If,
34 as a result of observations or information received in the course of
35 his or her employment, any department of corrections personnel has
36 reasonable cause to believe that a child has suffered abuse or
37 neglect, he or she shall report the incident, or cause a report to be
38 made, to the proper law enforcement agency or to the department as
39 provided in RCW 26.44.040.

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

12 (e) The reporting requirement also applies to guardians ad litem,
13 including court-appointed special advocates, appointed under Titles
14 11 and 13 RCW and this title, who in the course of their
15 representation of children in these actions have reasonable cause to
16 believe a child has been abused or neglected.

17 (f) The reporting requirement in (a) of this subsection also
18 applies to administrative and academic or athletic department
19 employees, including student employees, of institutions of higher
20 education, as defined in RCW 28B.10.016, and of private institutions
21 of higher education.

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

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

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

37 (4) The department, upon receiving a report of an incident of
38 alleged abuse or neglect pursuant to this chapter, involving a child
39 who has died or has had physical injury or injuries inflicted upon
40 him or her other than by accidental means or who has been subjected

1 to alleged sexual abuse, shall report such incident to the proper law
2 enforcement agency, including military law enforcement, if
3 appropriate. In emergency cases, where the child's welfare is
4 endangered, the department shall notify the proper law enforcement
5 agency within twenty-four hours after a report is received by the
6 department. In all other cases, the department shall notify the law
7 enforcement agency within seventy-two hours after a report is
8 received by the department. If the department makes an oral report, a
9 written report must also be made to the proper law enforcement agency
10 within five days thereafter.

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

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

31 (7) The department may conduct ongoing case planning and
32 consultation with those persons or agencies required to report under
33 this section, with consultants designated by the department, and with
34 designated representatives of Washington Indian tribes if the client
35 information exchanged is pertinent to cases currently receiving child
36 protective services. Upon request, the department shall conduct such
37 planning and consultation with those persons required to report under
38 this section if the department determines it is in the best interests
39 of the child. Information considered privileged by statute and not

1 directly related to reports required by this section must not be
2 divulged without a valid written waiver of the privilege.

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

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

21 (10) Upon receiving a report of alleged abuse or neglect, the
22 department shall make reasonable efforts to learn the name, address,
23 and telephone number of each person making a report of abuse or
24 neglect under this section. The department shall provide assurances
25 of appropriate confidentiality of the identification of persons
26 reporting under this section. If the department is unable to learn
27 the information required under this subsection, the department shall
28 only investigate cases in which:

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

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

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

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

40 (i) Investigation; or

1 (ii) Family assessment.

2 (b) In making the response in (a) of this subsection the
3 department shall:

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

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

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

15 (iv) Provide a full investigation if a family refuses the initial
16 family assessment;

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

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

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

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

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

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

38 (E) The child is an adjudicated dependent child as defined in RCW
39 13.34.030, or the child is in a facility that is licensed, operated,

1 or certified for care of children by the department under chapter
2 74.15 RCW(~~(, or by the department of early learning)~~).

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

8 (12)(a) For reports of alleged abuse or neglect that are accepted
9 for investigation by the department, the investigation shall be
10 conducted within time frames established by the department in rule.
11 In no case shall the investigation extend longer than ninety days
12 from the date the report is received, unless the investigation is
13 being conducted under a written protocol pursuant to RCW 26.44.180
14 and a law enforcement agency or prosecuting attorney has determined
15 that a longer investigation period is necessary. At the completion of
16 the investigation, the department shall make a finding that the
17 report of child abuse or neglect is founded or unfounded.

18 (b) If a court in a civil or criminal proceeding, considering the
19 same facts or circumstances as are contained in the report being
20 investigated by the department, makes a judicial finding by a
21 preponderance of the evidence or higher that the subject of the
22 pending investigation has abused or neglected the child, the
23 department shall adopt the finding in its investigation.

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

26 (a) Provide the family with a written explanation of the
27 procedure for assessment of the child and the family and its
28 purposes;

29 (b) Collaborate with the family to identify family strengths,
30 resources, and service needs, and develop a service plan with the
31 goal of reducing risk of harm to the child and improving or restoring
32 family well-being;

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

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

38 (e) Implement the family assessment response in a consistent and
39 cooperative manner;

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

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

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

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

29 (b) The Washington state school directors' association shall
30 adopt a model policy addressing protocols when an interview, as
31 authorized by this subsection, is conducted on school premises. In
32 formulating its policy, the association shall consult with the
33 department and the Washington association of sheriffs and police
34 chiefs.

35 (15) If a report of alleged abuse or neglect is founded and
36 constitutes the third founded report received by the department
37 within the last twelve months involving the same child or family, the
38 department shall promptly notify the office of the family and
39 children's ombuds of the contents of the report. The department shall
40 also notify the ombuds of the disposition of the report.

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

4 (17)(a) The department shall maintain investigation records and
5 conduct timely and periodic reviews of all founded cases of abuse and
6 neglect. The department shall maintain a log of screened-out
7 nonabusive cases.

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

12 (18) The department shall use a risk assessment process when
13 investigating alleged child abuse and neglect referrals. The
14 department shall present the risk factors at all hearings in which
15 the placement of a dependent child is an issue. Substance abuse must
16 be a risk factor.

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

21 (20) Upon receiving a report of alleged abuse or neglect
22 involving a child under the court's jurisdiction under chapter 13.34
23 RCW, the department shall promptly notify the child's guardian ad
24 litem of the report's contents. The department shall also notify the
25 guardian ad litem of the disposition of the report. For purposes of
26 this subsection, "guardian ad litem" has the meaning provided in RCW
27 13.34.030.

28 (21) The department shall make efforts as soon as practicable to
29 determine the military status of parents whose children are subject
30 to abuse or neglect allegations. If the department determines that a
31 parent or guardian is in the military, the department shall notify a
32 department of defense family advocacy program that there is an
33 allegation of abuse and neglect that is screened in and open for
34 investigation that relates to that military parent or guardian.

35 **Sec. 323.** RCW 26.44.040 and 1999 c 176 s 32 are each amended to
36 read as follows:

37 An immediate oral report must be made by telephone or otherwise
38 to the proper law enforcement agency or the department (~~of social~~
39 ~~and health services~~) and, upon request, must be followed by a report

1 in writing. Such reports must contain the following information, if
2 known:

- 3 (1) The name, address, and age of the child;
- 4 (2) The name and address of the child's parents, stepparents,
5 guardians, or other persons having custody of the child;
- 6 (3) The nature and extent of the alleged injury or injuries;
- 7 (4) The nature and extent of the alleged neglect;
- 8 (5) The nature and extent of the alleged sexual abuse;
- 9 (6) Any evidence of previous injuries, including their nature and
10 extent; and
- 11 (7) Any other information that may be helpful in establishing the
12 cause of the child's death, injury, or injuries and the identity of
13 the alleged perpetrator or perpetrators.

14 **Sec. 324.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to
15 read as follows:

16 Except as provided in RCW 26.44.030(11), upon the receipt of a
17 report concerning the possible occurrence of abuse or neglect, the
18 law enforcement agency or the department (~~of social and health~~
19 ~~services~~) must investigate and provide the protective services
20 section with a report in accordance with chapter 74.13 RCW, and where
21 necessary to refer such report to the court.

22 A law enforcement officer may take, or cause to be taken, a child
23 into custody without a court order if there is probable cause to
24 believe that the child is abused or neglected and that the child
25 would be injured or could not be taken into custody if it were
26 necessary to first obtain a court order pursuant to RCW 13.34.050.
27 The law enforcement agency or the department (~~of social and health~~
28 ~~services~~) investigating such a report is hereby authorized to
29 photograph such a child for the purpose of providing documentary
30 evidence of the physical condition of the child.

31 **Sec. 325.** RCW 26.44.063 and 2008 c 267 s 4 are each amended to
32 read as follows:

33 (1) It is the intent of the legislature to minimize trauma to a
34 child involved in an allegation of sexual or physical abuse. The
35 legislature declares that removing the child from the home or the
36 care of a parent, guardian, or legal custodian often has the effect
37 of further traumatizing the child. It is, therefore, the
38 legislature's intent that the alleged abuser, rather than the child,

1 shall be removed or restrained from the child's residence and that
2 this should be done at the earliest possible point of intervention in
3 accordance with RCW 10.31.100, chapter 13.34 RCW, this section, and
4 RCW 26.44.130.

5 (2) In any judicial proceeding in which it is alleged that a
6 child has been subjected to sexual or physical abuse, if the court
7 finds reasonable grounds to believe that an incident of sexual or
8 physical abuse has occurred, the court may, on its own motion, or the
9 motion of the guardian ad litem or other parties, issue a temporary
10 restraining order or preliminary injunction restraining or enjoining
11 the person accused of committing the abuse from:

12 (a) Molesting or disturbing the peace of the alleged victim;

13 (b) Entering the family home of the alleged victim except as
14 specifically authorized by the court;

15 (c) Having any contact with the alleged victim, except as
16 specifically authorized by the court;

17 (d) Knowingly coming within, or knowingly remaining within, a
18 specified distance of a specified location.

19 (3) If the caretaker is willing, and does comply with the duties
20 prescribed in subsection (8) of this section, uncertainty by the
21 caretaker that the alleged abuser has in fact abused the alleged
22 victim shall not, alone, be a basis to remove the alleged victim from
23 the caretaker, nor shall it be considered neglect.

24 (4) In issuing a temporary restraining order or preliminary
25 injunction, the court may impose any additional restrictions that the
26 court in its discretion determines are necessary to protect the child
27 from further abuse or emotional trauma pending final resolution of
28 the abuse allegations.

29 (5) The court shall issue a temporary restraining order
30 prohibiting a person from entering the family home if the court finds
31 that the order would eliminate the need for an out-of-home placement
32 to protect the child's right to nurturance, health, and safety and is
33 sufficient to protect the child from further sexual or physical abuse
34 or coercion.

35 (6) The court may issue a temporary restraining order without
36 requiring notice to the party to be restrained or other parties only
37 if it finds on the basis of the moving affidavit or other evidence
38 that irreparable injury could result if an order is not issued until
39 the time for responding has elapsed.

40 (7) A temporary restraining order or preliminary injunction:

1 (a) Does not prejudice the rights of a party or any child which
2 are to be adjudicated at subsequent hearings in the proceeding; and

3 (b) May be revoked or modified.

4 (8) The person having physical custody of the child shall have an
5 affirmative duty to assist in the enforcement of the restraining
6 order including but not limited to a duty to notify the court as soon
7 as practicable of any violation of the order, a duty to request the
8 assistance of law enforcement officers to enforce the order, and a
9 duty to notify the department (~~(of social and health services)~~) of
10 any violation of the order as soon as practicable if the department
11 is a party to the action. Failure by the custodial party to discharge
12 these affirmative duties shall be subject to contempt proceedings.

13 (9) Willful violation of a court order entered under this section
14 is a misdemeanor. A written order shall contain the court's directive
15 and shall bear the legend: "Violation of this order with actual
16 notice of its terms is a criminal offense under chapter 26.44 RCW, is
17 also subject to contempt proceedings, and will subject a violator to
18 arrest."

19 (10) If a restraining order issued under this section is modified
20 or terminated, the clerk of the court shall notify the law
21 enforcement agency specified in the order on or before the next
22 judicial day. Upon receipt of notice that an order has been
23 terminated, the law enforcement agency shall remove the order from
24 any computer-based criminal intelligence system.

25 **Sec. 326.** RCW 26.44.105 and 1985 c 183 s 2 are each amended to
26 read as follows:

27 Whenever a dependency petition is filed by the department (~~(of~~
28 ~~social and health services)~~), it shall advise the parents, and any
29 child over the age of twelve who is subject to the dependency action,
30 of their respective rights under RCW 13.34.090. The parents and the
31 child shall be provided a copy of the dependency petition and a copy
32 of any court orders which have been issued. This advice of rights
33 under RCW 13.34.090 shall be in writing. The department caseworker
34 shall also make reasonable efforts to advise the parent and child of
35 these same rights orally.

36 **Sec. 327.** RCW 26.44.140 and 1997 c 344 s 1 are each amended to
37 read as follows:

1 The court shall require that an individual who, while acting in a
2 parental role, has physically or sexually abused a child and has been
3 removed from the home pursuant to a court order issued in a
4 proceeding under chapter 13.34 RCW, prior to being permitted to
5 reside in the home where the child resides, complete the treatment
6 and education requirements necessary to protect the child from future
7 abuse. The court may require the individual to continue treatment as
8 a condition for remaining in the home where the child resides. Unless
9 a parent, custodian, or guardian has been convicted of the crime for
10 the acts of abuse determined in a fact-finding hearing under chapter
11 13.34 RCW, such person shall not be required to admit guilt in order
12 to begin to fulfill any necessary treatment and education
13 requirements under this section.

14 The department (~~(of social and health services)~~) or supervising
15 agency shall be responsible for advising the court as to appropriate
16 treatment and education requirements, providing referrals to the
17 individual, monitoring and assessing the individual's progress,
18 informing the court of such progress, and providing recommendations
19 to the court.

20 The person removed from the home shall pay for these services
21 unless the person is otherwise eligible to receive financial
22 assistance in paying for such services. Nothing in this section shall
23 be construed to create in any person an entitlement to services or
24 financial assistance in paying for services.

25 **Sec. 328.** RCW 43.20A.360 and 2001 c 291 s 101 are each amended
26 to read as follows:

27 (1) The secretary is hereby authorized to appoint such advisory
28 committees or councils as may be required by any federal legislation
29 as a condition to the receipt of federal funds by the department. The
30 secretary may appoint statewide committees or councils in the
31 following subject areas: (a) Health facilities; (b) (~~children and~~
32 ~~youth services; (c)~~) blind services; (~~(d)~~) (c) medical and health
33 care; (~~(e)~~) (d) drug abuse and alcoholism; (~~(f)~~) (e) social
34 services; (~~(g)~~) (f) economic services; (~~(h)~~) (g) vocational
35 services; (~~(i)~~) (h) rehabilitative services; and (i) on such other
36 subject matters as are or come within the department's
37 responsibilities. The statewide councils shall have representation
38 from both major political parties and shall have substantial consumer
39 representation. Such committees or councils shall be constituted as

1 required by federal law or as the secretary in his or her discretion
2 may determine. The members of the committees or councils shall hold
3 office for three years except in the case of a vacancy, in which
4 event appointment shall be only for the remainder of the unexpired
5 term for which the vacancy occurs. No member shall serve more than
6 two consecutive terms.

7 (2) Members of such state advisory committees or councils may be
8 paid their travel expenses in accordance with RCW 43.03.050 and
9 43.03.060 as now existing or hereafter amended.

10 **Sec. 329.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to
11 read as follows:

12 (1)(a) The secretary of social and health services and the
13 secretary of the department of children, youth, and families shall
14 review current department policies and assess the adequacy and
15 availability of programs targeted at persons who receive services
16 through the department who are the children and families of a person
17 who is incarcerated in a department of corrections facility. Great
18 attention shall be focused on programs and policies affecting foster
19 youth who have a parent who is incarcerated.

20 (b) The secretary of social and health services and the secretary
21 of the department of children, youth, and families shall adopt
22 policies that encourage familial contact and engagement between
23 inmates of the department of corrections facilities and their
24 children with the goal of facilitating normal child development,
25 while reducing recidivism and intergenerational incarceration.
26 Programs and policies should take into consideration the children's
27 need to maintain contact with his or her parent, the inmate's ability
28 to develop plans to financially support their children, assist in
29 reunification when appropriate, and encourage the improvement of
30 parenting skills where needed. The programs and policies should also
31 meet the needs of the child while the parent is incarcerated.

32 (2) The secretary of social and health services and the secretary
33 of the department of children, youth, and families shall conduct the
34 following activities to assist in implementing the requirements of
35 subsection (1) of this section:

36 (a) Gather information and data on the recipients of public
37 assistance, or children in the care of the state under chapter 13.34
38 RCW, who are the children and families of inmates incarcerated in
39 department of corrections facilities; and

1 (b) Participate in the children of incarcerated parents advisory
2 committee and report information obtained under this section to the
3 advisory committee.

4 **Sec. 330.** RCW 26.34.030 and 1971 ex.s. c 168 s 3 are each
5 amended to read as follows:

6 The "appropriate public authorities" as used in Article III of
7 the Interstate Compact on the Placement of Children shall, with
8 reference to this state, mean the department of (~~social and health~~
9 ~~services~~) children, youth, and families, and said agency shall
10 receive and act with reference to notices required by said Article
11 III.

12 **Sec. 331.** RCW 26.34.040 and 1971 ex.s. c 168 s 4 are each
13 amended to read as follows:

14 As used in paragraph (a) of Article V of the Interstate Compact
15 on the Placement of Children, the phrase "appropriate authority in
16 the receiving state" with reference to this state shall mean the
17 department of (~~social and health services~~) children, youth, and
18 families.

19 **Sec. 332.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to
20 read as follows:

21 (1) No person may disclose or be compelled to disclose the
22 identity of any person who has investigated, considered, or requested
23 a test or treatment for a sexually transmitted disease, except as
24 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

25 (2) No person may disclose or be compelled to disclose
26 information and records related to sexually transmitted diseases,
27 except as authorized by this section, RCW 70.02.210, or chapter 70.24
28 RCW. A person may disclose information related to sexually
29 transmitted diseases about a patient without the patient's
30 authorization, to the extent a recipient needs to know the
31 information, if the disclosure is to:

32 (a) The subject of the test or the subject's legal representative
33 for health care decisions in accordance with RCW 7.70.065, with the
34 exception of such a representative of a minor fourteen years of age
35 or over and otherwise competent;

36 (b) The state public health officer as defined in RCW 70.24.017,
37 a local public health officer, or the centers for disease control of

1 the United States public health service in accordance with reporting
2 requirements for a diagnosed case of a sexually transmitted disease;

3 (c) A health facility or health care provider that procures,
4 processes, distributes, or uses: (i) A human body part, tissue, or
5 blood from a deceased person with respect to medical information
6 regarding that person; (ii) semen, including that was provided prior
7 to March 23, 1988, for the purpose of artificial insemination; or
8 (iii) blood specimens;

9 (d) Any state or local public health officer conducting an
10 investigation pursuant to RCW 70.24.024, so long as the record was
11 obtained by means of court-ordered HIV testing pursuant to RCW
12 70.24.340 or 70.24.024;

13 (e) A person allowed access to the record by a court order
14 granted after application showing good cause therefor. In assessing
15 good cause, the court shall weigh the public interest and the need
16 for disclosure against the injury to the patient, to the physician-
17 patient relationship, and to the treatment services. Upon the
18 granting of the order, the court, in determining the extent to which
19 any disclosure of all or any part of the record of any such test is
20 necessary, shall impose appropriate safeguards against unauthorized
21 disclosure. An order authorizing disclosure must: (i) Limit
22 disclosure to those parts of the patient's record deemed essential to
23 fulfill the objective for which the order was granted; (ii) limit
24 disclosure to those persons whose need for information is the basis
25 for the order; and (iii) include any other appropriate measures to
26 keep disclosure to a minimum for the protection of the patient, the
27 physician-patient relationship, and the treatment services;

28 (f) Persons who, because of their behavioral interaction with the
29 infected individual, have been placed at risk for acquisition of a
30 sexually transmitted disease, as provided in RCW 70.24.022, if the
31 health officer or authorized representative believes that the exposed
32 person was unaware that a risk of disease exposure existed and that
33 the disclosure of the identity of the infected person is necessary;

34 (g) A law enforcement officer, firefighter, health care provider,
35 health care facility staff person, department of correction's staff
36 person, jail staff person, or other persons as defined by the board
37 of health in rule pursuant to RCW 70.24.340(4), who has requested a
38 test of a person whose bodily fluids he or she has been substantially
39 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
40 health officer performs the test;

1 (h) Claims management personnel employed by or associated with an
2 insurer, health care service contractor, health maintenance
3 organization, self-funded health plan, state administered health care
4 claims payer, or any other payer of health care claims where such
5 disclosure is to be used solely for the prompt and accurate
6 evaluation and payment of medical or related claims. Information
7 released under this subsection must be confidential and may not be
8 released or available to persons who are not involved in handling or
9 determining medical claims payment; and

10 (i) A department of (~~social and health services~~) children,
11 youth, and families worker, a child placing agency worker, or a
12 guardian ad litem who is responsible for making or reviewing
13 placement or case-planning decisions or recommendations to the court
14 regarding a child, who is less than fourteen years of age, has a
15 sexually transmitted disease, and is in the custody of the department
16 of (~~social and health services~~) children, youth, and families or a
17 licensed child placing agency. This information may also be received
18 by a person responsible for providing residential care for such a
19 child when the department of social and health services, the
20 department of children, youth, and families, or a licensed child
21 placing agency determines that it is necessary for the provision of
22 child care services.

23 (3) No person to whom the results of a test for a sexually
24 transmitted disease have been disclosed pursuant to subsection (2) of
25 this section may disclose the test results to another person except
26 as authorized by that subsection.

27 (4) The release of sexually transmitted disease information
28 regarding an offender or detained person, except as provided in
29 subsection (2)(d) of this section, is governed as follows:

30 (a) The sexually transmitted disease status of a department of
31 corrections offender who has had a mandatory test conducted pursuant
32 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
33 by department of corrections health care providers and local public
34 health officers to the department of corrections health care
35 administrator or infection control coordinator of the facility in
36 which the offender is housed. The information made available to the
37 health care administrator or the infection control coordinator under
38 this subsection (4)(a) may be used only for disease prevention or
39 control and for protection of the safety and security of the staff,
40 offenders, and the public. The information may be submitted to

1 transporting officers and receiving facilities, including facilities
2 that are not under the department of corrections' jurisdiction
3 according to the provisions of (d) and (e) of this subsection.

4 (b) The sexually transmitted disease status of a person detained
5 in a jail who has had a mandatory test conducted pursuant to RCW
6 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
7 local public health officer to a jail health care administrator or
8 infection control coordinator. The information made available to a
9 health care administrator under this subsection (4)(b) may be used
10 only for disease prevention or control and for protection of the
11 safety and security of the staff, offenders, detainees, and the
12 public. The information may be submitted to transporting officers and
13 receiving facilities according to the provisions of (d) and (e) of
14 this subsection.

15 (c) Information regarding the sexually transmitted disease status
16 of an offender or detained person is confidential and may be
17 disclosed by a correctional health care administrator or infection
18 control coordinator or local jail health care administrator or
19 infection control coordinator only as necessary for disease
20 prevention or control and for protection of the safety and security
21 of the staff, offenders, and the public. Unauthorized disclosure of
22 this information to any person may result in disciplinary action, in
23 addition to the penalties prescribed in RCW 70.24.080 or any other
24 penalties as may be prescribed by law.

25 (d) Notwithstanding the limitations on disclosure contained in
26 (a), (b), and (c) of this subsection, whenever any member of a jail
27 staff or department of corrections staff has been substantially
28 exposed to the bodily fluids of an offender or detained person, then
29 the results of any tests conducted pursuant to RCW 70.24.340(1),
30 70.24.360, or 70.24.370, must be immediately disclosed to the staff
31 person in accordance with the Washington Administrative Code rules
32 governing employees' occupational exposure to blood-borne pathogens.
33 Disclosure must be accompanied by appropriate counseling for the
34 staff member, including information regarding follow-up testing and
35 treatment. Disclosure must also include notice that subsequent
36 disclosure of the information in violation of this chapter or use of
37 the information to harass or discriminate against the offender or
38 detainee may result in disciplinary action, in addition to the
39 penalties prescribed in RCW 70.24.080, and imposition of other
40 penalties prescribed by law.

1 (e) The staff member must also be informed whether the offender
2 or detained person had any other communicable disease, as defined in
3 RCW 72.09.251(3), when the staff person was substantially exposed to
4 the offender's or detainee's bodily fluids.

5 (f) The test results of voluntary and anonymous HIV testing or
6 HIV-related condition, as defined in RCW 70.24.017, may not be
7 disclosed to a staff person except as provided in this section and
8 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care
9 administrator or infection control coordinator may provide the staff
10 member with information about how to obtain the offender's or
11 detainee's test results under this section and RCW 70.02.050(1)
12 (~~(e)~~) (d) and 70.24.340(4).

13 (5) The requirements of this section do not apply to the
14 customary methods utilized for the exchange of medical information
15 among health care providers in order to provide health care services
16 to the patient, nor do they apply within health care facilities where
17 there is a need for access to confidential medical information to
18 fulfill professional duties.

19 (6) Upon request of the victim, disclosure of test results under
20 this section to victims of sexual offenses under chapter 9A.44 RCW
21 must be made if the result is negative or positive. The county
22 prosecuting attorney shall notify the victim of the right to such
23 disclosure. The disclosure must be accompanied by appropriate
24 counseling, including information regarding follow-up testing.

25 (7) A person, including a health care facility or health care
26 provider, shall disclose the identity of any person who has
27 investigated, considered, or requested a test or treatment for a
28 sexually transmitted disease and information and records related to
29 sexually transmitted diseases to federal, state, or local public
30 health authorities, to the extent the health care provider is
31 required by law to report health care information; when needed to
32 determine compliance with state or federal certification or
33 registration rules or laws; or when needed to protect the public
34 health. Any health care information obtained under this subsection is
35 exempt from public inspection and copying pursuant to chapter 42.56
36 RCW.

37 **Sec. 333.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to
38 read as follows:

1 (1) Before granting any order regarding the custody of a child
2 under this chapter, the court shall consult the judicial information
3 system, if available, to determine the existence of any information
4 and proceedings that are relevant to the placement of the child.

5 (2) Before entering a final order, the court shall:

6 (a) Direct the department of (~~social and health services~~)
7 children, youth, and families to release information as provided
8 under RCW 13.50.100; and

9 (b) Require the petitioner to provide the results of an
10 examination of state and national criminal identification data
11 provided by the Washington state patrol criminal identification
12 system as described in chapter 43.43 RCW for the petitioner and adult
13 members of the petitioner's household.

14 **Sec. 334.** RCW 26.50.150 and 2010 c 274 s 501 are each amended to
15 read as follows:

16 Any program that provides domestic violence treatment to
17 perpetrators of domestic violence must be certified by the department
18 of (~~social and health services~~) children, youth, and families and
19 meet minimum standards for domestic violence treatment purposes. The
20 department of (~~social and health services~~) children, youth, and
21 families shall adopt rules for standards of approval of domestic
22 violence perpetrator programs. The treatment must meet the following
23 minimum qualifications:

24 (1) All treatment must be based upon a full, complete clinical
25 intake including but not limited to: Current and past violence
26 history; a lethality risk assessment; history of treatment from past
27 domestic violence perpetrator treatment programs; a complete
28 diagnostic evaluation; a substance abuse assessment; criminal
29 history; assessment of cultural issues, learning disabilities,
30 literacy, and special language needs; and a treatment plan that
31 adequately and appropriately addresses the treatment needs of the
32 individual.

33 (2) To facilitate communication necessary for periodic safety
34 checks and case monitoring, the program must require the perpetrator
35 to sign the following releases:

36 (a) A release for the program to inform the victim and victim's
37 community and legal advocates that the perpetrator is in treatment
38 with the program, and to provide information, for safety purposes, to
39 the victim and victim's community and legal advocates;

1 (b) A release to prior and current treatment agencies to provide
2 information on the perpetrator to the program; and

3 (c) A release for the program to provide information on the
4 perpetrator to relevant legal entities including: Lawyers, courts,
5 parole, probation, child protective services, and child welfare
6 services.

7 (3) Treatment must be for a minimum treatment period defined by
8 the secretary of the department of children, youth, and families by
9 rule. The weekly treatment sessions must be in a group unless there
10 is a documented, clinical reason for another modality. Any other
11 therapies, such as individual, marital, or family therapy, substance
12 abuse evaluations or therapy, medication reviews, or psychiatric
13 interviews, may be concomitant with the weekly group treatment
14 sessions described in this section but not a substitute for it.

15 (4) The treatment must focus primarily on ending the violence,
16 holding the perpetrator accountable for his or her violence, and
17 changing his or her behavior. The treatment must be based on
18 nonvictim-blaming strategies and philosophies and shall include
19 education about the individual, family, and cultural dynamics of
20 domestic violence. If the perpetrator or the victim has a minor
21 child, treatment must specifically include education regarding the
22 effects of domestic violence on children, such as the emotional
23 impacts of domestic violence on children and the long-term
24 consequences that exposure to incidents of domestic violence may have
25 on children.

26 (5) Satisfactory completion of treatment must be contingent upon
27 the perpetrator meeting specific criteria, defined by rule by the
28 secretary of the department of children, youth, and families, and not
29 just upon the end of a certain period of time or a certain number of
30 sessions.

31 (6) The program must have policies and procedures for dealing
32 with reoffenses and noncompliance.

33 (7) All evaluation and treatment services must be provided by, or
34 under the supervision of, qualified personnel.

35 (8) The secretary of the department of children, youth, and
36 families may adopt rules and establish fees as necessary to implement
37 this section.

38 (9) The department of children, youth, and families may conduct
39 on-site monitoring visits as part of its plan for certifying domestic
40 violence perpetrator programs and monitoring implementation of the

1 rules adopted by the secretary of the department of children, youth,
2 and families to determine compliance with the minimum qualifications
3 for domestic violence perpetrator programs. The applicant or
4 certified domestic violence perpetrator program shall cooperate fully
5 with the department of children, youth, and families in the
6 monitoring visit and provide all program and management records
7 requested by the department of children, youth, and families to
8 determine the program's compliance with the minimum certification
9 qualifications and rules adopted by the department of children,
10 youth, and families.

11 **Sec. 335.** RCW 26.50.160 and 2006 c 138 s 26 are each amended to
12 read as follows:

13 To prevent the issuance of competing protection orders in
14 different courts and to give courts needed information for issuance
15 of orders, the judicial information system shall be available in each
16 district, municipal, and superior court by July 1, 1997, and shall
17 include a database containing the following information:

18 (1) The names of the parties and the cause number for every order
19 of protection issued under this title, every sexual assault
20 protection order issued under chapter 7.90 RCW, every criminal no-
21 contact order issued under chapters 9A.46 and 10.99 RCW, every
22 antiharassment order issued under chapter 10.14 RCW, every
23 dissolution action under chapter 26.09 RCW, every third-party custody
24 action under chapter 26.10 RCW, every parentage action under chapter
25 26.26 RCW, every restraining order issued on behalf of an abused
26 child or adult dependent person under chapter 26.44 RCW, every
27 foreign protection order filed under chapter 26.52 RCW, and every
28 order for protection of a vulnerable adult under chapter 74.34 RCW.
29 When a guardian or the department of social and health services or
30 department of children, youth, and families has petitioned for relief
31 on behalf of an abused child, adult dependent person, or vulnerable
32 adult, the name of the person on whose behalf relief was sought shall
33 be included in the database as a party rather than the guardian or
34 appropriate department;

35 (2) A criminal history of the parties; and

36 (3) Other relevant information necessary to assist courts in
37 issuing orders under this chapter as determined by the judicial
38 information system committee.

1 **Sec. 336.** RCW 28A.150.510 and 2012 c 163 s 9 are each amended to
2 read as follows:

3 (1) In order to effectively serve students who are dependent
4 pursuant to chapter 13.34 RCW, education records shall be transmitted
5 to the department of (~~social and health services~~) children, youth,
6 and families within two school days after receiving the request from
7 the department provided that the department certifies that it will
8 not disclose to any other party the education records without prior
9 written consent of the parent or student unless authorized to
10 disclose the records under state law. The department of (~~social and~~
11 ~~health services~~) children, youth, and families is authorized to
12 disclose education records it obtains pursuant to this section to a
13 foster parent, guardian, or other entity authorized by the department
14 to provide residential care to the student. The department is also
15 authorized to disclose educational records it obtains pursuant to
16 this section to those entities with which it has contracted, or with
17 which it is formally collaborating, having responsibility for
18 educational support services and educational outcomes of students who
19 are dependent pursuant to chapter 13.34 RCW. The department is
20 encouraged to put in place data-sharing agreements to assure
21 accountability.

22 (2)(a) The K-12 data governance group established under RCW
23 28A.300.507 shall create a comprehensive needs requirement document
24 detailing the specific information, technical capacity, and any
25 federal and state statutory and regulatory changes needed by school
26 districts, the office of the superintendent of public instruction,
27 the department of (~~social and health services~~) children, youth, and
28 families, or the higher education coordinating board or its
29 successor, to enable the provision, on at least a quarterly basis,
30 of:

31 (i) Current education records of students who are dependent
32 pursuant to chapter 13.34 RCW to the department of (~~social and~~
33 ~~health services~~) children, youth, and families and, from the
34 department, to those entities with which the department has
35 contracted, or with which it is formally collaborating, having
36 responsibility for educational support services and educational
37 outcomes; and

38 (ii) The names and contact information of students who are
39 dependent pursuant to chapter 13.34 RCW and are thirteen years or
40 older to the higher education coordinating board or its successor and

1 the private agency with which it has contracted to perform outreach
2 for the passport to college promise program under chapter 28B.117 RCW
3 or the college bound scholarship program under chapter 28B.118 RCW.

4 (b) In complying with (a) of this subsection, the K-12 data
5 governance group shall consult with: Educational support service
6 organizations, with which the department of (~~social and health~~
7 ~~services~~) children, youth, and families contracts or collaborates,
8 having responsibility for educational support services and
9 educational outcomes of dependent students; the passport to college
10 advisory committee; the education support service organizations under
11 contract to perform outreach for the passport to college promise
12 program under chapter 28B.117 RCW; the department of (~~social and~~
13 ~~health services~~) children, youth, and families; the office of the
14 attorney general; the higher education coordinating board or its
15 successor; and the office of the administrator for the courts.

16 (~~(c) By December 1, 2012, the superintendent of public~~
17 ~~instruction shall submit a report to the governor and the appropriate~~
18 ~~committees of the legislature regarding: The analysis of needs by the~~
19 ~~K-12 data governance group; a timeline for addressing those needs for~~
20 ~~which no statutory changes are necessary and that can be implemented~~
21 ~~within existing resources; and recommended options for addressing~~
22 ~~identified needs for which statutory changes, additional funding, or~~
23 ~~both, are necessary.))~~

24 **Sec. 337.** RCW 74.09.510 and 2013 2nd sp.s. c 10 s 6 are each
25 amended to read as follows:

26 Medical assistance may be provided in accordance with eligibility
27 requirements established by the authority, as defined in the social
28 security Title XIX state plan for mandatory categorically needy
29 persons and:

30 (1) Individuals who would be eligible for cash assistance except
31 for their institutional status;

32 (2) Individuals who are under twenty-one years of age, who would
33 be eligible for medicaid, but do not qualify as dependent children
34 and who are in (a) foster care, (b) subsidized adoption, (c) a
35 nursing facility or an intermediate care facility for persons with
36 intellectual disabilities, or (d) inpatient psychiatric facilities;

37 (3) Individuals who:

38 (a) Are under twenty-one years of age;

1 (b) On or after July 22, 2007, were in foster care under the
2 legal responsibility of the department of social and health services,
3 the department of children, youth, and families, or a federally
4 recognized tribe located within the state; and

5 (c) On their eighteenth birthday, were in foster care under the
6 legal responsibility of the department of children, youth, and
7 families or a federally recognized tribe located within the state;

8 (4) Persons who are aged, blind, or disabled who: (a) Receive
9 only a state supplement, or (b) would not be eligible for cash
10 assistance if they were not institutionalized;

11 (5) Categorically eligible individuals who meet the income and
12 resource requirements of the cash assistance programs;

13 (6) Individuals who are enrolled in managed health care systems,
14 who have otherwise lost eligibility for medical assistance, but who
15 have not completed a current six-month enrollment in a managed health
16 care system, and who are eligible for federal financial participation
17 under Title XIX of the social security act;

18 (7) Children and pregnant women allowed by federal statute for
19 whom funding is appropriated;

20 (8) Working individuals with disabilities authorized under
21 section 1902(a)(10)(A)(ii) of the social security act for whom
22 funding is appropriated;

23 (9) Other individuals eligible for medical services under RCW
24 74.09.700 for whom federal financial participation is available under
25 Title XIX of the social security act;

26 (10) Persons allowed by section 1931 of the social security act
27 for whom funding is appropriated; and

28 (11) Women who: (a) Are under sixty-five years of age; (b) have
29 been screened for breast and cervical cancer under the national
30 breast and cervical cancer early detection program administered by
31 the department of health or tribal entity and have been identified as
32 needing treatment for breast or cervical cancer; and (c) are not
33 otherwise covered by health insurance. Medical assistance provided
34 under this subsection is limited to the period during which the woman
35 requires treatment for breast or cervical cancer, and is subject to
36 any conditions or limitations specified in the omnibus appropriations
37 act.

38 **PART IV**

39 **TRANSFER OF CHILD WELFARE SERVICES**

1 **Sec. 401.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to
2 read as follows:

3 (~~For purposes of this chapter:~~) The definitions in this section
4 apply throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Case management" means convening family meetings,
7 developing, revising, and monitoring implementation of any case plan
8 or individual service and safety plan, coordinating and monitoring
9 services needed by the child and family, caseworker-child visits,
10 family visits, and the assumption of court-related duties, excluding
11 legal representation, including preparing court reports, attending
12 judicial hearings and permanency hearings, and ensuring that the
13 child is progressing toward permanency within state and federal
14 mandates, including the Indian child welfare act.

15 (2) "Child" means:

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

17 (b) A person age eighteen to twenty-one years who is eligible to
18 receive the extended foster care services authorized under RCW
19 74.13.031.

20 (3) "Child protective services" has the same meaning as in RCW
21 26.44.020.

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

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

29 (b) Protecting and caring for dependent, abused, or neglected
30 children;

31 (c) Assisting children who are in conflict with their parents,
32 and assisting parents who are in conflict with their children, with
33 services designed to resolve such conflicts;

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

37 (e) Providing adequate care of children away from their homes in
38 foster family homes or day care or other child care agencies or
39 facilities.

1 "Child welfare services" does not include child protection
2 services.

3 (5) "Committee" means the child welfare transformation design
4 committee.

5 (6) "Department" means the department of (~~social and health~~
6 ~~services~~) children, youth, and families.

7 (7) "Extended foster care services" means residential and other
8 support services the department is authorized to provide to foster
9 children. These services include, but are not limited to, placement
10 in licensed, relative, or otherwise approved care, or supervised
11 independent living settings; assistance in meeting basic needs;
12 independent living services; medical assistance; and counseling or
13 treatment.

14 (8) "Family assessment" means a comprehensive assessment of child
15 safety, risk of subsequent child abuse or neglect, and family
16 strengths and needs that is applied to a child abuse or neglect
17 report. Family assessment does not include a determination as to
18 whether child abuse or neglect occurred, but does determine the need
19 for services to address the safety of the child and the risk of
20 subsequent maltreatment.

21 (9) "Measurable effects" means a statistically significant change
22 which occurs as a result of the service or services a supervising
23 agency is assigned in a performance-based contract, in time periods
24 established in the contract.

25 (10) "Medical condition" means, for the purposes of qualifying
26 for extended foster care services, a physical or mental health
27 condition as documented by any licensed health care provider
28 regulated by a disciplining authority under RCW 18.130.040.

29 (11) "Nonminor dependent" means any individual age eighteen to
30 twenty-one years who is participating in extended foster care
31 services authorized under RCW 74.13.031.

32 (12) "Out-of-home care services" means services provided after
33 the shelter care hearing to or for children in out-of-home care, as
34 that term is defined in RCW 13.34.030, and their families, including
35 the recruitment, training, and management of foster parents, the
36 recruitment of adoptive families, and the facilitation of the
37 adoption process, family reunification, independent living, emergency
38 shelter, residential group care, and foster care, including relative
39 placement.

1 (13) "Performance-based contracting" means the structuring of all
2 aspects of the procurement of services around the purpose of the work
3 to be performed and the desired results with the contract
4 requirements set forth in clear, specific, and objective terms with
5 measurable outcomes. Contracts shall also include provisions that
6 link the performance of the contractor to the level and timing of
7 reimbursement.

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

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

17 (16) "Secretary" means the secretary of the department.

18 (17) "Supervised independent living" includes, but is not limited
19 to, apartment living, room and board arrangements, college or
20 university dormitories, and shared roommate settings. Supervised
21 independent living settings must be approved by the children's
22 administration or the court.

23 ~~((17))~~ (18) "Supervising agency" means an agency licensed by
24 the state under RCW 74.15.090, or licensed by a federally recognized
25 Indian tribe located in this state under RCW 74.15.190, that has
26 entered into a performance-based contract with the department to
27 provide case management for the delivery and documentation of child
28 welfare services, as defined in this section. This definition is
29 applicable on or after December 30, 2015.

30 ~~((18))~~ (19) "Unsupervised" has the same meaning as in RCW
31 43.43.830.

32 ~~((19))~~ (20) "Voluntary placement agreement" means, for the
33 purposes of extended foster care services, a written voluntary
34 agreement between a nonminor dependent who agrees to submit to the
35 care and authority of the department for the purposes of
36 participating in the extended foster care program.

37 **Sec. 402.** RCW 74.13.025 and 1998 c 296 s 1 are each amended to
38 read as follows:

1 Any county or group of counties may make application to the
2 department (~~(of social and health services)~~) in the manner and form
3 prescribed by the department to administer and provide the services
4 established under RCW 13.32A.197. Any such application must include a
5 plan or plans for providing such services to at-risk youth.

6 **Sec. 403.** RCW 74.13.039 and 1994 sp.s. c 7 s 501 are each
7 amended to read as follows:

8 The department (~~(of social and health services)~~) shall maintain a
9 toll-free hot line to assist parents of runaway children. The hot
10 line shall provide parents with a complete description of their
11 rights when dealing with their runaway child.

12 **Sec. 404.** RCW 74.13.062 and 2010 c 272 s 12 are each amended to
13 read as follows:

14 (1) The department shall adopt rules consistent with federal
15 regulations for the receipt and expenditure of federal funds and
16 implement a subsidy program for eligible relatives appointed by the
17 court as a guardian under RCW 13.36.050.

18 (2) For the purpose of licensing a relative seeking to be
19 appointed as a guardian and eligible for a guardianship subsidy under
20 this section, the department shall, on a case-by-case basis, and when
21 determined to be in the best interests of the child:

22 (a) Waive nonsafety licensing standards; and

23 (b) Apply the list of disqualifying crimes in the adoption and
24 safe families act, (~~(rather than the secretary's list of~~
25 ~~disqualifying crimes,~~) unless doing so would compromise the child's
26 safety, or would adversely affect the state's ability to continue to
27 obtain federal funding for child welfare related functions.

28 (3) Relative guardianship subsidy agreements shall be designed to
29 promote long-term permanency for the child, and may include
30 provisions for periodic review of the subsidy amount and the needs of
31 the child.

32 **Sec. 405.** RCW 74.13.1051 and 2016 c 71 s 6 are each amended to
33 read as follows:

34 (1) In order to proactively support foster youth to complete high
35 school, enroll and complete postsecondary education, and successfully
36 implement their own plans for their futures, the department, the
37 student achievement council, and the office of the superintendent of

1 public instruction shall enter into, or revise existing, memoranda of
2 understanding that:

3 (a) Facilitate student referral, data and information exchange,
4 agency roles and responsibilities, and cooperation and collaboration
5 among state agencies and nongovernmental entities; and

6 (b) Effectuate the transfer of responsibilities from the
7 department (~~of social and health services~~) to the office of the
8 superintendent of public instruction with respect to the programs in
9 RCW 28A.300.592, and from the department (~~of social and health
10 services~~) to the student achievement council with respect to the
11 program in RCW 28B.77.250 in a smooth, expedient, and coordinated
12 fashion.

13 (2) The student achievement council and the office of the
14 superintendent of public instruction shall establish a set of
15 indicators relating to the outcomes provided in RCW 28A.300.590 and
16 28A.300.592 to provide consistent services for youth, facilitate
17 transitions among contractors, and support outcome-driven contracts.
18 The student achievement council and the superintendent of public
19 instruction shall collaborate with nongovernmental contractors and
20 the department to develop a list of the most critical indicators,
21 establishing a common set of indicators to be used in the outcome-
22 driven contracts in RCW 28A.300.590 and 28A.300.592. A list of these
23 indicators must be included in the report provided in subsection (3)
24 of this section.

25 (3) By November 1, 2017, and biannually thereafter, the
26 department, the student achievement council, and the office of the
27 superintendent of public instruction, in consultation with the
28 nongovernmental entities engaged in public-private partnerships shall
29 submit a joint report to the governor and the appropriate education
30 and human services committees of the legislature regarding each of
31 these programs, individually, as well as the collective progress the
32 state has made toward the following goals:

33 (a) To make Washington number one in the nation for foster care
34 graduation rates;

35 (b) To make Washington number one in the nation for foster care
36 enrollment in postsecondary education; and

37 (c) To make Washington number one in the nation for foster care
38 postsecondary completion.

39 (4) The department, the student achievement council, and the
40 office of the superintendent of public instruction, in consultation

1 with the nongovernmental entities engaged in public-private
2 partnerships, shall also submit one report by November 1, 2018, to
3 the governor and the appropriate education and human service
4 committees of the legislature regarding the transfer of
5 responsibilities from the department (~~(of social and health~~
6 ~~services))~~) to the office of the superintendent of public instruction
7 with respect to the programs in RCW 28A.300.592, and from the
8 department (~~(of social and health services))~~) to the student
9 achievement council with respect to the program in RCW 28B.77.250 and
10 whether these transfers have resulted in better coordinated services
11 for youth.

12 **Sec. 406.** RCW 74.13.107 and 2013 c 332 s 12 are each amended to
13 read as follows:

14 (1) The child and family reinvestment account is created in the
15 state treasury. Moneys in the account may be spent only after
16 appropriation. Moneys in the account may be expended solely for
17 improving outcomes related to: (a) Safely reducing entry into the
18 foster care system and preventing reentry; (b) safely increasing
19 reunifications; (c) achieving permanency for children unable to be
20 reunified; and (d) improving outcomes for youth who will age out of
21 the foster care system. Moneys may be expended for shared savings
22 under performance-based contracts.

23 (2) Revenues to the child and family reinvestment account consist
24 of: (a) Savings to the state general fund resulting from reductions
25 in foster care caseloads and per capita costs, as calculated and
26 transferred into the account under this section; and (b) any other
27 public or private funds appropriated to or deposited in the account.

28 (3)(a) The department of (~~(social and health services))~~) children,
29 youth, and families, in collaboration with the office of financial
30 management and the caseload forecast council, shall develop a
31 methodology for calculating the savings under this section. The
32 methodology must be used for the 2013-2015 fiscal biennium, and for
33 each biennium thereafter. The methodology must establish a baseline
34 for calculating savings. (~~(In developing the methodology, the~~
35 ~~department of social and health services shall incorporate the~~
36 ~~relevant requirements of any demonstration waiver granted to the~~
37 ~~state under P.L. 112-34.))~~) The savings must be based on actual
38 caseload and per capita expenditures.

1 (b) The caseload and the per capita expenditures for youth in
2 extended foster care pursuant to RCW 74.13.031 and as determined
3 under RCW 43.88C.010(9) shall not be included in the following:

4 (i) The calculation of savings transferred to the account; or

5 (ii) The capped allocation of the demonstration waiver granted to
6 the state under P.L. 112-34.

7 ~~((By December 1, 2012, the department of social and health
8 services shall submit the proposed methodology to the governor and
9 the appropriate committees of the legislature. The methodology is
10 deemed approved unless the legislature enacts legislation to modify
11 or reject the methodology.~~

12 ~~((d))~~) The department ~~((of social and health services))~~ shall use
13 the methodology established in (a) of this subsection to calculate
14 savings to the state general fund for transfer into the child and
15 family reinvestment account in fiscal year 2014 and each fiscal year
16 thereafter. Savings calculated by the department under this section
17 are not subject to RCW 43.79.460. The department shall report the
18 amount of the state general fund savings achieved to the office of
19 financial management and the fiscal committees of the legislature at
20 the end of each fiscal year. The office of financial management shall
21 provide notice to the state treasurer of the amount of state general
22 fund savings, as calculated by the department ~~((of social and health
23 services))~~, for transfer into the child and family reinvestment
24 account.

25 ~~((e))~~) (d) Nothing in this section prohibits (i) the caseload
26 forecast council from forecasting the foster care caseload under RCW
27 43.88C.010 or (ii) the department from including maintenance funding
28 in its budget submittal for caseload costs that exceed the baseline
29 established in (a) of this subsection.

30 **Sec. 407.** RCW 74.13.335 and 1999 c 338 s 2 are each amended to
31 read as follows:

32 Within available funds and subject to such conditions and
33 limitations as may be established by the department or by the
34 legislature in the omnibus appropriations act, the department ~~((of
35 social and health services))~~ shall reimburse foster parents for
36 property damaged or destroyed by foster children placed in their
37 care. The department shall establish by rule a maximum amount that
38 may be reimbursed for each occurrence. The department shall reimburse
39 the foster parent for the replacement value of any property covered

1 by this section. If the damaged or destroyed property is covered and
2 reimbursed under an insurance policy, the department shall reimburse
3 foster parents for the amount of the deductible associated with the
4 insurance claim, up to the limit per occurrence as established by the
5 department.

6 **Sec. 408.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to
7 read as follows:

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

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

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

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

27 (c) "Crisis residential center" means an agency which is a
28 temporary protective residential facility operated to perform the
29 duties specified in chapter 13.32A RCW, in the manner provided in RCW
30 (~~74.13.032 through~~) 43.185C.295, 43.185C.300, 43.185C.305,
31 43.185C.310, 74.13.035, and 74.13.036;

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

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

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

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

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

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

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

36 (j) "Responsible living skills program" means an agency licensed
37 by the secretary that provides residential and transitional living
38 services to persons ages sixteen to eighteen who are dependent under
39 chapter 13.34 RCW and who have been unable to live in his or her
40 legally authorized residence and, as a result, the minor lived

1 outdoors or in another unsafe location not intended for occupancy by
2 the minor. Dependent minors ages fourteen and fifteen may be eligible
3 if no other placement alternative is available and the department
4 approves the placement;

5 (k) "Service provider" means the entity that operates a community
6 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (h) Licensed physicians or lawyers;

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

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

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

26 (l) An agency operated by any unit of local, state, or federal
27 government or an agency licensed by an Indian tribe pursuant to RCW
28 74.15.190;

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

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

34 (o) A host home program, and host home, operated by a tax exempt
35 organization for youth not in the care of or receiving services from
36 the department, if that program: (i) Recruits and screens potential
37 homes in the program, including performing background checks on
38 individuals over the age of eighteen residing in the home through the
39 Washington state patrol or equivalent law enforcement agency and
40 performing physical inspections of the home; (ii) screens and

1 provides case management services to youth in the program; (iii)
2 obtains a notarized permission slip or limited power of attorney from
3 the parent or legal guardian of the youth authorizing the youth to
4 participate in the program and the authorization is updated every six
5 months when a youth remains in a host home longer than six months;
6 (iv) obtains insurance for the program through an insurance provider
7 authorized under Title 48 RCW; (v) provides mandatory reporter and
8 confidentiality training; and (vi) registers with the secretary of
9 state as provided in RCW 24.03.550. A host home is a private home
10 that volunteers to host youth in need of temporary placement that is
11 associated with a host home program. Any host home program that
12 receives local, state, or government funding shall report the
13 following information to the office of homeless youth prevention and
14 protection programs annually by December 1st of each year: The number
15 of children the program served, why the child was placed with a host
16 home, and where the child went after leaving the host home, including
17 but not limited to returning to the parents, running away, reaching
18 the age of majority, or becoming a dependent of the state. A host
19 home program shall not receive more than one hundred thousand dollars
20 per year of public funding, including local, state, and federal
21 funding. A host home shall not receive any local, state, or
22 government funding.

23 (3) "Department" means the ((state)) department of ((social and
24 health services)) children, youth, and families.

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

28 (5) "Performance-based contracts" or "contracting" means the
29 structuring of all aspects of the procurement of services around the
30 purpose of the work to be performed and the desired results with the
31 contract requirements set forth in clear, specific, and objective
32 terms with measurable outcomes. Contracts may also include provisions
33 that link the performance of the contractor to the level and timing
34 of the reimbursement.

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

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

1 (8) "Secretary" means the secretary of (~~social and health~~
2 ~~services~~) the department.

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

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

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

13 (a) Educational services, including basic literacy and
14 computational skills training, either in local alternative or public
15 high schools or in a high school equivalency program that leads to
16 obtaining a high school equivalency degree;

17 (b) Assistance and counseling related to obtaining vocational
18 training or higher education, job readiness, job search assistance,
19 and placement programs;

20 (c) Counseling and instruction in life skills such as money
21 management, home management, consumer skills, parenting, health care,
22 access to community resources, and transportation and housing
23 options;

24 (d) Individual and group counseling; and

25 (e) Establishing networks with federal agencies and state and
26 local organizations such as the United States department of labor,
27 employment and training administration programs including the
28 workforce investment act which administers private industry councils
29 and the job corps; vocational rehabilitation; and volunteer programs.

30 **Sec. 409.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to
31 read as follows:

32 The secretary shall have the power and it shall be the
33 secretary's duty:

34 (1) In consultation with the children's services advisory
35 committee, and with the advice and assistance of persons
36 representative of the various type agencies to be licensed, to
37 designate categories of facilities for which separate or different
38 requirements shall be developed as may be appropriate whether because
39 of variations in the ages, sex and other characteristics of persons

1 served, variations in the purposes and services offered or size or
2 structure of the agencies to be licensed hereunder, or because of any
3 other factor relevant thereto;

4 (2) In consultation with the children's services advisory
5 committee, and with the advice and assistance of persons
6 representative of the various type agencies to be licensed, to adopt
7 and publish minimum requirements for licensing applicable to each of
8 the various categories of agencies to be licensed.

9 The minimum requirements shall be limited to:

10 (a) The size and suitability of a facility and the plan of
11 operation for carrying out the purpose for which an applicant seeks a
12 license;

13 (b) Obtaining background information and any out-of-state
14 equivalent, to determine whether the applicant or service provider is
15 disqualified and to determine the character, competence, and
16 suitability of an agency, the agency's employees, volunteers, and
17 other persons associated with an agency;

18 (c) Conducting background checks for those who will or may have
19 unsupervised access to children((~~7~~)) or expectant mothers((~~7~~—~~or~~
20 ~~individuals with a developmental disability~~)); however, a background
21 check is not required if a caregiver approves an activity pursuant to
22 the prudent parent standard contained in RCW 74.13.710;

23 (d) Obtaining child protective services information or records
24 maintained in the department case management information system. No
25 unfounded allegation of child abuse or neglect as defined in RCW
26 26.44.020 may be disclosed to a child-placing agency, private
27 adoption agency, or any other provider licensed under this chapter;

28 (e) Submitting a fingerprint-based background check through the
29 Washington state patrol under chapter 10.97 RCW and through the
30 federal bureau of investigation for:

31 (i) Agencies and their staff, volunteers, students, and interns
32 when the agency is seeking license or relicense;

33 (ii) Foster care and adoption placements; and

34 (iii) Any adult living in a home where a child may be placed;

35 (f) If any adult living in the home has not resided in the state
36 of Washington for the preceding five years, the department shall
37 review any child abuse and neglect registries maintained by any state
38 where the adult has resided over the preceding five years;

39 (g) The cost of fingerprint background check fees will be paid as
40 required in RCW 43.43.837;

1 (h) National and state background information must be used solely
2 for the purpose of determining eligibility for a license and for
3 determining the character, suitability, and competence of those
4 persons or agencies, excluding parents, not required to be licensed
5 who are authorized to care for children or expectant mothers;

6 (i) The number of qualified persons required to render the type
7 of care and treatment for which an agency seeks a license;

8 (j) The safety, cleanliness, and general adequacy of the premises
9 to provide for the comfort, care and well-being of children((~~τ~~)) or
10 expectant mothers ((~~or developmentally disabled persons~~));

11 (k) The provision of necessary care, including food, clothing,
12 supervision and discipline; physical, mental and social well-being;
13 and educational, recreational and spiritual opportunities for those
14 served;

15 (l) The financial ability of an agency to comply with minimum
16 requirements established pursuant to this chapter ((~~74.15 RCW~~)) and
17 RCW 74.13.031; and

18 (m) The maintenance of records pertaining to the admission,
19 progress, health and discharge of persons served;

20 (3) To investigate any person, including relatives by blood or
21 marriage except for parents, for character, suitability, and
22 competence in the care and treatment of children((~~τ~~)) or expectant
23 mothers((~~, and developmentally disabled persons~~)) prior to
24 authorizing that person to care for children((~~τ~~)) or expectant
25 mothers((~~, and developmentally disabled persons~~)). However, if a
26 child is placed with a relative under RCW 13.34.065 or 13.34.130, and
27 if such relative appears otherwise suitable and competent to provide
28 care and treatment the criminal history background check required by
29 this section need not be completed before placement, but shall be
30 completed as soon as possible after placement;

31 (4) On reports of alleged child abuse and neglect, to investigate
32 agencies in accordance with chapter 26.44 RCW, including child day-
33 care centers and family day-care homes, to determine whether the
34 alleged abuse or neglect has occurred, and whether child protective
35 services or referral to a law enforcement agency is appropriate;

36 (5) To issue, revoke, or deny licenses to agencies pursuant to
37 this chapter ((~~74.15 RCW~~)) and RCW 74.13.031. Licenses shall specify
38 the category of care which an agency is authorized to render and the
39 ages, sex and number of persons to be served;

1 (6) To prescribe the procedures and the form and contents of
2 reports necessary for the administration of this chapter (~~(74.15~~
3 ~~RCW)~~) and RCW 74.13.031 and to require regular reports from each
4 licensee;

5 (7) To inspect agencies periodically to determine whether or not
6 there is compliance with this chapter (~~(74.15-RCW)~~) and RCW 74.13.031
7 and the requirements adopted hereunder;

8 (8) To review requirements adopted hereunder at least every two
9 years and to adopt appropriate changes after consultation with
10 affected groups for child day-care requirements and with the
11 children's services advisory committee for requirements for other
12 agencies; and

13 (9) To consult with public and private agencies in order to help
14 them improve their methods and facilities for the care of
15 children(~~(7)~~) or expectant mothers (~~(and developmentally disabled~~
16 ~~persons)~~).

17 **Sec. 410.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to
18 read as follows:

19 The secretary of health shall have the power and it shall be his
20 or her duty:

21 In consultation with the children's services advisory committee
22 and with the advice and assistance of persons representative of the
23 various type agencies to be licensed, to develop minimum requirements
24 pertaining to each category of agency established pursuant to chapter
25 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
26 persons residing therein.

27 The secretary of health or the city, county, or district health
28 department designated by the secretary shall have the power and the
29 duty:

30 (1) To make or cause to be made such inspections and
31 investigations of agencies as may be deemed necessary; and

32 (2) To issue to applicants for licenses hereunder who comply with
33 the requirements adopted hereunder, a certificate of compliance, a
34 copy of which shall be presented to the department (~~(of social and~~
35 ~~health services)~~) before a license shall be issued, except that (~~(a~~
36 ~~provisional)~~) an initial license may be issued as provided in RCW
37 74.15.120.

1 **Sec. 411.** RCW 74.15.070 and 1979 c 141 s 358 are each amended to
2 read as follows:

3 A copy of the articles of incorporation of any agency or
4 amendments to the articles of existing corporation agencies shall be
5 sent by the secretary of state to the department (~~of social and~~
6 ~~health services~~) at the time such articles or amendments are filed.

7 **Sec. 412.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to
8 read as follows:

9 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
10 accord the department (~~of social and health services~~), the
11 secretary of health, the chief of the Washington state patrol, and
12 the director of fire protection, or their designees, the right of
13 entrance and the privilege of access to and inspection of records for
14 the purpose of determining whether or not there is compliance with
15 the provisions of chapter 74.15 RCW and RCW 74.13.031 and the
16 requirements adopted thereunder.

17 **Sec. 413.** RCW 74.15.120 and 1995 c 311 s 22 are each amended to
18 read as follows:

19 The secretary (~~of social and health services~~) may, at his or
20 her discretion, issue an initial license instead of a full license,
21 to an agency or facility for a period not to exceed six months,
22 renewable for a period not to exceed two years, to allow such agency
23 or facility reasonable time to become eligible for full license. An
24 initial license shall not be granted to any foster-family home except
25 as specified in this section. An initial license may be granted to a
26 foster-family home only if the following three conditions are met:
27 (1) The license is limited so that the licensee is authorized to
28 provide care only to a specific child or specific children; (2) the
29 department has determined that the licensee has a relationship with
30 the child, and the child is comfortable with the licensee, or that it
31 would otherwise be in the child's best interest to remain or be
32 placed in the licensee's home; and (3) the initial license is issued
33 for a period not to exceed ninety days.

34 **Sec. 414.** RCW 74.15.134 and 1997 c 58 s 858 are each amended to
35 read as follows:

36 The secretary shall immediately suspend the license or
37 certificate of a person who has been certified pursuant to RCW

1 74.20A.320 by the department (~~of social and health services~~) as a
2 person who is not in compliance with a support order (~~or a~~
3 ~~residential or visitation order~~). If the person has continued to
4 meet all other requirements for reinstatement during the suspension,
5 reissuance of the license or certificate shall be automatic upon the
6 secretary's receipt of a release issued by the department (~~of social~~
7 ~~and health services~~) stating that the licensee is in compliance with
8 the order.

9 **Sec. 415.** RCW 74.15.200 and 1987 c 489 s 5 are each amended to
10 read as follows:

11 The department (~~of social and health services~~) shall have
12 primary responsibility for providing child abuse and neglect
13 prevention training to parents and licensed child day care providers
14 of preschool age children participating in day care programs meeting
15 the requirements of chapter 74.15 RCW. The department may limit
16 training under this section to trainers' workshops and curriculum
17 development using existing resources.

18 **Sec. 416.** RCW 74.15.901 and 1999 c 267 s 23 are each amended to
19 read as follows:

20 (1) The department of social and health services shall seek any
21 necessary federal waivers for federal funding of the programs created
22 under sections 10 through 26, chapter 267, Laws of 1999. The
23 department shall pursue federal funding sources for the programs
24 created under sections 10 through 26, chapter 267, Laws of 1999, and
25 report to the legislature any statutory barriers to federal funding.

26 (2) The department of children, youth, and families shall seek
27 any necessary federal waivers for federal funding of the programs
28 created under sections 10 through 26, chapter 267, Laws of 1999. The
29 department shall pursue federal funding sources for the programs
30 created under sections 10 through 26, chapter 267, Laws of 1999, and
31 report to the legislature any statutory barriers to federal funding.

32 **Sec. 417.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to
33 read as follows:

34 As used in this chapter the following terms have the meanings
35 indicated unless the context clearly requires otherwise:

36 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
37 exploitation, negligent treatment, or maltreatment of a child by any

1 person under circumstances that indicate the child's health, welfare,
2 and safety is harmed, excluding conduct permitted under RCW
3 9A.16.100. An abused child is a child who has been subjected to child
4 abuse or neglect as defined in this section.

5 (2) "Administrator" means the individual who has the daily
6 administrative responsibility of a crisis residential center, or his
7 or her designee.

8 (3) "At-risk youth" means a juvenile:

9 (a) Who is absent from home for at least seventy-two consecutive
10 hours without consent of his or her parent;

11 (b) Who is beyond the control of his or her parent such that the
12 child's behavior endangers the health, safety, or welfare of the
13 child or any other person; or

14 (c) Who has a substance abuse problem for which there are no
15 pending criminal charges related to the substance abuse.

16 (4) "Child," "juvenile," "youth," and "minor" mean any
17 unemancipated individual who is under the chronological age of
18 eighteen years.

19 (5) "Child in need of services" means a juvenile:

20 (a) Who is beyond the control of his or her parent such that the
21 child's behavior endangers the health, safety, or welfare of the
22 child or any other person;

23 (b) Who has been reported to law enforcement as absent without
24 consent for at least twenty-four consecutive hours on two or more
25 separate occasions from the home of either parent, a crisis
26 residential center, an out-of-home placement, or a court-ordered
27 placement; and

28 (i) Has exhibited a serious substance abuse problem; or

29 (ii) Has exhibited behaviors that create a serious risk of harm
30 to the health, safety, or welfare of the child or any other person;

31 (c)(i) Who is in need of: (A) Necessary services, including food,
32 shelter, health care, clothing, or education; or (B) services
33 designed to maintain or reunite the family;

34 (ii) Who lacks access to, or has declined to use, these services;
35 and

36 (iii) Whose parents have evidenced continuing but unsuccessful
37 efforts to maintain the family structure or are unable or unwilling
38 to continue efforts to maintain the family structure; or

39 (d) Who is a "sexually exploited child."

1 (6) "Child in need of services petition" means a petition filed
2 in juvenile court by a parent, child, or the department seeking
3 adjudication of placement of the child.

4 (7) "Crisis residential center" means a secure or semi-secure
5 facility established pursuant to chapter 74.13 RCW.

6 (8) "Custodian" means the person or entity that has the legal
7 right to custody of the child.

8 (9) "Department" means the department of (~~social and health~~
9 ~~services~~) children, youth, and families.

10 (10) "Extended family member" means an adult who is a
11 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,
12 or first cousin with whom the child has a relationship and is
13 comfortable, and who is willing and available to care for the child.

14 (11) "Guardian" means the person or agency that (a) has been
15 appointed as the guardian of a child in a legal proceeding other than
16 a proceeding under chapter 13.34 RCW, and (b) has the legal right to
17 custody of the child pursuant to such appointment. The term
18 "guardian" does not include a "dependency guardian" appointed
19 pursuant to a proceeding under chapter 13.34 RCW.

20 (12) "Multidisciplinary team" means a group formed to provide
21 assistance and support to a child who is an at-risk youth or a child
22 in need of services and his or her parent. The team must include the
23 parent, a department caseworker, a local government representative
24 when authorized by the local government, and when appropriate,
25 members from the mental health and substance abuse disciplines. The
26 team may also include, but is not limited to, the following persons:
27 Educators, law enforcement personnel, probation officers, employers,
28 church persons, tribal members, therapists, medical personnel, social
29 service providers, placement providers, and extended family members.
30 The team members must be volunteers who do not receive compensation
31 while acting in a capacity as a team member, unless the member's
32 employer chooses to provide compensation or the member is a state
33 employee.

34 (13) "Out-of-home placement" means a placement in a foster family
35 home or group care facility licensed pursuant to chapter 74.15 RCW or
36 placement in a home, other than that of the child's parent, guardian,
37 or legal custodian, not required to be licensed pursuant to chapter
38 74.15 RCW.

1 (14) "Parent" means the parent or parents who have the legal
2 right to custody of the child. "Parent" includes custodian or
3 guardian.

4 (15) "Secure facility" means a crisis residential center, or
5 portion thereof, that has locking doors, locking windows, or a
6 secured perimeter, designed and operated to prevent a child from
7 leaving without permission of the facility staff.

8 (16) "Semi-secure facility" means any facility, including but not
9 limited to crisis residential centers or specialized foster family
10 homes, operated in a manner to reasonably assure that youth placed
11 there will not run away. Pursuant to rules established by the
12 department, the facility administrator shall establish reasonable
13 hours for residents to come and go from the facility such that no
14 residents are free to come and go at all hours of the day and night.
15 To prevent residents from taking unreasonable actions, the facility
16 administrator, where appropriate, may condition a resident's leaving
17 the facility upon the resident being accompanied by the administrator
18 or the administrator's designee and the resident may be required to
19 notify the administrator or the administrator's designee of any
20 intent to leave, his or her intended destination, and the probable
21 time of his or her return to the center.

22 (17) "Sexually exploited child" means any person under the age of
23 eighteen who is a victim of the crime of commercial sex abuse of a
24 minor under RCW 9.68A.100, promoting commercial sexual abuse of a
25 minor under RCW 9.68A.101, or promoting travel for commercial sexual
26 abuse of a minor under RCW 9.68A.102.

27 (18) "Staff secure facility" means a structured group care
28 facility licensed under rules adopted by the department with a ratio
29 of at least one adult staff member to every two children.

30 (19) "Temporary out-of-home placement" means an out-of-home
31 placement of not more than fourteen days ordered by the court at a
32 fact-finding hearing on a child in need of services petition.

33 **Sec. 418.** RCW 13.32A.178 and 2001 c 332 s 8 are each amended to
34 read as follows:

35 The department (~~(of social and health services)~~) shall promulgate
36 rules that create good cause exceptions to the establishment and
37 enforcement of child support from parents of children in out-of-home
38 placement under chapter 13.34 or 13.32A RCW that do not violate
39 federal funding requirements. (~~(The department shall present the~~

1 ~~rules and the department's plan for implementation of the rules to~~
2 ~~the appropriate committees of the legislature prior to the 2002~~
3 ~~legislative session.))~~

4 **Sec. 419.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
5 and amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Child" means any individual under the age of eighteen years.

9 (2) "Department" means the department of (~~social and health~~
10 ~~services~~) children, youth, and families.

11 (3) "Dependent child" means a child who has been found by a court
12 to be dependent in a proceeding under chapter 13.34 RCW.

13 (4) "Guardian" means a person who: (a) Has been appointed by the
14 court as the guardian of a child in a legal proceeding under this
15 chapter; and (b) has the legal right to custody of the child pursuant
16 to court order. The term "guardian" does not include a "dependency
17 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
18 for the purpose of assisting the court in supervising the dependency.

19 (5) "Relative" means a person related to the child in the
20 following ways: (a) Any blood relative, including those of half-
21 blood, and including first cousins, second cousins, nephews or
22 nieces, and persons of preceding generations as denoted by prefixes
23 of grand, great, or great-great; (b) stepfather, stepmother,
24 stepbrother, and stepsister; (c) a person who legally adopts a child
25 or the child's parent as well as the natural and other legally
26 adopted children of such persons, and other relatives of the adoptive
27 parents in accordance with state law; (d) spouses of any persons
28 named in (a), (b), or (c) of this subsection, even after the marriage
29 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
30 this subsection, of any half sibling of the child; or (f) extended
31 family members, as defined by the law or custom of the Indian child's
32 tribe or, in the absence of such law or custom, a person who has
33 reached the age of eighteen and who is the Indian child's
34 grandparent, aunt or uncle, brother or sister, brother-in-law or
35 sister-in-law, niece or nephew, first or second cousin, or stepparent
36 who provides care in the family abode on a twenty-four hour basis to
37 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

38 (6) "Suitable person" means a nonrelative with whom the child or
39 the child's family has a preexisting relationship; who has completed

1 all required criminal history background checks and otherwise appears
2 to be suitable and competent to provide care for the child; and with
3 whom the child has been placed pursuant to RCW 13.34.130.

4 (7) "Supervising agency" means an agency licensed by the state
5 under RCW 74.15.090, or licensed by a federally recognized Indian
6 tribe located in this state under RCW 74.15.190, that has entered
7 into a performance-based contract with the department to provide case
8 management for the delivery and documentation of child welfare
9 services as defined in RCW 74.13.020.

10 **PART V**

11 **TRANSFER OF CHILDREN AND FAMILY SERVICES**

12 **Sec. 501.** RCW 74.13A.075 and 2013 c 23 s 212 are each amended to
13 read as follows:

14 As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the
15 following definitions shall apply:

16 (1) (~~"Secretary"~~) "Department" means the (~~secretary of the~~)
17 department of (~~social and health services or his or her designee~~)
18 children, youth, and families.

19 (2) (~~"Department"~~) "Secretary" means the secretary of the
20 department (~~of social and health services~~).

21 **Sec. 502.** RCW 74.13A.060 and 1990 c 285 s 8 are each amended to
22 read as follows:

23 The secretary may authorize the payment, from the appropriations
24 available from the general fund, of all or part of the nonrecurring
25 adoption expenses incurred by a prospective parent. "Nonrecurring
26 adoption expenses" means those expenses incurred by a prospective
27 parent in connection with the adoption of a difficult to place child
28 including, but not limited to, attorneys' fees, court costs, and
29 agency fees. Payment shall be made in accordance with rules adopted
30 by the department.

31 (~~This section shall have retroactive application to January 1,~~
32 ~~1987. For purposes of retroactive application, the secretary may~~
33 ~~provide reimbursement to any parent who adopted a difficult to place~~
34 ~~child between January 1, 1987, and one year following June 7, 1990,~~
35 ~~regardless of whether the parent had previously entered into an~~
36 ~~adoption support agreement with the department.))~~

1 **Sec. 503.** RCW 74.13A.085 and 1997 c 131 s 1 are each amended to
2 read as follows:

3 (1) The department (~~(of social and health services)~~) shall
4 establish, within funds appropriated for the purpose, a
5 reconsideration program to provide medical and counseling services
6 through the adoption support program for children of families who
7 apply for services after the adoption is final. Families requesting
8 services through the program shall provide any information requested
9 by the department for the purpose of processing the family's
10 application for services.

11 (2) A child meeting the eligibility criteria for registration
12 with the program is one who:

13 (a) Was residing in a preadoptive placement funded by the
14 department or in foster care funded by the department immediately
15 prior to the adoptive placement;

16 (b) Had a physical or mental handicap or emotional disturbance
17 that existed and was documented prior to the adoption or was at high
18 risk of future physical or mental handicap or emotional disturbance
19 as a result of conditions exposed to prior to the adoption; and

20 (c) Resides in the state of Washington with an adoptive parent
21 who lacks the necessary financial means to care for the child's
22 special need.

23 (3) If a family is accepted for registration and meets the
24 criteria in subsection (2) of this section, the department may enter
25 into an agreement for services. Prior to entering into an agreement
26 for services through the program, the medical needs of the child must
27 be reviewed and approved by the department.

28 (4) Any services provided pursuant to an agreement between a
29 family and the department shall be met from the department's medical
30 program. Such services shall be limited to:

31 (a) Services provided after finalization of an agreement between
32 a family and the department pursuant to this section;

33 (b) Services not covered by the family's insurance or other
34 available assistance; and

35 (c) Services related to the eligible child's identified physical
36 or mental handicap or emotional disturbance that existed prior to the
37 adoption.

38 (5) Any payment by the department for services provided pursuant
39 to an agreement shall be made directly to the physician or provider
40 of services according to the department's established procedures.

1 (6) The total costs payable by the department for services
2 provided pursuant to an agreement shall not exceed twenty thousand
3 dollars per child.

4 **Sec. 504.** RCW 74.13B.005 and 2012 c 205 s 1 are each amended to
5 read as follows:

6 (1) The legislature finds that:

7 (a) The state of Washington and several Indian tribes in the
8 state of Washington assume legal responsibility for abused or
9 neglected children when their parents or caregivers are unable or
10 unwilling to adequately provide for their safety, health, and
11 welfare;

12 (b) Washington state has a strong history of partnership between
13 the department (~~(of social and health services)~~) and contracted
14 service providers who currently serve children and families in the
15 child welfare system. The department and its contracted service
16 providers have responsibility for providing services to address
17 parenting deficiencies resulting in child maltreatment, and the needs
18 of children impacted by maltreatment;

19 (c) Department caseworkers and contracted service providers each
20 play a critical and complementary role in the child welfare system;

21 (d) The current system of contracting for services needed by
22 children and families in the child welfare system is fragmented,
23 inflexible, and lacks incentives for improving outcomes for children
24 and families.

25 (2) The legislature intends:

26 (a) To reform the delivery of certain services to children and
27 families in the child welfare system by creating a flexible,
28 accountable community-based system of care that utilizes
29 performance-based contracting, maximizes the use of evidence-based,
30 research-based, and promising practices, and expands the capacity of
31 community-based agencies to leverage local funding and other
32 resources to benefit children and families served by the department;

33 (b) To achieve improved child safety, child permanency, including
34 reunification, and child well-being outcomes through the
35 collaborative efforts of the department and contracted service
36 providers and the prioritization of these goals in performance-based
37 contracting; and

1 (c) To implement performance-based contracting under chapter 205,
2 Laws of 2012 in a manner that supports and complies with the federal
3 and Washington state Indian child welfare act.

4 **Sec. 505.** RCW 74.13B.010 and 2012 c 205 s 2 are each amended to
5 read as follows:

6 For purposes of this chapter:

7 (1) "Case management" means convening family meetings,
8 developing, revising, and monitoring implementation of any case plan
9 or individual service and safety plan, coordinating and monitoring
10 services needed by the child and family, caseworker-child visits,
11 family visits, and the assumption of court-related duties, excluding
12 legal representation, including preparing court reports, attending
13 judicial hearings and permanency hearings, and ensuring that the
14 child is progressing toward permanency within state and federal
15 mandates, including the Indian child welfare act.

16 (2) "Child" means:

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

18 (b) A person age eighteen to twenty-one years who is eligible to
19 receive the extended foster care services authorized under RCW
20 74.13.031.

21 (3) "Child-placing agency" has the same meaning as in RCW
22 74.15.020.

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

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

30 (b) Protecting and caring for dependent, abused, or neglected
31 children;

32 (c) Assisting children who are in conflict with their parents,
33 and assisting parents who are in conflict with their children, with
34 services designed to resolve such conflicts;

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

1 (e) Providing adequate care of children away from their homes in
2 foster family homes or day care or other child care agencies or
3 facilities.

4 (5) "Department" means the department of (~~social and health~~
5 ~~services~~) children, youth, and families.

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

10 (7) "Network administrator" means an entity that contracts with
11 the department to provide defined services to children and families
12 in the child welfare system through its provider network, as provided
13 in RCW 74.13B.020.

14 (8) "Performance-based contracting" means structuring all aspects
15 of the procurement of services around the purpose of the work to be
16 performed and the desired results with the contract requirements set
17 forth in clear, specific, and objective terms with measurable
18 outcomes and linking payment for services to contractor performance.

19 (9) "Promising practice" means a practice that presents, based
20 upon preliminary information, potential for becoming a research-based
21 or consensus-based practice.

22 (10) "Provider network" means those service providers who
23 contract with a network administrator to provide services to children
24 and families in the geographic area served by the network
25 administrator.

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

29 **Sec. 506.** RCW 74.14B.010 and 2013 c 254 s 5 are each amended to
30 read as follows:

31 (1) Caseworkers employed in children services shall meet minimum
32 standards established by the department (~~of social and health~~
33 ~~services~~). Comprehensive training for caseworkers shall be completed
34 before such caseworkers are assigned to case-carrying
35 responsibilities without direct supervision. Intermittent, part-time,
36 and standby workers shall be subject to the same minimum standards
37 and training.

38 (2) Ongoing specialized training shall be provided for persons
39 responsible for investigating child sexual abuse. Training

1 participants shall have the opportunity to practice interview skills
2 and receive feedback from instructors.

3 (3) The department, the criminal justice training commission, the
4 Washington association of sheriffs and police chiefs, and the
5 Washington association of prosecuting attorneys shall design and
6 implement statewide training that contains consistent elements for
7 persons engaged in the interviewing of children, including law
8 enforcement, prosecution, and child protective services.

9 (4) The training shall: (a) Be based on research-based practices
10 and standards; (b) minimize the trauma of all persons who are
11 interviewed during abuse investigations; (c) provide methods of
12 reducing the number of investigative interviews necessary whenever
13 possible; (d) assure, to the extent possible, that investigative
14 interviews are thorough, objective, and complete; (e) recognize needs
15 of special populations, such as persons with developmental
16 disabilities; (f) recognize the nature and consequences of
17 victimization; (g) require investigative interviews to be conducted
18 in a manner most likely to permit the interviewed persons the maximum
19 emotional comfort under the circumstances; (h) address record
20 retention and retrieval; and (i) documentation of investigative
21 interviews.

22 (5) The identification of domestic violence is critical in
23 ensuring the safety of children in the child welfare system. As a
24 result, ongoing domestic violence training and consultation shall be
25 provided to caseworkers, including how to use the children's
26 administration's practice guide to domestic violence.

27 **Sec. 507.** RCW 74.14B.050 and 1987 c 503 s 14 are each amended to
28 read as follows:

29 The department (~~(of social and health services)~~) shall inform
30 victims of child abuse and neglect and their families of the
31 availability of state-supported counseling through the crime victims'
32 compensation program, community mental health centers, domestic
33 violence and sexual assault programs, and other related programs. The
34 department shall assist victims with referrals to these services.

35 **Sec. 508.** RCW 74.14B.070 and 1990 c 3 s 1403 are each amended to
36 read as follows:

37 The department (~~(of social and health services)~~) through its
38 division of children and family services shall, subject to available

1 funds, establish a system of early identification and referral to
2 treatment of child victims of sexual assault or sexual abuse. The
3 system shall include schools, physicians, sexual assault centers,
4 domestic violence centers, child protective services, and foster
5 parents. A mechanism shall be developed to identify communities that
6 have experienced success in this area and share their expertise and
7 methodology with other communities statewide.

8 **Sec. 509.** RCW 74.14B.080 and 1991 c 283 s 2 are each amended to
9 read as follows:

10 (1) Subject to subsection (2) of this section, the secretary (~~of~~
11 ~~social and health services~~) shall provide liability insurance to
12 foster parents licensed under chapter 74.15 RCW. The coverage shall
13 be for personal injury and property damage caused by foster parents
14 or foster children that occurred while the children were in foster
15 care. Such insurance shall cover acts of ordinary negligence but
16 shall not cover illegal conduct or bad faith acts taken by foster
17 parents in providing foster care. Moneys paid from liability
18 insurance for any claim are limited to the amount by which the claim
19 exceeds the amount available to the claimant from any valid and
20 collectible liability insurance.

21 (2) The secretary (~~of social and health services~~) may purchase
22 the insurance required in subsection (1) of this section or may
23 choose a self-insurance method. The total moneys expended pursuant to
24 this authorization shall not exceed five hundred thousand dollars per
25 biennium. If the secretary elects a method of self-insurance, the
26 expenditure shall include all administrative and staff costs. If the
27 secretary elects a method of self-insurance, he or she may, by rule,
28 place a limit on the maximum amount to be paid on each claim.

29 (3) Nothing in this section or RCW 4.24.590 is intended to modify
30 the foster parent reimbursement plan in place on July 1, 1991.

31 (4) The liability insurance program shall be available by July 1,
32 1991.

33 **Sec. 510.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to
34 read as follows:

35 (1) The legislature believes that protecting the health and
36 safety of children is paramount. The legislature recognizes that the
37 number of children entering out-of-home care is increasing and that a
38 number of children receive long-term foster care protection.

1 Reasonable efforts by the department to shorten out-of-home placement
2 or avoid it altogether should be a major focus of the child welfare
3 system. It is intended that providing up-front services decrease the
4 number of children entering out-of-home care and have the effect of
5 eventually lowering foster care expenditures and strengthening the
6 family unit.

7 Within available funds, the legislature directs the department to
8 focus child welfare services on protecting the child, strengthening
9 families and, to the extent possible, providing necessary services in
10 the family setting, while drawing upon the strengths of the family.
11 The legislature intends services be locally based and offered as
12 early as possible to avoid disruption to the family, out-of-home
13 placement of the child, and entry into the dependency system. The
14 legislature also intends that these services be used for those
15 families whose children are returning to the home from out-of-home
16 care. These services are known as family preservation services and
17 intensive family preservation services and are characterized by the
18 following values, beliefs, and goals:

- 19 (a) Safety of the child is always the first concern;
- 20 (b) Children need their families and should be raised by their
21 own families whenever possible;
- 22 (c) Interventions should focus on family strengths and be
23 responsive to the individual family's cultural values and needs;
- 24 (d) Participation should be voluntary; and
- 25 (e) Improvement of family functioning is essential in order to
26 promote the child's health, safety, and welfare and thereby allow the
27 family to remain intact and allow children to remain at home.

28 (2) Subject to the availability of funds for such purposes, the
29 legislature intends for these services to be made available to all
30 eligible families on a statewide basis through a phased-in process.
31 Except as otherwise specified by statute, the department (~~((of social
32 and health services))~~) shall have the authority and discretion to
33 implement and expand these services as provided in (~~((this chapter))~~)
34 RCW 74.14C.010 through 74.14C.100. The department shall consult with
35 the community public health and safety networks when assessing a
36 community's resources and need for services.

37 (3) It is the legislature's intent that, within available funds,
38 the department develop services in accordance with (~~((this chapter))~~)
39 RCW 74.14C.010 through 74.14C.100.

1 (4) Nothing in (~~this chapter~~) RCW 74.14C.010 through 74.14C.100
2 shall be construed to create an entitlement to services nor to create
3 judicial authority to order the provision of preservation services to
4 any person or family if the services are unavailable or unsuitable or
5 that the child or family are not eligible for such services.

6 **Sec. 511.** RCW 74.14C.010 and 1996 c 240 s 2 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Department" means the department of (~~social and health~~
11 ~~services~~) children, youth, and families.

12 (2) "Community support systems" means the support that may be
13 organized through extended family members, friends, neighbors,
14 religious organizations, community programs, cultural and ethnic
15 organizations, or other support groups or organizations.

16 (3) "Family preservation services" means in-home or community-
17 based services drawing on the strengths of the family and its
18 individual members while addressing family needs to strengthen and
19 keep the family together where possible and may include:

20 (a) Respite care of children to provide temporary relief for
21 parents and other caregivers;

22 (b) Services designed to improve parenting skills with respect to
23 such matters as child development, family budgeting, coping with
24 stress, health, safety, and nutrition; and

25 (c) Services designed to promote the well-being of children and
26 families, increase the strength and stability of families, increase
27 parents' confidence and competence in their parenting abilities,
28 promote a safe, stable, and supportive family environment for
29 children, and otherwise enhance children's development.

30 Family preservation services shall have the characteristics
31 delineated in RCW 74.14C.020 (2) and (3).

32 (4) "Imminent" means a decision has been made by the department
33 that, without intensive family preservation services, a petition
34 requesting the removal of a child from the family home will be
35 immediately filed under chapter 13.32A or 13.34 RCW, or that a
36 voluntary placement agreement will be immediately initiated.

37 (5) "Intensive family preservation services" means community-
38 based services that are delivered primarily in the home, that follow
39 intensive service models with demonstrated effectiveness in reducing

1 or avoiding the need for unnecessary imminent out-of-home placement,
2 and that have all of the characteristics delineated in RCW 74.14C.020
3 (1) and (3).

4 (6) "Out-of-home placement" means a placement in a foster family
5 home or group care facility licensed pursuant to chapter 74.15 RCW or
6 placement in a home, other than that of the child's parent, guardian,
7 or legal custodian, not required to be licensed pursuant to chapter
8 74.15 RCW.

9 (7) "Paraprofessional worker" means any individual who is trained
10 and qualified to provide assistance and community support systems
11 development to families and who acts under the supervision of a
12 preservation services therapist. The paraprofessional worker is not
13 intended to replace the role and responsibilities of the preservation
14 services therapist.

15 (8) "Preservation services" means family preservation services
16 and intensive family preservation services that consider the
17 individual family's cultural values and needs.

18 (9) "Secretary" means the secretary of the department.

19 **Sec. 512.** RCW 74.14C.070 and 2003 c 207 s 3 are each amended to
20 read as follows:

21 The secretary (~~(of social and health services,)~~) or the
22 secretary's (~~(regional)~~) designee(~~(r)~~) may transfer funds
23 appropriated for foster care services to purchase preservation
24 services and other preventive services for children at imminent risk
25 of out-of-home placement or who face a substantial likelihood of out-
26 of-home placement. This transfer may be made in those regions that
27 lower foster care expenditures through efficient use of preservation
28 services and permanency planning efforts. The transfer shall be
29 equivalent to the amount of reduced foster care expenditures and
30 shall be made in accordance with the provisions of this chapter and
31 with the approval of the office of financial management. The
32 department shall present an annual report to the legislature
33 regarding any transfers under this section only if transfers occur.
34 The department shall include caseload, expenditure, cost avoidance,
35 identified improvements to the out-of-home care system, and outcome
36 data related to the transfer in the report. The department shall also
37 include in the report information regarding:

- 1 (1) The percent of cases where a child is placed in out-of-home
2 care after the provision of intensive family preservation services or
3 family preservation services;
- 4 (2) The average length of time before the child is placed out-of-
5 home;
- 6 (3) The average length of time the child is placed out-of-home;
7 and
- 8 (4) The number of families that refused the offer of either
9 family preservation services or intensive family preservation
10 services.

11 **Sec. 513.** RCW 74.14C.090 and 1995 c 311 s 8 are each amended to
12 read as follows:

13 Each department caseworker who refers a client for preservation
14 services shall file a report with his or her direct supervisor
15 stating the reasons for which the client was referred. The
16 caseworker's supervisor shall verify in writing his or her belief
17 that the family who is the subject of a referral for preservation
18 services meets the eligibility criteria for services as provided in
19 this chapter. The direct supervisor shall report monthly to the
20 regional administrator on the provision of these services. The
21 regional administrator shall report to the ~~((assistant))~~ secretary
22 quarterly on the provision of these services for the entire region.
23 The ~~((assistant))~~ secretary shall ~~((make))~~ post on the department's
24 web site a semiannual report ~~((to the secretary))~~ on the provision of
25 these services on a statewide basis.

26 **PART VI**
27 **TRANSFER OF JUVENILE JUSTICE**

28 **Sec. 601.** RCW 13.04.011 and 2011 c 330 s 2 are each amended to
29 read as follows:

30 For purposes of this title:

31 (1) "Adjudication" has the same meaning as "conviction" in RCW
32 9.94A.030, but only for the purposes of sentencing under chapter
33 9.94A RCW;

34 (2) Except as specifically provided in RCW 13.40.020 and chapters
35 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
36 individual who is under the chronological age of eighteen years;

1 (3) "Juvenile offender" and "juvenile offense" have the meaning
2 ascribed in RCW 13.40.020;

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

5 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
6 means that parent or parents who have the right of legal custody of
7 the child. "Parent" or "parents" as used in chapter 13.34 RCW, means
8 the biological or adoptive parents of a child unless the legal rights
9 of that person have been terminated by judicial proceedings;

10 (6) "Custodian" means that person who has the legal right to
11 custody of the child;

12 (7) "Department" means the department of children, youth, and
13 families.

14 **Sec. 602.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1
15 are each reenacted and amended to read as follows:

16 (1) Except as provided in this section, the juvenile courts in
17 this state shall have exclusive original jurisdiction over all
18 proceedings:

19 (a) Under the interstate compact on placement of children as
20 provided in chapter 26.34 RCW;

21 (b) Relating to children alleged or found to be dependent as
22 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

23 (c) Relating to the termination of a parent and child
24 relationship as provided in RCW 13.34.180 through 13.34.210;

25 (d) To approve or disapprove out-of-home placement as provided in
26 RCW 13.32A.170;

27 (e) Relating to juveniles alleged or found to have committed
28 offenses, traffic or civil infractions, or violations as provided in
29 RCW 13.40.020 through 13.40.230, unless:

30 (i) The juvenile court transfers jurisdiction of a particular
31 juvenile to adult criminal court pursuant to RCW 13.40.110;

32 (ii) The statute of limitations applicable to adult prosecution
33 for the offense, traffic or civil infraction, or violation has
34 expired;

35 (iii) The alleged offense or infraction is a traffic, fish,
36 boating, or game offense, or traffic or civil infraction committed by
37 a juvenile sixteen years of age or older and would, if committed by
38 an adult, be tried or heard in a court of limited jurisdiction, in
39 which instance the appropriate court of limited jurisdiction shall

1 have jurisdiction over the alleged offense or infraction, and no
2 guardian ad litem is required in any such proceeding due to the
3 juvenile's age. If such an alleged offense or infraction and an
4 alleged offense or infraction subject to juvenile court jurisdiction
5 arise out of the same event or incident, the juvenile court may have
6 jurisdiction of both matters. The jurisdiction under this subsection
7 does not constitute "transfer" or a "decline" for purposes of RCW
8 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
9 jurisdiction which confine juveniles for an alleged offense or
10 infraction may place juveniles in juvenile detention facilities under
11 an agreement with the officials responsible for the administration of
12 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

13 (iv) The alleged offense is a traffic or civil infraction, a
14 violation of compulsory school attendance provisions under chapter
15 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
16 has assumed concurrent jurisdiction over those offenses as provided
17 in RCW 13.04.0301; or

18 (v) The juvenile is sixteen or seventeen years old on the date
19 the alleged offense is committed and the alleged offense is:

20 (A) A serious violent offense as defined in RCW 9.94A.030;

21 (B) A violent offense as defined in RCW 9.94A.030 and the
22 juvenile has a criminal history consisting of: (I) One or more prior
23 serious violent offenses; (II) two or more prior violent offenses; or
24 (III) three or more of any combination of the following offenses: Any
25 class A felony, any class B felony, vehicular assault, or
26 manslaughter in the second degree, all of which must have been
27 committed after the juvenile's thirteenth birthday and prosecuted
28 separately;

29 (C) Robbery in the first degree, rape of a child in the first
30 degree, or drive-by shooting, committed on or after July 1, 1997;

31 (D) Burglary in the first degree committed on or after July 1,
32 1997, and the juvenile has a criminal history consisting of one or
33 more prior felony or misdemeanor offenses; or

34 (E) Any violent offense as defined in RCW 9.94A.030 committed on
35 or after July 1, 1997, and the juvenile is alleged to have been armed
36 with a firearm.

37 (I) In such a case the adult criminal court shall have exclusive
38 original jurisdiction, except as provided in (e)(v)(E)(II) and (III)
39 of this subsection.

1 (II) The juvenile court shall have exclusive jurisdiction over
2 the disposition of any remaining charges in any case in which the
3 juvenile is found not guilty in the adult criminal court of the
4 charge or charges for which he or she was transferred, or is
5 convicted in the adult criminal court of a lesser included offense
6 that is not also an offense listed in (e)(v) of this subsection. The
7 juvenile court shall enter an order extending juvenile court
8 jurisdiction if the juvenile has turned eighteen years of age during
9 the adult criminal court proceedings pursuant to RCW 13.40.300.
10 However, once the case is returned to juvenile court, the court may
11 hold a decline hearing pursuant to RCW 13.40.110 to determine whether
12 to retain the case in juvenile court for the purpose of disposition
13 or return the case to adult criminal court for sentencing.

14 (III) The prosecutor and respondent may agree to juvenile court
15 jurisdiction and waive application of exclusive adult criminal
16 jurisdiction in (e)(v)(A) through (E) of this subsection and remove
17 the proceeding back to juvenile court with the court's approval.

18 If the juvenile challenges the state's determination of the
19 juvenile's criminal history under (e)(v) of this subsection, the
20 state may establish the offender's criminal history by a
21 preponderance of the evidence. If the criminal history consists of
22 adjudications entered upon a plea of guilty, the state shall not bear
23 a burden of establishing the knowing and voluntariness of the plea;

24 (f) Under the interstate compact on juveniles as provided in
25 chapter 13.24 RCW;

26 (g) Relating to termination of a diversion agreement under RCW
27 13.40.080, including a proceeding in which the divertee has attained
28 eighteen years of age;

29 (h) Relating to court validation of a voluntary consent to an
30 out-of-home placement under chapter 13.34 RCW, by the parent or
31 Indian custodian of an Indian child, except if the parent or Indian
32 custodian and child are residents of or domiciled within the
33 boundaries of a federally recognized Indian reservation over which
34 the tribe exercises exclusive jurisdiction;

35 (i) Relating to petitions to compel disclosure of information
36 filed by the department of social and health services pursuant to RCW
37 74.13.042; and

38 (j) Relating to judicial determinations and permanency planning
39 hearings involving developmentally disabled children who have been
40 placed in out-of-home care pursuant to a voluntary placement

1 agreement between the child's parent, guardian, or legal custodian
2 and the department of social and health services and the department
3 of children, youth, and families.

4 (2) The family court shall have concurrent original jurisdiction
5 with the juvenile court over all proceedings under this section if
6 the superior court judges of a county authorize concurrent
7 jurisdiction as provided in RCW 26.12.010.

8 (3) The juvenile court shall have concurrent original
9 jurisdiction with the family court over child custody proceedings
10 under chapter 26.10 RCW and parenting plans or residential schedules
11 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

12 (4) A juvenile subject to adult superior court jurisdiction under
13 subsection (1)(e)(i) through (v) of this section, who is detained
14 pending trial, may be detained in a detention facility as defined in
15 RCW 13.40.020 pending sentencing or a dismissal.

16 **Sec. 603.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to
17 read as follows:

18 (1) A juvenile shall not be confined in a jail or holding
19 facility for adults, except:

20 (a) For a period not exceeding twenty-four hours excluding
21 weekends and holidays and only for the purpose of an initial court
22 appearance in a county where no juvenile detention facility is
23 available, a juvenile may be held in an adult facility provided that
24 the confinement is separate from the sight and sound of adult
25 inmates; or

26 (b) For not more than six hours and pursuant to a lawful
27 detention in the course of an investigation, a juvenile may be held
28 in an adult facility provided that the confinement is separate from
29 the sight and sound of adult inmates.

30 (2) For purposes of this section a juvenile is an individual
31 under the chronological age of eighteen years who has not been
32 transferred previously to adult courts.

33 (3) The department (~~(of social and health services)~~) shall
34 monitor and enforce compliance with this section.

35 (4) This section shall not be construed to expand or limit the
36 authority to lawfully detain juveniles.

37 **Sec. 604.** RCW 13.04.145 and 2014 c 157 s 5 are each amended to
38 read as follows:

1 A program of education shall be provided for by the several
2 counties and school districts of the state for common school-age
3 persons confined in each of the detention facilities staffed and
4 maintained by the several counties of the state under this chapter
5 and chapters 13.16 and 13.20 RCW. The division of duties, authority,
6 and liabilities of the several counties and school districts of the
7 state respecting the educational programs is the same in all respects
8 as set forth in chapter 28A.190 RCW respecting programs of education
9 for state residential school residents. For the purposes of this
10 section, the terms "department of (~~social and health services~~)
11 children, youth, and families," "residential school" or "schools,"
12 and "superintendent or chief administrator of a residential school"
13 as used in chapter 28A.190 RCW shall be respectively construed to
14 mean "the several counties of the state," "detention facilities," and
15 "the administrator of juvenile court detention services." Nothing in
16 this section shall prohibit a school district from utilizing the
17 services of an educational service district subject to RCW
18 28A.310.180.

19 **Sec. 605.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1
20 are each reenacted and amended to read as follows:

21 For the purposes of this chapter:

22 (1) "Assessment" means an individualized examination of a child
23 to determine the child's psychosocial needs and problems, including
24 the type and extent of any mental health, substance abuse, or co-
25 occurring mental health and substance abuse disorders, and
26 recommendations for treatment. "Assessment" includes, but is not
27 limited to, drug and alcohol evaluations, psychological and
28 psychiatric evaluations, records review, clinical interview, and
29 administration of a formal test or instrument;

30 (2) "Community-based rehabilitation" means one or more of the
31 following: Employment; attendance of information classes; literacy
32 classes; counseling, outpatient substance abuse treatment programs,
33 outpatient mental health programs, anger management classes,
34 education or outpatient treatment programs to prevent animal cruelty,
35 or other services including, when appropriate, restorative justice
36 programs; or attendance at school or other educational programs
37 appropriate for the juvenile as determined by the school district.
38 Placement in community-based rehabilitation programs is subject to
39 available funds;

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

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

4 (b) Community restitution not to exceed one hundred fifty hours
5 of community restitution;

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

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

24 (a) Community-based sanctions;

25 (b) Community-based rehabilitation;

26 (c) Monitoring and reporting requirements;

27 (d) Posting of a probation bond;

28 (e) Residential treatment, where substance abuse, mental health,
29 and/or co-occurring disorders have been identified in an assessment
30 by a qualified mental health professional, psychologist,
31 psychiatrist, or chemical dependency professional and a funded bed is
32 available. If a child agrees to voluntary placement in a state-funded
33 long-term evaluation and treatment facility, the case must follow the
34 existing placement procedure including consideration of less
35 restrictive treatment options and medical necessity.

36 (i) A court may order residential treatment after consideration
37 and findings regarding whether:

38 (A) The referral is necessary to rehabilitate the child;

39 (B) The referral is necessary to protect the public or the child;

40 (C) The referral is in the child's best interest;

1 (D) The child has been given the opportunity to engage in less
2 restrictive treatment and has been unable or unwilling to comply; and

3 (E) Inpatient treatment is the least restrictive action
4 consistent with the child's needs and circumstances.

5 (ii) In any case where a court orders a child to inpatient
6 treatment under this section, the court must hold a review hearing no
7 later than sixty days after the youth begins inpatient treatment, and
8 every thirty days thereafter, as long as the youth is in inpatient
9 treatment;

10 (6) "Confinement" means physical custody by the department of
11 (~~social and health services~~) children, youth, and families in a
12 facility operated by or pursuant to a contract with the state, or
13 physical custody in a detention facility operated by or pursuant to a
14 contract with any county. The county may operate or contract with
15 vendors to operate county detention facilities. The department may
16 operate or contract to operate detention facilities for juveniles
17 committed to the department. Pretrial confinement or confinement of
18 less than thirty-one days imposed as part of a disposition or
19 modification order may be served consecutively or intermittently, in
20 the discretion of the court;

21 (7) "Court," when used without further qualification, means the
22 juvenile court judge(s) or commissioner(s);

23 (8) "Criminal history" includes all criminal complaints against
24 the respondent for which, prior to the commission of a current
25 offense:

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

30 (b) The criminal complaint was diverted by a prosecutor pursuant
31 to the provisions of this chapter on agreement of the respondent and
32 after an advisement to the respondent that the criminal complaint
33 would be considered as part of the respondent's criminal history. A
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history;

37 (9) "Department" means the department of (~~social and health~~
38 ~~services~~) children, youth, and families;

39 (10) "Detention facility" means a county facility, paid for by
40 the county, for the physical confinement of a juvenile alleged to

1 have committed an offense or an adjudicated offender subject to a
2 disposition or modification order. "Detention facility" includes
3 county group homes, inpatient substance abuse programs, juvenile
4 basic training camps, and electronic monitoring;

5 (11) "Diversion unit" means any probation counselor who enters
6 into a diversion agreement with an alleged youthful offender, or any
7 other person, community accountability board, youth court under the
8 supervision of the juvenile court, or other entity except a law
9 enforcement official or entity, with whom the juvenile court
10 administrator has contracted to arrange and supervise such agreements
11 pursuant to RCW 13.40.080, or any person, community accountability
12 board, or other entity specially funded by the legislature to arrange
13 and supervise diversion agreements in accordance with the
14 requirements of this chapter. For purposes of this subsection,
15 "community accountability board" means a board comprised of members
16 of the local community in which the juvenile offender resides. The
17 superior court shall appoint the members. The boards shall consist of
18 at least three and not more than seven members. If possible, the
19 board should include a variety of representatives from the community,
20 such as a law enforcement officer, teacher or school administrator,
21 high school student, parent, and business owner, and should represent
22 the cultural diversity of the local community;

23 (12) "Foster care" means temporary physical care in a foster
24 family home or group care facility as defined in RCW 74.15.020 and
25 licensed by the department, or other legally authorized care;

26 (13) "Institution" means a juvenile facility established pursuant
27 to chapters 72.05 and 72.16 through 72.20 RCW;

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

33 (15) "Juvenile," "youth," and "child" mean any individual who is
34 under the chronological age of eighteen years and who has not been
35 previously transferred to adult court pursuant to RCW 13.40.110,
36 unless the individual was convicted of a lesser charge or acquitted
37 of the charge for which he or she was previously transferred pursuant
38 to RCW 13.40.110 or who is not otherwise under adult court
39 jurisdiction;

1 (16) "Juvenile offender" means any juvenile who has been found by
2 the juvenile court to have committed an offense, including a person
3 eighteen years of age or older over whom jurisdiction has been
4 extended under RCW 13.40.300;

5 (17) "Labor" means the period of time before a birth during which
6 contractions are of sufficient frequency, intensity, and duration to
7 bring about effacement and progressive dilation of the cervix;

8 (18) "Local sanctions" means one or more of the following: (a)
9 0-30 days of confinement; (b) 0-12 months of community supervision;
10 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

11 (19) "Manifest injustice" means a disposition that would either
12 impose an excessive penalty on the juvenile or would impose a
13 serious, and clear danger to society in light of the purposes of this
14 chapter;

15 (20) "Monitoring and reporting requirements" means one or more of
16 the following: Curfews; requirements to remain at home, school, work,
17 or court-ordered treatment programs during specified hours;
18 restrictions from leaving or entering specified geographical areas;
19 requirements to report to the probation officer as directed and to
20 remain under the probation officer's supervision; and other
21 conditions or limitations as the court may require which may not
22 include confinement;

23 (21) "Offense" means an act designated a violation or a crime if
24 committed by an adult under the law of this state, under any
25 ordinance of any city or county of this state, under any federal law,
26 or under the law of another state if the act occurred in that state;

27 (22) "Physical restraint" means the use of any bodily force or
28 physical intervention to control a juvenile offender or limit a
29 juvenile offender's freedom of movement in a way that does not
30 involve a mechanical restraint. Physical restraint does not include
31 momentary periods of minimal physical restriction by direct person-
32 to-person contact, without the aid of mechanical restraint,
33 accomplished with limited force and designed to:

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

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

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

39 (23) "Postpartum recovery" means (a) the entire period a woman or
40 youth is in the hospital, birthing center, or clinic after giving

1 birth and (b) an additional time period, if any, a treating physician
2 determines is necessary for healing after the youth leaves the
3 hospital, birthing center, or clinic;

4 (24) "Probation bond" means a bond, posted with sufficient
5 security by a surety justified and approved by the court, to secure
6 the offender's appearance at required court proceedings and
7 compliance with court-ordered community supervision or conditions of
8 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
9 a deposit of cash or posting of other collateral in lieu of a bond if
10 approved by the court;

11 (25) "Respondent" means a juvenile who is alleged or proven to
12 have committed an offense;

13 (26) "Restitution" means financial reimbursement by the offender
14 to the victim, and shall be limited to easily ascertainable damages
15 for injury to or loss of property, actual expenses incurred for
16 medical treatment for physical injury to persons, lost wages
17 resulting from physical injury, and costs of the victim's counseling
18 reasonably related to the offense. Restitution shall not include
19 reimbursement for damages for mental anguish, pain and suffering, or
20 other intangible losses. Nothing in this chapter shall limit or
21 replace civil remedies or defenses available to the victim or
22 offender;

23 (27) "Restorative justice" means practices, policies, and
24 programs informed by and sensitive to the needs of crime victims that
25 are designed to encourage offenders to accept responsibility for
26 repairing the harm caused by their offense by providing safe and
27 supportive opportunities for voluntary participation and
28 communication between the victim, the offender, their families, and
29 relevant community members;

30 (28) "Restraints" means anything used to control the movement of
31 a person's body or limbs and includes:

32 (a) Physical restraint; or

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

36 (29) "Screening" means a process that is designed to identify a
37 child who is at risk of having mental health, substance abuse, or co-
38 occurring mental health and substance abuse disorders that warrant
39 immediate attention, intervention, or more comprehensive assessment.

1 A screening may be undertaken with or without the administration of a
2 formal instrument;

3 (30) "Secretary" means the secretary of the department (~~of~~
4 ~~social and health services. "Assistant secretary" means the assistant~~
5 ~~secretary for juvenile rehabilitation for the department~~));

6 (31) "Services" means services which provide alternatives to
7 incarceration for those juveniles who have pleaded or been
8 adjudicated guilty of an offense or have signed a diversion agreement
9 pursuant to this chapter;

10 (32) "Sex offense" means an offense defined as a sex offense in
11 RCW 9.94A.030;

12 (33) "Sexual motivation" means that one of the purposes for which
13 the respondent committed the offense was for the purpose of his or
14 her sexual gratification;

15 (34) "Surety" means an entity licensed under state insurance laws
16 or by the state department of licensing, to write corporate,
17 property, or probation bonds within the state, and justified and
18 approved by the superior court of the county having jurisdiction of
19 the case;

20 (35) "Transportation" means the conveying, by any means, of an
21 incarcerated pregnant youth from the institution or detention
22 facility to another location from the moment she leaves the
23 institution or detention facility to the time of arrival at the other
24 location, and includes the escorting of the pregnant incarcerated
25 youth from the institution or detention facility to a transport
26 vehicle and from the vehicle to the other location;

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

30 (37) "Violent offense" means a violent offense as defined in RCW
31 9.94A.030;

32 (38) "Youth court" means a diversion unit under the supervision
33 of the juvenile court.

34 **Sec. 606.** RCW 13.40.040 and 2002 c 171 s 2 are each amended to
35 read as follows:

36 (1) A juvenile may be taken into custody:

37 (a) Pursuant to a court order if a complaint is filed with the
38 court alleging, and the court finds probable cause to believe, that

1 the juvenile has committed an offense or has violated terms of a
2 disposition order or release order; or

3 (b) Without a court order, by a law enforcement officer if
4 grounds exist for the arrest of an adult in identical circumstances.
5 Admission to, and continued custody in, a court detention facility
6 shall be governed by subsection (2) of this section; or

7 (c) Pursuant to a court order that the juvenile be held as a
8 material witness; or

9 (d) Where the secretary or the secretary's designee has suspended
10 the parole of a juvenile offender.

11 (2) A juvenile may not be held in detention unless there is
12 probable cause to believe that:

13 (a) The juvenile has committed an offense or has violated the
14 terms of a disposition order; and

15 (i) The juvenile will likely fail to appear for further
16 proceedings; or

17 (ii) Detention is required to protect the juvenile from himself
18 or herself; or

19 (iii) The juvenile is a threat to community safety; or

20 (iv) The juvenile will intimidate witnesses or otherwise
21 unlawfully interfere with the administration of justice; or

22 (v) The juvenile has committed a crime while another case was
23 pending; or

24 (b) The juvenile is a fugitive from justice; or

25 (c) The juvenile's parole has been suspended or modified; or

26 (d) The juvenile is a material witness.

27 (3) Notwithstanding subsection (2) of this section, and within
28 available funds, a juvenile who has been found guilty of one of the
29 following offenses shall be detained pending disposition: Rape in the
30 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
31 child in the first degree (RCW 9A.44.073).

32 (4) Upon a finding that members of the community have threatened
33 the health of a juvenile taken into custody, at the juvenile's
34 request the court may order continued detention pending further order
35 of the court.

36 (5) Except as provided in RCW 9.41.280, a juvenile detained under
37 this section may be released upon posting a probation bond set by the
38 court. The juvenile's parent or guardian may sign for the probation
39 bond. A court authorizing such a release shall issue an order
40 containing a statement of conditions imposed upon the juvenile and

1 shall set the date of his or her next court appearance. The court
2 shall advise the juvenile of any conditions specified in the order
3 and may at any time amend such an order in order to impose additional
4 or different conditions of release upon the juvenile or to return the
5 juvenile to custody for failing to conform to the conditions imposed.
6 In addition to requiring the juvenile to appear at the next court
7 date, the court may condition the probation bond on the juvenile's
8 compliance with conditions of release. The juvenile's parent or
9 guardian may notify the court that the juvenile has failed to conform
10 to the conditions of release or the provisions in the probation bond.
11 If the parent notifies the court of the juvenile's failure to comply
12 with the probation bond, the court shall notify the surety. As
13 provided in the terms of the bond, the surety shall provide notice to
14 the court of the offender's noncompliance. A juvenile may be released
15 only to a responsible adult or the department of (~~social and health~~
16 ~~services~~) children, youth, and families. Failure to appear on the
17 date scheduled by the court pursuant to this section shall constitute
18 the crime of bail jumping.

19 **Sec. 607.** RCW 13.40.045 and 1997 c 338 s 14 are each amended to
20 read as follows:

21 The secretary(~~(, assistant secretary,)~~) or the secretary's
22 designee shall issue arrest warrants for juveniles who escape from
23 department residential custody. The secretary(~~(, assistant~~
24 ~~secretary,)~~) or the secretary's designee may issue arrest warrants
25 for juveniles who abscond from parole supervision or fail to meet
26 conditions of parole. These arrest warrants shall authorize any law
27 enforcement, probation and parole, or peace officer of this state, or
28 any other state where the juvenile is located, to arrest the juvenile
29 and to place the juvenile in physical custody pending the juvenile's
30 return to confinement in a state juvenile rehabilitation facility.

31 **Sec. 608.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each
32 amended to read as follows:

33 (1) Any term of confinement imposed for an offense which exceeds
34 thirty days shall be served under the supervision of the department.
35 If the period of confinement imposed for more than one offense
36 exceeds thirty days but the term imposed for each offense is less
37 than thirty days, the confinement may, in the discretion of the

1 court, be served in a juvenile facility operated by or pursuant to a
2 contract with the state or a county.

3 (2) Whenever a juvenile is confined in a detention facility or is
4 committed to the department, the court may not directly order a
5 juvenile into a particular county or state facility. The juvenile
6 court administrator and the secretary(~~(,assistant secretary,)~~) or
7 the secretary's designee, as appropriate, has the sole discretion to
8 determine in which facility a juvenile should be confined or
9 committed. The counties may operate a variety of detention facilities
10 as determined by the county legislative authority subject to
11 available funds.

12 **Sec. 609.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to
13 read as follows:

14 (1) The secretary shall set a release date for each juvenile
15 committed to its custody. The release date shall be within the
16 prescribed range to which a juvenile has been committed under RCW
17 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
18 concerning offenders the department determines are eligible for the
19 juvenile offender basic training camp program. Such dates shall be
20 determined prior to the expiration of sixty percent of a juvenile's
21 minimum term of confinement included within the prescribed range to
22 which the juvenile has been committed. The secretary shall release
23 any juvenile committed to the custody of the department within four
24 calendar days prior to the juvenile's release date or on the release
25 date set under this chapter. Days spent in the custody of the
26 department shall be tolled by any period of time during which a
27 juvenile has absented himself or herself from the department's
28 supervision without the prior approval of the secretary or the
29 secretary's designee.

30 (2) The secretary shall monitor the average daily population of
31 the state's juvenile residential facilities. When the secretary
32 concludes that in-residence population of residential facilities
33 exceeds one hundred five percent of the rated bed capacity specified
34 in statute, or in absence of such specification, as specified by the
35 department in rule, the secretary may recommend reductions to the
36 governor. On certification by the governor that the recommended
37 reductions are necessary, the secretary has authority to
38 administratively release a sufficient number of offenders to reduce
39 in-residence population to one hundred percent of rated bed capacity.

1 The secretary shall release those offenders who have served the
2 greatest proportion of their sentence. However, the secretary may
3 deny release in a particular case at the request of an offender, or
4 if the secretary finds that there is no responsible custodian, as
5 determined by the department, to whom to release the offender, or if
6 the release of the offender would pose a clear danger to society. The
7 department shall notify the committing court of the release at the
8 time of release if any such early releases have occurred as a result
9 of excessive in-residence population. In no event shall an offender
10 adjudicated of a violent offense be granted release under the
11 provisions of this subsection.

12 (3)(a) Following the release of any juvenile under subsection (1)
13 of this section, the secretary may require the juvenile to comply
14 with a program of parole to be administered by the department in his
15 or her community which shall last no longer than eighteen months,
16 except that in the case of a juvenile sentenced for rape in the first
17 or second degree, rape of a child in the first or second degree,
18 child molestation in the first degree, or indecent liberties with
19 forcible compulsion, the period of parole shall be twenty-four months
20 and, in the discretion of the secretary, may be up to thirty-six
21 months when the secretary finds that an additional period of parole
22 is necessary and appropriate in the interests of public safety or to
23 meet the ongoing needs of the juvenile. A parole program is mandatory
24 for offenders released under subsection (2) of this section and for
25 offenders who receive a juvenile residential commitment sentence for
26 theft of a motor vehicle, possession of a stolen motor vehicle, or
27 taking a motor vehicle without permission 1. A juvenile adjudicated
28 for unlawful possession of a firearm, possession of a stolen firearm,
29 theft of a firearm, or drive-by shooting may participate in
30 aggression replacement training, functional family therapy, or
31 functional family parole aftercare if the juvenile meets eligibility
32 requirements for these services. The decision to place an offender in
33 an evidence-based parole program shall be based on an assessment by
34 the department of the offender's risk for reoffending upon release
35 and an assessment of the ongoing treatment needs of the juvenile. The
36 department shall prioritize available parole resources to provide
37 supervision and services to offenders at moderate to high risk for
38 reoffending.

39 (b) The secretary shall, for the period of parole, facilitate the
40 juvenile's reintegration into his or her community and to further

1 this goal shall require the juvenile to refrain from possessing a
2 firearm or using a deadly weapon and refrain from committing new
3 offenses and may require the juvenile to: (i) Undergo available
4 medical, psychiatric, drug and alcohol, sex offender, mental health,
5 and other offense-related treatment services; (ii) report as directed
6 to a parole officer and/or designee; (iii) pursue a course of study,
7 vocational training, or employment; (iv) notify the parole officer of
8 the current address where he or she resides; (v) be present at a
9 particular address during specified hours; (vi) remain within
10 prescribed geographical boundaries; (vii) submit to electronic
11 monitoring; (viii) refrain from using illegal drugs and alcohol, and
12 submit to random urinalysis when requested by the assigned parole
13 officer; (ix) refrain from contact with specific individuals or a
14 specified class of individuals; (x) meet other conditions determined
15 by the parole officer to further enhance the juvenile's reintegration
16 into the community; (xi) pay any court-ordered fines or restitution;
17 and (xii) perform community restitution. Community restitution for
18 the purpose of this section means compulsory service, without
19 compensation, performed for the benefit of the community by the
20 offender. Community restitution may be performed through public or
21 private organizations or through work crews.

22 (c) The secretary may further require up to twenty-five percent
23 of the highest risk juvenile offenders who are placed on parole to
24 participate in an intensive supervision program. Offenders
25 participating in an intensive supervision program shall be required
26 to comply with all terms and conditions listed in (b) of this
27 subsection and shall also be required to comply with the following
28 additional terms and conditions: (i) Obey all laws and refrain from
29 any conduct that threatens public safety; (ii) report at least once a
30 week to an assigned community case manager; and (iii) meet all other
31 requirements imposed by the community case manager related to
32 participating in the intensive supervision program. As a part of the
33 intensive supervision program, the secretary may require day
34 reporting.

35 (d) After termination of the parole period, the juvenile shall be
36 discharged from the department's supervision.

37 (4)(a) The department may also modify parole for violation
38 thereof. If, after affording a juvenile all of the due process rights
39 to which he or she would be entitled if the juvenile were an adult,
40 the secretary finds that a juvenile has violated a condition of his

1 or her parole, the secretary shall order one of the following which
2 is reasonably likely to effectuate the purpose of the parole and to
3 protect the public: (i) Continued supervision under the same
4 conditions previously imposed; (ii) intensified supervision with
5 increased reporting requirements; (iii) additional conditions of
6 supervision authorized by this chapter; (iv) except as provided in
7 (a)(v) and (vi) of this subsection, imposition of a period of
8 confinement not to exceed thirty days in a facility operated by or
9 pursuant to a contract with the state of Washington or any city or
10 county for a portion of each day or for a certain number of days each
11 week with the balance of the days or weeks spent under supervision;
12 (v) the secretary may order any of the conditions or may return the
13 offender to confinement for the remainder of the sentence range if
14 the offense for which the offender was sentenced is rape in the first
15 or second degree, rape of a child in the first or second degree,
16 child molestation in the first degree, indecent liberties with
17 forcible compulsion, or a sex offense that is also a serious violent
18 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
19 any of the conditions or may return the offender to confinement for
20 the remainder of the sentence range if the youth has completed the
21 basic training camp program as described in RCW 13.40.320.

22 (b) The secretary may modify parole and order any of the
23 conditions or may return the offender to confinement for up to
24 twenty-four weeks if the offender was sentenced for a sex offense as
25 defined under RCW ((9A.44.130)) 9A.44.128 and is known to have
26 violated the terms of parole. Confinement beyond thirty days is
27 intended to only be used for a small and limited number of sex
28 offenders. It shall only be used when other graduated sanctions or
29 interventions have not been effective or the behavior is so egregious
30 it warrants the use of the higher level intervention and the
31 violation: (i) Is a known pattern of behavior consistent with a
32 previous sex offense that puts the youth at high risk for reoffending
33 sexually; (ii) consists of sexual behavior that is determined to be
34 predatory as defined in RCW 71.09.020; or (iii) requires a review
35 under chapter 71.09 RCW, due to a recent overt act. The total number
36 of days of confinement for violations of parole conditions during the
37 parole period shall not exceed the number of days provided by the
38 maximum sentence imposed by the disposition for the underlying
39 offense pursuant to RCW 13.40.0357. The department shall not
40 aggregate multiple parole violations that occur prior to the parole

1 revocation hearing and impose consecutive twenty-four week periods of
2 confinement for each parole violation. The department is authorized
3 to engage in rule making pursuant to chapter 34.05 RCW, to implement
4 this subsection, including narrowly defining the behaviors that could
5 lead to this higher level intervention.

6 (c) If the department finds that any juvenile in a program of
7 parole has possessed a firearm or used a deadly weapon during the
8 program of parole, the department shall modify the parole under (a)
9 of this subsection and confine the juvenile for at least thirty days.
10 Confinement shall be in a facility operated by or pursuant to a
11 contract with the state or any county.

12 (5) A parole officer of the department of (~~social and health~~
13 ~~services~~) children, youth, and families shall have the power to
14 arrest a juvenile under his or her supervision on the same grounds as
15 a law enforcement officer would be authorized to arrest the person.

16 (6) If so requested and approved under chapter 13.06 RCW, the
17 secretary shall permit a county or group of counties to perform
18 functions under subsections (3) through (5) of this section.

19 **Sec. 610.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to
20 read as follows:

21 (1) Whenever legal custody of a child is vested in someone other
22 than his or her parents, under this chapter, and not vested in the
23 department (~~of social and health services~~), after due notice to the
24 parents or other persons legally obligated to care for and support
25 the child, and after a hearing, the court may order and decree that
26 the parent or other legally obligated person shall pay in such a
27 manner as the court may direct a reasonable sum representing in whole
28 or in part the costs of support, treatment, and confinement of the
29 child after the decree is entered.

30 (2) If the parent or other legally obligated person willfully
31 fails or refuses to pay such sum, the court may proceed against such
32 person for contempt.

33 (3) Whenever legal custody of a child is vested in the department
34 under this chapter, the parents or other persons legally obligated to
35 care for and support the child shall be liable for the costs of
36 support, treatment, and confinement of the child, in accordance with
37 the department's reimbursement of cost schedule. The department shall
38 adopt a reimbursement of cost schedule based on the costs of
39 providing such services, and shall determine an obligation based on

1 the responsible parents' or other legally obligated person's ability
2 to pay. The department is authorized to adopt additional rules as
3 appropriate to enforce this section.

4 (4) To enforce subsection (3) of this section, the department
5 shall serve on the parents or other person legally obligated to care
6 for and support the child a notice and finding of financial
7 responsibility requiring the parents or other legally obligated
8 person to appear and show cause in an adjudicative proceeding why the
9 finding of responsibility and/or the amount thereof is incorrect and
10 should not be ordered. This notice and finding shall relate to the
11 costs of support, treatment, and confinement of the child in
12 accordance with the department's reimbursement of cost schedule
13 adopted under this section, including periodic payments to be made in
14 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
15 the administrative procedure act, and the rules of the department.

16 (5) The notice and finding of financial responsibility shall be
17 served in the same manner prescribed for the service of a summons in
18 a civil action or may be served on the parent or legally obligated
19 person by certified mail, return receipt requested. The receipt shall
20 be prima facie evidence of service.

21 (6) If the parents or other legally obligated person objects to
22 the notice and finding of financial responsibility, then an
23 application for an adjudicative hearing may be filed within twenty
24 days of the date of service of the notice. If an application for an
25 adjudicative proceeding is filed, the presiding or reviewing officer
26 shall determine the past liability and responsibility, if any, of the
27 parents or other legally obligated person and shall also determine
28 the amount of periodic payments to be made in the future. If the
29 parents or other legally responsible person fails to file an
30 application within twenty days, the notice and finding of financial
31 responsibility shall become a final administrative order.

32 (7) Debts determined pursuant to this section are subject to
33 collection action without further necessity of action by a presiding
34 or reviewing officer. The department may collect the debt in
35 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
36 74.20A.070. The department shall exempt from payment parents
37 receiving adoption support under RCW (~~((74.13.100 through 74.13.145))~~)
38 74.13A.005 through 74.13A.080, parents eligible to receive adoption
39 support under RCW (~~((74.13.150))~~) 74.13A.085, and a parent or other
40 legally obligated person when the parent or other legally obligated

1 person, or such person's child, spouse, or spouse's child, was the
2 victim of the offense for which the child was committed.

3 (8) An administrative order entered pursuant to this section
4 shall supersede any court order entered prior to June 13, 1994.

5 (9) The department shall be subrogated to the right of the child
6 and his or her parents or other legally responsible person to receive
7 support payments for the benefit of the child from any parent or
8 legally obligated person pursuant to a support order established by a
9 superior court or pursuant to RCW 74.20A.055. The department's right
10 of subrogation under this section is limited to the liability
11 established in accordance with its cost schedule for support,
12 treatment, and confinement, except as addressed in subsection (10) of
13 this section.

14 (10) Nothing in this section precludes the department from
15 recouping such additional support payments from the child's parents
16 or other legally obligated person as required to qualify for receipt
17 of federal funds. The department may adopt such rules dealing with
18 liability for recoupment of support, treatment, or confinement costs
19 as may become necessary to entitle the state to participate in
20 federal funds unless such rules would be expressly prohibited by law.
21 If any law dealing with liability for recoupment of support,
22 treatment, or confinement costs is ruled to be in conflict with
23 federal requirements which are a prescribed condition of the
24 allocation of federal funds, such conflicting law is declared to be
25 inoperative solely to the extent of the conflict.

26 **Sec. 611.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8
27 are each reenacted and amended to read as follows:

28 (1) The secretary of the department of children, youth, and
29 families, with the consent of the secretary of the department of
30 corrections, has the authority to transfer a juvenile presently or
31 hereafter committed to the department of (~~social and health~~
32 ~~services~~) children, youth, and families to the department of
33 corrections for appropriate institutional placement in accordance
34 with this section.

35 (2) The secretary of the department of (~~social and health~~
36 ~~services~~) children, youth, and families may, with the consent of the
37 secretary of the department of corrections, transfer a juvenile
38 offender to the department of corrections if it is established at a
39 hearing before a review board that continued placement of the

1 juvenile offender in an institution for juvenile offenders presents a
2 continuing and serious threat to the safety of others in the
3 institution. The department of (~~social and health services~~)
4 children, youth, and families shall establish rules for the conduct
5 of the hearing, including provision of counsel for the juvenile
6 offender.

7 (3) Assaults made against any staff member at a juvenile
8 corrections institution that are reported to a local law enforcement
9 agency shall require a hearing held by the department of (~~social and~~
10 ~~health services~~) children, youth, and families review board within
11 ten judicial working days. The board shall determine whether the
12 accused juvenile offender represents a continuing and serious threat
13 to the safety of others in the institution.

14 (4) Upon conviction in a court of law for custodial assault as
15 defined in RCW 9A.36.100, the department of (~~social and health~~
16 ~~services~~) children, youth, and families review board shall conduct a
17 second hearing, within five judicial working days, to recommend to
18 the secretary of the department of (~~social and health services~~)
19 children, youth, and families that the convicted juvenile be
20 transferred to an adult correctional facility if the review board has
21 determined the juvenile offender represents a continuing and serious
22 threat to the safety of others in the institution.

23 The juvenile has the burden to show cause why the transfer to an
24 adult correctional facility should not occur.

25 (5) A juvenile offender transferred to an institution operated by
26 the department of corrections shall not remain in such an institution
27 beyond the maximum term of confinement imposed by the juvenile court.

28 (6) A juvenile offender who has been transferred to the
29 department of corrections under this section may, in the discretion
30 of the secretary of the department of (~~social and health services~~)
31 children, youth, and families and with the consent of the secretary
32 of the department of corrections, be transferred from an institution
33 operated by the department of corrections to a facility for juvenile
34 offenders deemed appropriate by the secretary.

35 **Sec. 612.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to
36 read as follows:

37 A juvenile offender ordered to serve a term of confinement with
38 the department of (~~social and health services~~) children, youth, and
39 families who is subsequently sentenced to the department of

1 corrections may, with the consent of the department of corrections,
2 be transferred by the secretary of (~~social and health services~~)
3 children, youth, and families to the department of corrections to
4 serve the balance of the term of confinement ordered by the juvenile
5 court. The juvenile and adult sentences shall be served
6 consecutively. In no case shall the secretary credit time served as a
7 result of an adult conviction against the term of confinement ordered
8 by the juvenile court.

9 **Sec. 613.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
10 read as follows:

11 (1) In no case may a juvenile offender be committed by the
12 juvenile court to the department of (~~social and health services~~)
13 children, youth, and families for placement in a juvenile
14 correctional institution beyond the juvenile offender's twenty-first
15 birthday. A juvenile may be under the jurisdiction of the juvenile
16 court or the authority of the department of (~~social and health~~
17 ~~services~~) children, youth, and families beyond the juvenile's
18 eighteenth birthday only if prior to the juvenile's eighteenth
19 birthday:

20 (a) Proceedings are pending seeking the adjudication of a
21 juvenile offense and the court by written order setting forth its
22 reasons extends jurisdiction of juvenile court over the juvenile
23 beyond his or her eighteenth birthday;

24 (b) The juvenile has been found guilty after a fact finding or
25 after a plea of guilty and an automatic extension is necessary to
26 allow for the imposition of disposition;

27 (c) Disposition has been held and an automatic extension is
28 necessary to allow for the execution and enforcement of the court's
29 order of disposition. If an order of disposition imposes commitment
30 to the department, then jurisdiction is automatically extended to
31 include a period of up to twelve months of parole, in no case
32 extending beyond the offender's twenty-first birthday; or

33 (d) While proceedings are pending in a case in which jurisdiction
34 has been transferred to the adult criminal court pursuant to RCW
35 13.04.030, the juvenile turns eighteen years of age and is
36 subsequently found not guilty of the charge for which he or she was
37 transferred, or is convicted in the adult criminal court of a lesser
38 included offense, and an automatic extension is necessary to impose
39 the disposition as required by RCW 13.04.030(1)(e)(v)(E).

1 (2) If the juvenile court previously has extended jurisdiction
2 beyond the juvenile offender's eighteenth birthday and that period of
3 extension has not expired, the court may further extend jurisdiction
4 by written order setting forth its reasons.

5 (3) In no event may the juvenile court have authority to extend
6 jurisdiction over any juvenile offender beyond the juvenile
7 offender's twenty-first birthday except for the purpose of enforcing
8 an order of restitution or penalty assessment.

9 (4) Notwithstanding any extension of jurisdiction over a person
10 pursuant to this section, the juvenile court has no jurisdiction over
11 any offenses alleged to have been committed by a person eighteen
12 years of age or older.

13 **Sec. 614.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to
14 read as follows:

15 (1) The department (~~(of social and health services)~~) may contract
16 with a community-based nonprofit organization to establish a three-
17 step transitional treatment program for gang and drug-involved
18 juvenile offenders committed to the custody of the department under
19 this chapter (~~(13.40 RCW)~~). Any such program shall provide six to
20 twenty-four months of treatment. The program shall emphasize the
21 principles of self-determination, unity, collective work and
22 responsibility, cooperative economics, and creativity. The program
23 shall be culturally relevant and appropriate and shall include:

24 (a) A culturally relevant and appropriate institution-based
25 program that provides comprehensive drug and alcohol services,
26 individual and family counseling, and a wilderness experience of
27 constructive group living, rigorous physical exercise, and academic
28 studies;

29 (b) A culturally relevant and appropriate community-based
30 structured group living program that focuses on individual goals,
31 positive community involvement, coordinated drug and alcohol
32 treatment, coordinated individual and family counseling, academic and
33 vocational training, and employment in apprenticeship, internship,
34 and entrepreneurial programs; and

35 (c) A culturally relevant and appropriate transitional group
36 living program that provides support services, academic services, and
37 coordinated individual and family counseling.

38 (2) Participation in any such program shall be on a voluntary
39 basis.

1 (3) The department shall adopt rules as necessary to implement
2 any such program.

3 **Sec. 615.** RCW 13.40.320 and 2015 3rd sp.s. c 23 s 1 are each
4 amended to read as follows:

5 (1) The department (~~(of social and health services)~~) may
6 establish a medium security juvenile offender basic training camp
7 program. This program for juvenile offenders serving a term of
8 confinement under the supervision of the department is exempt from
9 the licensing requirements of chapter 74.15 RCW.

10 (2) The department may contract under this chapter with private
11 companies, the national guard, or other federal, state, or local
12 agencies to operate the juvenile offender basic training camp.

13 (3) The juvenile offender basic training camp shall be a
14 structured and regimented model emphasizing the building up of an
15 offender's self-esteem, confidence, and discipline. The juvenile
16 offender basic training camp program shall provide participants with
17 basic education, prevocational training, work-based learning, work
18 experience, work ethic skills, conflict resolution counseling,
19 substance abuse intervention, anger management counseling, and
20 structured intensive physical training. The juvenile offender basic
21 training camp program shall have a curriculum training and work
22 schedule that incorporates a balanced assignment of these or other
23 rehabilitation and training components for no less than sixteen hours
24 per day, six days a week.

25 The department shall develop standards for the safe and effective
26 operation of the juvenile offender basic training camp program, for
27 an offender's successful program completion, and for the continued
28 after-care supervision of offenders who have successfully completed
29 the program.

30 (4) Offenders eligible for the juvenile offender basic training
31 camp option shall be those with a disposition of not more than sixty-
32 five weeks. Violent and sex offenders shall not be eligible for the
33 juvenile offender basic training camp program.

34 (5) If the court determines that the offender is eligible for the
35 juvenile offender basic training camp option, the court may recommend
36 that the department place the offender in the program. The department
37 shall evaluate the offender and may place the offender in the
38 program. The evaluation shall include, at a minimum, a risk
39 assessment developed by the department and designed to determine the

1 offender's suitability for the program. No juvenile who is assessed
2 as a high risk offender or suffers from any mental or physical
3 problems that could endanger his or her health or drastically affect
4 his or her performance in the program shall be admitted to or
5 retained in the juvenile offender basic training camp program.

6 (6) All juvenile offenders eligible for the juvenile offender
7 basic training camp sentencing option shall spend one hundred twenty
8 days of their disposition in a juvenile offender basic training camp.
9 This period may be extended for up to forty days by the secretary if
10 a juvenile offender requires additional time to successfully complete
11 the basic training camp program. If the juvenile offender's
12 activities while in the juvenile offender basic training camp are so
13 disruptive to the juvenile offender basic training camp program, as
14 determined by the secretary according to standards developed by the
15 department, as to result in the removal of the juvenile offender from
16 the juvenile offender basic training camp program, or if the offender
17 cannot complete the juvenile offender basic training camp program due
18 to medical problems, the secretary shall require that the offender be
19 committed to a juvenile institution to serve the entire remainder of
20 his or her disposition, less the amount of time already served in the
21 juvenile offender basic training camp program.

22 (7) All offenders who successfully graduate from the juvenile
23 offender basic training camp program shall spend the remainder of
24 their disposition on parole in a department juvenile rehabilitation
25 (~~administration~~) intensive aftercare program in the local
26 community. Violation of the conditions of parole is subject to
27 sanctions specified in RCW 13.40.210(4). The program shall provide
28 for the needs of the offender based on his or her progress in the
29 aftercare program as indicated by ongoing assessment of those needs
30 and progress. The intensive aftercare program shall monitor
31 postprogram juvenile offenders and assist them to successfully
32 reintegrate into the community. In addition, the program shall
33 develop a process for closely monitoring and assessing public safety
34 risks. The intensive aftercare program shall be designed and funded
35 by the department (~~of social and health services~~).

36 (8) The department shall also develop and maintain a database to
37 measure recidivism rates specific to this incarceration program. The
38 database shall maintain data on all juvenile offenders who complete
39 the juvenile offender basic training camp program for a period of two
40 years after they have completed the program. The database shall also

1 maintain data on the criminal activity, educational progress, and
2 employment activities of all juvenile offenders who participated in
3 the program.

4 **Sec. 616.** RCW 13.40.460 and 2003 c 229 s 1 are each amended to
5 read as follows:

6 The secretary(~~(, assistant secretary,)~~) or the secretary's
7 designee shall manage and administer the department's juvenile
8 rehabilitation responsibilities, including but not limited to the
9 operation of all state institutions or facilities used for juvenile
10 rehabilitation.

11 The secretary or (~~assistant secretary~~) the secretary's designee
12 shall:

13 (1) Prepare a biennial budget request sufficient to meet the
14 confinement and rehabilitative needs of the juvenile rehabilitation
15 program, as forecast by the office of financial management;

16 (2) Create by rule a formal system for inmate classification.
17 This classification system shall consider:

18 (a) Public safety;

19 (b) Internal security and staff safety;

20 (c) Rehabilitative resources both within and outside the
21 department;

22 (d) An assessment of each offender's risk of sexually aggressive
23 behavior as provided in RCW 13.40.470; and

24 (e) An assessment of each offender's vulnerability to sexually
25 aggressive behavior as provided in RCW 13.40.470;

26 (3) Develop agreements with local jurisdictions to develop
27 regional facilities with a variety of custody levels;

28 (4) Adopt rules establishing effective disciplinary policies to
29 maintain order within institutions;

30 (5) Develop a comprehensive diagnostic evaluation process to be
31 used at intake, including but not limited to evaluation for substance
32 addiction or abuse, literacy, learning disabilities, fetal alcohol
33 syndrome or effect, attention deficit disorder, and mental health;

34 (6) Develop placement criteria:

35 (a) To avoid assigning youth who present a moderate or high risk
36 of sexually aggressive behavior to the same sleeping quarters as
37 youth assessed as vulnerable to sexual victimization under RCW
38 13.40.470(1)(c); and

1 (b) To avoid placing a juvenile offender on parole status who has
2 been assessed as a moderate to high risk for sexually aggressive
3 behavior in a department community residential program with another
4 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
5 youth or child in need of services under chapter 13.32A RCW; and (ii)
6 not also a juvenile offender on parole status;

7 (7) Develop a plan to implement, by July 1, 1995:

8 (a) Substance abuse treatment programs for all state juvenile
9 rehabilitation facilities and institutions;

10 (b) Vocational education and instruction programs at all state
11 juvenile rehabilitation facilities and institutions; and

12 (c) An educational program to establish self-worth and
13 responsibility in juvenile offenders. This educational program shall
14 emphasize instruction in character-building principles such as:
15 Respect for self, others, and authority; victim awareness;
16 accountability; work ethics; good citizenship; and life skills; and

17 (8)(a) The (~~juvenile rehabilitation administration~~) department
18 shall develop uniform policies related to custodial assaults
19 consistent with RCW 72.01.045 and 9A.36.100 that are to be followed
20 in all juvenile rehabilitation (~~administration~~) facilities; and

21 (b) The (~~juvenile rehabilitation administration~~) department
22 will report assaults in accordance with the policies developed in (a)
23 of this subsection.

24 **Sec. 617.** RCW 13.40.462 and 2011 1st sp.s. c 32 s 4 are each
25 amended to read as follows:

26 (1) The department (~~of social and health services juvenile~~
27 ~~rehabilitation administration~~) shall establish a reinvesting in
28 youth program that awards grants to counties for implementing
29 research-based early intervention services that target juvenile
30 justice-involved youth and reduce crime, subject to the availability
31 of amounts appropriated for this specific purpose.

32 (2) Effective July 1, 2007, any county or group of counties may
33 apply for participation in the reinvesting in youth program.

34 (3) Counties that participate in the reinvesting in youth program
35 shall have a portion of their costs of serving youth through the
36 research-based intervention service models paid for with moneys from
37 the reinvesting in youth account established pursuant to RCW
38 13.40.466.

1 (4) The department (~~(of social and health services juvenile~~
2 ~~rehabilitation administration)~~) shall review county applications for
3 funding through the reinvesting in youth program and shall select the
4 counties that will be awarded grants with funds appropriated to
5 implement this program. The department, in consultation with the
6 Washington state institute for public policy, shall develop
7 guidelines to determine which counties will be awarded funding in
8 accordance with the reinvesting in youth program. At a minimum,
9 counties must meet the following criteria in order to participate in
10 the reinvesting in youth program:

11 (a) Counties must match state moneys awarded for research-based
12 early intervention services with nonstate resources that are at least
13 proportional to the expected local government share of state and
14 local government cost avoidance that would result from the
15 implementation of such services;

16 (b) Counties must demonstrate that state funds allocated pursuant
17 to this section are used only for the intervention service models
18 authorized pursuant to RCW 13.40.464;

19 (c) Counties must participate fully in the state quality
20 assurance program established in RCW 13.40.468 to ensure fidelity of
21 program implementation. If no state quality assurance program is in
22 effect for a particular selected research-based service, the county
23 must submit a quality assurance plan for state approval with its
24 grant application. Failure to demonstrate continuing compliance with
25 quality assurance plans shall be grounds for termination of state
26 funding; and

27 (d) Counties that submit joint applications must submit for
28 approval by the department (~~(of social and health services juvenile~~
29 ~~rehabilitation administration)~~) multicounty plans for efficient
30 program delivery.

31 **Sec. 618.** RCW 13.40.464 and 2006 c 304 s 3 are each amended to
32 read as follows:

33 (1)(a) In order to receive funding through the reinvesting in
34 youth program established pursuant to RCW 13.40.462, intervention
35 service models must meet the following minimum criteria:

36 (i) There must be scientific evidence from at least one rigorous
37 evaluation study of the specific service model that measures
38 recidivism reduction;

1 (ii) There must be evidence that the specific service model's
2 results can be replicated outside of an academic research
3 environment;

4 (iii) The evaluation or evaluations of the service model must
5 permit dollar cost estimates of both benefits and costs so that the
6 benefit-cost ratio of the model can be calculated; and

7 (iv) The public taxpayer benefits to all levels of state and
8 local government must exceed the service model costs.

9 (b) In calendar year 2006, for use beginning in fiscal year 2008,
10 the Washington state institute for public policy shall publish a list
11 of service models that are eligible for reimbursement through the
12 investing in youth program. As authorized by the board of the
13 institute and to the extent necessary to respond to new research and
14 information, the institute shall periodically update the list of
15 service models. The institute shall use the technical advisory
16 committee established in RCW 13.40.462(5) to review and provide
17 comments on the list of service models that are eligible for
18 reimbursement.

19 (2) In calendar year 2006, for use beginning in fiscal year 2008,
20 the Washington state institute for public policy shall review and
21 update the methodology for calculating cost savings resulting from
22 implementation of this program. As authorized by the board of the
23 institute and to the extent necessary to respond to new research and
24 information, the institute shall periodically further review and
25 update the methodology. As authorized by the board of the institute,
26 when the institute reviews and updates the methodology for
27 calculating cost savings, the institute shall provide an estimate of
28 savings and avoided costs resulting from this program, along with a
29 projection of future savings and avoided costs, to the appropriate
30 committees of the legislature. The institute shall use the technical
31 advisory committee established in RCW 13.40.462(5) to review and
32 provide comments on its methodology and cost calculations.

33 (3) In calendar year 2006, for use beginning in fiscal year 2008,
34 the department (~~of social and health services' juvenile~~
35 ~~rehabilitation administration~~) shall establish a distribution
36 formula to provide funding to local governments that implement
37 research-based intervention services pursuant to this program. The
38 department shall periodically update the distribution formula. The
39 distribution formula shall require that the state allocation to local
40 governments be proportional to the expected state government share of

1 state and local government cost avoidance that would result from the
2 implementation of such services based on the methodology maintained
3 by the Washington state institute for public policy pursuant to
4 subsection (2) of this section. The department shall use the
5 technical advisory committee established in RCW 13.40.462(5) to
6 review and provide comments on its proposed distribution formula.

7 ~~((4) The department of social and health services juvenile
8 rehabilitation administration shall provide a report to the
9 legislature on the initial cost savings calculation methodology and
10 distribution formula by October 1, 2006.))~~

11 **Sec. 619.** RCW 13.40.466 and 2013 2nd sp.s. c 4 s 953 are each
12 amended to read as follows:

13 (1) The reinvesting in youth account is created in the state
14 treasury. Moneys in the account shall be spent only after
15 appropriation. Expenditures from the account may be used to reimburse
16 local governments for the implementation of the reinvesting in youth
17 program established in RCW 13.40.462 and 13.40.464. During the
18 2013-2015 fiscal biennium, the legislature may appropriate moneys
19 from the reinvesting in youth account for juvenile rehabilitation
20 purposes.

21 (2) Revenues to the reinvesting in youth account consist of
22 revenues appropriated to or deposited in the account.

23 (3) The department ~~((of social and health services juvenile
24 rehabilitation administration))~~ shall review and monitor the
25 expenditures made by any county or group of counties that is funded,
26 in whole or in part, with funds provided through the reinvesting in
27 youth account. Counties shall repay any funds that are not spent in
28 accordance with RCW 13.40.462 and 13.40.464.

29 **Sec. 620.** RCW 13.40.468 and 2006 c 304 s 6 are each amended to
30 read as follows:

31 The department ~~((of social and health services juvenile
32 rehabilitation administration))~~ shall establish a state quality
33 assurance program. The ~~((juvenile rehabilitation administration))~~
34 department shall monitor the implementation of intervention services
35 funded pursuant to RCW 13.40.466 and shall evaluate adherence to
36 service model design and service completion rate.

1 **Sec. 621.** RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each
2 amended to read as follows:

3 (1) In order to receive funds under RCW 13.40.500 through
4 13.40.540, local governments may, through their respective agencies
5 that administer funding for consolidated juvenile services, submit
6 proposals that establish community juvenile accountability programs
7 within their communities. These proposals must be submitted to the
8 (~~juvenile rehabilitation administration of the~~) department (~~of~~
9 ~~social and health services~~) for certification.

10 (2) The proposals must:

11 (a) Demonstrate that the proposals were developed with the input
12 of the local law and justice councils established under RCW
13 72.09.300;

14 (b) Describe how local community groups or members are involved
15 in the implementation of the programs funded under RCW 13.40.500
16 through 13.40.540;

17 (c) Include a description of how the grant funds will contribute
18 to the expected outcomes of the program and the reduction of youth
19 violence and juvenile crime in their community. Data approaches are
20 not required to be replicated if the networks have information that
21 addresses risks in the community for juvenile offenders.

22 (3) A local government receiving a grant under this section shall
23 agree that any funds received must be used efficiently to encourage
24 the use of community-based programs that reduce the reliance on
25 secure confinement as the sole means of holding juvenile offenders
26 accountable for their crimes. The local government shall also agree
27 to account for the expenditure of all funds received under the grant
28 and to submit to audits for compliance with the grant criteria
29 developed under RCW 13.40.520.

30 (4) The (~~juvenile rehabilitation administration~~) department, in
31 consultation with the Washington association of juvenile court
32 administrators and the state law and justice advisory council, shall
33 establish guidelines for programs that may be funded under RCW
34 13.40.500 through 13.40.540. The guidelines must:

35 (a) Target diverted and adjudicated juvenile offenders;

36 (b) Include assessment methods to determine services, programs,
37 and intervention strategies most likely to change behaviors and norms
38 of juvenile offenders;

39 (c) Provide maximum structured supervision in the community.
40 Programs should use natural surveillance and community guardians such

1 as employers, relatives, teachers, clergy, and community mentors to
2 the greatest extent possible;

3 (d) Promote good work ethic values and educational skills and
4 competencies necessary for the juvenile offender to function
5 effectively and positively in the community;

6 (e) Maximize the efficient delivery of treatment services aimed
7 at reducing risk factors associated with the commission of juvenile
8 offenses;

9 (f) Maximize the reintegration of the juvenile offender into the
10 community upon release from confinement;

11 (g) Maximize the juvenile offender's opportunities to make full
12 restitution to the victims and amends to the community;

13 (h) Support and encourage increased court discretion in imposing
14 community-based intervention strategies;

15 (i) Be compatible with research that shows which prevention and
16 early intervention strategies work with juvenile offenders;

17 (j) Be outcome-based in that it describes what outcomes will be
18 achieved or what outcomes have already been achieved;

19 (k) Include an evaluation component; and

20 (l) Recognize the diversity of local needs.

21 (5) The state law and justice advisory council may provide
22 support and technical assistance to local governments for training
23 and education regarding community-based prevention and intervention
24 strategies.

25 **Sec. 622.** RCW 13.40.520 and 1997 c 338 s 62 are each amended to
26 read as follows:

27 (1) The state may make grants to local governments for the
28 provision of community-based programs for juvenile offenders. The
29 grants must be made under a grant formula developed by the ((juvenile
30 rehabilitation administration)) department, in consultation with the
31 Washington association of juvenile court administrators.

32 (2) Upon certification by the ((juvenile rehabilitation
33 administration)) department that a proposal satisfies the application
34 and selection criteria, grant funds will be distributed to the local
35 government agency that administers funding for consolidated juvenile
36 services.

37 **Sec. 623.** RCW 13.40.540 and 1997 c 338 s 64 are each amended to
38 read as follows:

1 (1) Each community juvenile accountability program approved and
2 funded under RCW 13.40.500 through 13.40.540 shall comply with the
3 information collection requirements in subsection (2) of this section
4 and the reporting requirements in subsection (3) of this section.

5 (2) The information collected by each community juvenile
6 accountability program must include, at a minimum for each juvenile
7 participant: (a) The name, date of birth, gender, social security
8 number, and, when available, the juvenile information system (JUVIS)
9 control number; (b) an initial intake assessment of each juvenile
10 participating in the program; (c) a list of all juveniles who
11 completed the program; and (d) an assessment upon completion or
12 termination of each juvenile, including outcomes and, where
13 applicable, reasons for termination.

14 (3) The (~~juvenile rehabilitation administration~~) department
15 shall annually compile the data and report to the legislature on: (a)
16 The programs funded under RCW 13.40.500 through 13.40.540; (b) the
17 total cost for each funded program and cost per juvenile; and (c) the
18 essential elements of the program.

19 **Sec. 624.** RCW 13.40.560 and 1999 c 182 s 1 are each amended to
20 read as follows:

21 The juvenile accountability incentive account is created in the
22 custody of the state treasurer. Federal awards for juvenile
23 accountability incentives received by the secretary of the department
24 (~~of social and health services~~) shall be deposited into the
25 account. Interest earned from the inception of the trust account
26 shall be deposited in the account. Expenditures from the account may
27 be used only for the purposes specified in the federal award or
28 awards. Moneys in the account may be spent only after appropriation.

29 **Sec. 625.** RCW 74.14A.030 and 1983 c 192 s 3 are each amended to
30 read as follows:

31 The department of children, youth, and families shall address the
32 needs of juvenile offenders whose standard range sentences do not
33 include commitment by developing nonresidential community-based
34 programs designed to reduce the incidence of manifest injustice
35 commitments when consistent with public safety.

36 **Sec. 626.** RCW 74.14A.040 and 1983 c 192 s 4 are each amended to
37 read as follows:

1 The department of children, youth, and families shall involve a
2 juvenile offender's family as a unit in the treatment process. The
3 department need not involve the family as a unit in cases when family
4 ties have by necessity been irrevocably broken. When the natural
5 parents have been or will be replaced by a foster family or guardian,
6 the new family will be involved in the treatment process.

7 **Sec. 627.** RCW 72.01.045 and 2002 c 77 s 1 are each amended to
8 read as follows:

9 (1) For purposes of this section only, "assault" means an
10 unauthorized touching of an employee by a resident, patient, or
11 juvenile offender resulting in physical injury to the employee.

12 (2) In recognition of the hazardous nature of employment in state
13 institutions, the legislature hereby provides a supplementary program
14 to reimburse employees of the department of social and health
15 services, the department of natural resources, the department of
16 children, youth, and families, and the department of veterans affairs
17 for some of their costs attributable to their being the victims of
18 assault by residents, patients, or juvenile offenders. This program
19 shall be limited to the reimbursement provided in this section.

20 (3) An employee is only entitled to receive the reimbursement
21 provided in this section if the secretary of social and health
22 services, the commissioner of public lands, the secretary of the
23 department of children, youth, and families, or the director of the
24 department of veterans affairs, or the secretary's, commissioner's,
25 or director's designee, finds that each of the following has
26 occurred:

27 (a) A resident or patient has assaulted the employee and as a
28 result thereof the employee has sustained demonstrated physical
29 injuries which have required the employee to miss days of work;

30 (b) The assault cannot be attributable to any extent to the
31 employee's negligence, misconduct, or failure to comply with any
32 rules or conditions of employment; and

33 (c) The department of labor and industries has approved the
34 employee's workers' compensation application pursuant to chapter
35 51.32 RCW.

36 (4) The reimbursement authorized under this section shall be as
37 follows:

38 (a) The employee's accumulated sick leave days shall not be
39 reduced for the workdays missed;

1 (b) For each workday missed for which the employee is not
2 eligible to receive compensation under chapter 51.32 RCW, the
3 employee shall receive full pay; and

4 (c) In respect to workdays missed for which the employee will
5 receive or has received compensation under chapter 51.32 RCW, the
6 employee shall be reimbursed in an amount which, when added to that
7 compensation, will result in the employee receiving full pay for the
8 workdays missed.

9 (5) Reimbursement under this section may not last longer than
10 three hundred sixty-five consecutive days after the date of the
11 injury.

12 (6) The employee shall not be entitled to the reimbursement
13 provided in subsection (4) of this section for any workday for which
14 the secretary, commissioner, director, or applicable designee, finds
15 that the employee has not diligently pursued his or her compensation
16 remedies under chapter 51.32 RCW.

17 (7) The reimbursement shall only be made for absences which the
18 secretary, commissioner, director, or applicable designee believes
19 are justified.

20 (8) While the employee is receiving reimbursement under this
21 section, he or she shall continue to be classified as a state
22 employee and the reimbursement amount shall be considered as salary
23 or wages.

24 (9) All reimbursement payments required to be made to employees
25 under this section shall be made by the employing department. The
26 payments shall be considered as a salary or wage expense and shall be
27 paid by the department in the same manner and from the same
28 appropriations as other salary and wage expenses of the department.

29 (10) Should the legislature revoke the reimbursement authorized
30 under this section or repeal this section, no affected employee is
31 entitled thereafter to receive the reimbursement as a matter of
32 contractual right.

33 **Sec. 628.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to
34 read as follows:

35 (1) The secretary of social and health services shall have full
36 power to manage and govern the following public institutions: The
37 western state hospital, the eastern state hospital, the northern
38 state hospital, (~~the state training school, the state school for~~
39 ~~girls,~~) Lakeland Village, the Rainier school, and such other

1 institutions as authorized by law, subject only to the limitations
2 contained in laws relating to the management of such institutions.

3 (2) The secretary of corrections shall have full power to manage,
4 govern, and name all state correctional facilities, subject only to
5 the limitations contained in laws relating to the management of such
6 institutions.

7 (3) If any state correctional facility is fully or partially
8 destroyed by natural causes or otherwise, the secretary of
9 corrections may, with the approval of the governor, provide for the
10 establishment and operation of additional residential correctional
11 facilities to place those inmates displaced by such destruction.
12 However, such additional facilities may not be established if there
13 are existing residential correctional facilities to which all of the
14 displaced inmates can be appropriately placed. The establishment and
15 operation of any additional facility shall be on a temporary basis,
16 and the facility may not be operated beyond July 1 of the year
17 following the year in which it was partially or fully destroyed.

18 (4) The secretary of the department of children, youth, and
19 families shall have full power to manage and govern Echo Glen, the
20 Green Hill school, and such other institutions as authorized by law,
21 subject only to the limitations contained in laws relating to the
22 management of such institutions.

23 **Sec. 629.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each
24 amended to read as follows:

25 Motion pictures unrated after November 1968 or rated R, X, or
26 NC-17 by the motion picture association of America shall not be shown
27 in juvenile detention facilities or facilities operated by the
28 (~~division of juvenile rehabilitation in the~~) department of (~~social~~
29 ~~and health services~~) children, youth, and families.

30 **Sec. 630.** RCW 28A.225.010 and 2014 c 168 s 3 are each amended to
31 read as follows:

32 (1) All parents in this state of any child eight years of age and
33 under eighteen years of age shall cause such child to attend the
34 public school of the district in which the child resides and such
35 child shall have the responsibility to and therefore shall attend for
36 the full time when such school may be in session unless:

1 (a) The child is attending an approved private school for the
2 same time or is enrolled in an extension program as provided in RCW
3 28A.195.010(4);

4 (b) The child is receiving home-based instruction as provided in
5 subsection (4) of this section;

6 (c) The child is attending an education center as provided in
7 chapter 28A.205 RCW;

8 (d) The school district superintendent of the district in which
9 the child resides shall have excused such child from attendance
10 because the child is physically or mentally unable to attend school,
11 is attending a residential school operated by the department of
12 social and health services or the department of children, youth, and
13 families, is incarcerated in an adult correctional facility, or has
14 been temporarily excused upon the request of his or her parents for
15 purposes agreed upon by the school authorities and the parent:
16 PROVIDED, That such excused absences shall not be permitted if deemed
17 to cause a serious adverse effect upon the student's educational
18 progress: PROVIDED FURTHER, That students excused for such temporary
19 absences may be claimed as full-time equivalent students to the
20 extent they would otherwise have been so claimed for the purposes of
21 RCW 28A.150.250 and 28A.150.260 and shall not affect school district
22 compliance with the provisions of RCW 28A.150.220;

23 (e) The child is excused from school subject to approval by the
24 student's parent for a reason of faith or conscience, or an organized
25 activity conducted under the auspices of a religious denomination,
26 church, or religious organization, for up to two days per school year
27 without any penalty. Such absences may not mandate school closures.
28 Students excused for such temporary absences may be claimed as full-
29 time equivalent students to the extent they would otherwise have been
30 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and
31 may not affect school district compliance with the provisions of RCW
32 28A.150.220; or

33 (f) The child is sixteen years of age or older and:

34 (i) The child is regularly and lawfully employed and either the
35 parent agrees that the child should not be required to attend school
36 or the child is emancipated in accordance with chapter 13.64 RCW;

37 (ii) The child has already met graduation requirements in
38 accordance with state board of education rules and regulations; or

1 (iii) The child has received a certificate of educational
2 competence under rules and regulations established by the state board
3 of education under RCW 28A.305.190.

4 (2) A parent for the purpose of this chapter means a parent,
5 guardian, or person having legal custody of a child.

6 (3) An approved private school for the purposes of this chapter
7 and chapter 28A.200 RCW shall be one approved under regulations
8 established by the state board of education pursuant to RCW
9 28A.305.130.

10 (4) For the purposes of this chapter and chapter 28A.200 RCW,
11 instruction shall be home-based if it consists of planned and
12 supervised instructional and related educational activities,
13 including a curriculum and instruction in the basic skills of
14 occupational education, science, mathematics, language, social
15 studies, history, health, reading, writing, spelling, and the
16 development of an appreciation of art and music, provided for a
17 number of hours equivalent to the total annual program hours per
18 grade level established for approved private schools under RCW
19 28A.195.010 and 28A.195.040 and if such activities are:

20 (a) Provided by a parent who is instructing his or her child only
21 and are supervised by a certificated person. A certificated person
22 for purposes of this chapter and chapter 28A.200 RCW shall be a
23 person certified under chapter 28A.410 RCW. For purposes of this
24 section, "supervised by a certificated person" means: The planning by
25 the certificated person and the parent of objectives consistent with
26 this subsection; a minimum each month of an average of one contact
27 hour per week with the child being supervised by the certificated
28 person; and evaluation of such child's progress by the certificated
29 person. The number of children supervised by the certificated person
30 shall not exceed thirty for purposes of this subsection; or

31 (b) Provided by a parent who is instructing his or her child only
32 and who has either earned forty-five college level quarter credit
33 hours or its equivalent in semester hours or has completed a course
34 in home-based instruction at a postsecondary institution or a
35 vocational-technical institute; or

36 (c) Provided by a parent who is deemed sufficiently qualified to
37 provide home-based instruction by the superintendent of the local
38 school district in which the child resides.

39 (5) The legislature recognizes that home-based instruction is
40 less structured and more experiential than the instruction normally

1 provided in a classroom setting. Therefore, the provisions of
2 subsection (4) of this section relating to the nature and quantity of
3 instructional and related educational activities shall be liberally
4 construed.

5 **Sec. 631.** RCW 72.09.337 and 2001 2nd sp.s. c 12 s 502 are each
6 amended to read as follows:

7 The secretary of corrections, the secretary of social and health
8 services, the secretary of children, youth, and families, and the
9 indeterminate sentence review board may adopt rules to implement
10 chapter 12, Laws of 2001 2nd sp. sess.

11 **PART VII**

12 **TRANSFER OF CHILDREN AND YOUTH RESIDENTIAL AND CUSTODIAL SERVICES**

13 **Sec. 701.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to
14 read as follows:

15 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To
16 provide for every child with behavior problems, mentally and
17 physically handicapped persons, and hearing and visually impaired
18 children, within the purview of RCW 72.05.010 through 72.05.210, as
19 now or hereafter amended, such care, guidance and instruction,
20 control and treatment as will best serve the welfare of the child or
21 person and society; to insure nonpolitical and qualified operation,
22 supervision, management, and control of the Green Hill school, (~~the~~
23 ~~Maple Lane school,~~) the Naselle Youth Camp, (~~the Mission Creek~~
24 ~~Youth Camp,~~) Echo Glen, (~~the Cascadia Diagnostic Center,~~) Lakeland
25 Village, Rainier school, the Yakima Valley school, (~~Interlake~~
26 ~~school,~~) Fircrest school, (~~the Francis Haddon Morgan Center,~~) the
27 Child Study and Treatment Center and Secondary School of western
28 state hospital, and like residential state schools, camps, and
29 centers hereafter established (~~, and to place them under the~~
30 ~~department of social and health services except where specified~~
31 ~~otherwise~~)); and to provide for the persons committed or admitted to
32 those schools that type of care, instruction, and treatment most
33 likely to accomplish their rehabilitation and restoration to normal
34 citizenship.

35 (2) To further such purposes, Green Hill School, Echo Glen,
36 Naselle Youth Camp, and such other juvenile rehabilitation
37 facilities, as may hereafter be established, are placed under the

1 department of children, youth, and families; Lakeland Village,
2 Rainier school, the Yakima Valley school, Fircrest school, the Child
3 Study and Treatment Center and Secondary School of western state
4 hospital, and like residential state schools, camps, and centers,
5 hereafter established, are placed under the department of social and
6 health services.

7 **Sec. 702.** RCW 72.05.020 and 2010 c 181 s 7 are each amended to
8 read as follows:

9 As used in this chapter, unless the context requires otherwise:

10 (1) "Community facility" means a group care facility operated for
11 the care of juveniles committed to the department under RCW
12 13.40.185. A county detention facility that houses juveniles
13 committed to the department under RCW 13.40.185 pursuant to a
14 contract with the department is not a community facility.

15 (2) "Department" means the department of (~~social and health~~
16 ~~services~~) children, youth, and families.

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

20 (4) "Labor" means the period of time before a birth during which
21 contractions are of sufficient frequency, intensity, and duration to
22 bring about effacement and progressive dilation of the cervix.

23 (5) "Physical restraint" means the use of any bodily force or
24 physical intervention to control an offender or limit a juvenile
25 offender's freedom of movement in a way that does not involve a
26 mechanical restraint. Physical restraint does not include momentary
27 periods of minimal physical restriction by direct person-to-person
28 contact, without the aid of mechanical restraint, accomplished with
29 limited force and designed to:

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

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

34 (c) Guide a juvenile offender from one location to another.

35 (6) "Postpartum recovery" means (a) the entire period a youth is
36 in the hospital, birthing center, or clinic after giving birth and

37 (b) an additional time period, if any, a treating physician
38 determines is necessary for healing after the youth leaves the
39 hospital, birthing center, or clinic.

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

3 (a) Physical restraint; or

4 (b) Mechanical device including but not limited to: Metal
5 handcuffs, plastic ties, ankle restraints, leather cuffs, other
6 hospital-type restraints, tasers, or batons.

7 (8) "Secretary" means the secretary of the department.

8 (9) "Service provider" means the entity that operates a community
9 facility.

10 ((+9)) (10) "Transportation" means the conveying, by any means,
11 of an incarcerated pregnant woman or youth from the institution or
12 community facility to another location from the moment she leaves the
13 institution or community facility to the time of arrival at the other
14 location, and includes the escorting of the pregnant incarcerated
15 woman or youth from the institution or community facility to a
16 transport vehicle and from the vehicle to the other location.

17 **Sec. 703.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to
18 read as follows:

19 The department of social and health services and the department
20 of children, youth, and families shall establish, maintain, operate
21 and administer a comprehensive program for the custody, care,
22 education, treatment, instruction, guidance, control, and
23 rehabilitation of all persons who may be committed or admitted to
24 institutions, schools, or other facilities (~~controlled and operated~~
25 ~~by the department~~), placed under the control of each, except for the
26 programs of education provided pursuant to RCW 28A.190.030 through
27 28A.190.050 which shall be established, operated, and administered by
28 the school district conducting the program, and in order to
29 accomplish these purposes, the powers and duties of the secretary of
30 the department of social and health services and the secretary of the
31 department of children, youth, and families for the institutions
32 placed under the respective department shall include the following:

33 (1) The assembling, analyzing, tabulating, and reproduction in
34 report form, of statistics and other data with respect to children
35 with behavior problems in the state of Washington, including, but not
36 limited to, the extent, kind, and causes of such behavior problems in
37 the different areas and population centers of the state. Such reports
38 shall not be open to public inspection, but shall be open to the

1 inspection of the governor and to the superior court judges of the
2 state of Washington.

3 (2) The establishment and supervision of diagnostic facilities
4 and services in connection with the custody, care, and treatment of
5 mentally and physically handicapped, and behavior problem children
6 who may be committed or admitted to any of the institutions, schools,
7 or facilities controlled and operated by the department, or who may
8 be referred for such diagnosis and treatment by any superior court of
9 this state. Such diagnostic services may be established in connection
10 with, or apart from, any other state institution under the
11 supervision and direction of the secretary of the department of
12 social and health services or the secretary of the department of
13 children, youth, and families. Such diagnostic services shall be
14 available to the superior courts of the state for persons referred
15 for such services by them prior to commitment, or admission to, any
16 school, institution, or other facility. Such diagnostic services
17 shall also be available to other departments of the state. When the
18 secretary of the department of social and health services or the
19 secretary of the department of children, youth, and families
20 determines it necessary, the secretary of the department of social
21 and health services or the secretary of the department of children,
22 youth, and families may create waiting lists and set priorities for
23 use of diagnostic services for juvenile offenders on the basis of
24 those most severely in need.

25 (3) The supervision of all persons committed or admitted to any
26 institution, school, or other facility operated by the department of
27 social and health services or the department of children, youth, and
28 families, and the transfer of such persons from any such institution,
29 school, or facility to any other such school, institution, or
30 facility: PROVIDED, That where a person has been committed to a
31 minimum security institution, school, or facility by any of the
32 superior courts of this state, a transfer to a close security
33 institution shall be made only with the consent and approval of such
34 court.

35 (4) The supervision of parole, discharge, or other release, and
36 the post-institutional placement of all persons committed to Green
37 Hill school (~~and Maple Lane school~~), or such as may be assigned,
38 paroled, or transferred therefrom to other facilities operated by the
39 department. Green Hill school (~~and Maple Lane school are~~) is hereby
40 designated as a "close security" institution(~~s~~) to which shall be

1 given the custody of children with the most serious behavior
2 problems.

3 **Sec. 704.** RCW 72.05.154 and 2012 c 117 s 460 are each amended to
4 read as follows:

5 From and after July 1, 1973, any inmate working in a juvenile
6 forest camp established and operated pursuant to RCW 72.05.150,
7 pursuant to an agreement between the department of (~~social and~~
8 ~~health services~~) children, youth, and families and the department of
9 natural resources shall be eligible for the benefits provided by
10 Title 51 RCW, as now or hereafter amended, relating to industrial
11 insurance, with the exceptions provided by this section.

12 No inmate as described in RCW 72.05.152, until released upon an
13 order of parole by the department of (~~social and health services~~)
14 children, youth, and families, or discharged from custody upon
15 expiration of sentence, or discharged from custody by order of a
16 court of appropriate jurisdiction, or his or her dependents or
17 beneficiaries, shall be entitled to any payment for temporary
18 disability or permanent total disability as provided for in RCW
19 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or
20 to the benefits of chapter 51.36 RCW relating to medical aid:
21 PROVIDED, That RCW 72.05.152 and (~~72.05.154~~) this section shall not
22 affect the eligibility, payment or distribution of benefits for any
23 industrial injury to the inmate which occurred prior to his or her
24 existing commitment to the department of (~~social and health~~
25 ~~services~~) children, youth, and families.

26 Any and all premiums or assessments as may arise under this
27 section pursuant to the provisions of Title 51 RCW shall be the
28 obligation of and be paid by the state department of natural
29 resources.

30 **Sec. 705.** RCW 72.05.415 and 1998 c 269 s 9 are each amended to
31 read as follows:

32 (1) (~~Promptly following the report due under section 17, chapter~~
33 ~~269, Laws of 1998,~~) The secretary shall develop a process with local
34 governments that allows each community to establish a community
35 placement oversight committee. The department may conduct community
36 awareness activities. The community placement oversight committees
37 developed pursuant to this section shall be implemented no later than
38 September 1, 1999.

1 (2) The community placement oversight committees may review and
2 make recommendations regarding the placement of any juvenile who the
3 secretary proposes to place in the community facility.

4 (3) The community placement oversight committees, their members,
5 and any agency represented by a member shall not be liable in any
6 cause of action as a result of its decision in regard to a proposed
7 placement of a juvenile unless the committee acts with gross
8 negligence or bad faith in making a placement decision.

9 (4) Members of the committee shall be reimbursed for travel
10 expenses as provided in RCW 43.03.050 and 43.03.060.

11 (5) Except as provided in RCW 13.40.215, at least seventy-two
12 hours prior to placing a juvenile in a community facility the
13 secretary shall provide to the chief law enforcement officer of the
14 jurisdiction in which the community facility is sited: (a) The name
15 of the juvenile; (b) the juvenile's criminal history; and (c) such
16 other relevant and disclosable information as the law enforcement
17 officer may require.

18 **Sec. 706.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
19 read as follows:

20 (1) The department shall establish by rule a policy for the
21 common use of residential group homes for juvenile offenders under
22 the jurisdiction of the (~~juvenile rehabilitation administration and~~
23 ~~the children's administration~~) department.

24 (2) A juvenile confined under the jurisdiction of the (~~juvenile~~
25 ~~rehabilitation administration~~) department who is convicted of a
26 class A felony is not eligible for placement in a community facility
27 operated by (~~children's administration~~) the department that houses
28 juveniles (~~who are not under the jurisdiction of juvenile~~
29 ~~rehabilitation administration~~) under the department's care pursuant
30 to a dependency proceeding under chapter 13.34 RCW unless:

31 (a) The juvenile is housed in a separate living unit solely for
32 juvenile offenders;

33 (b) The community facility is a specialized treatment program and
34 the youth is not assessed as sexually aggressive under RCW 13.40.470;
35 or

36 (c) The community facility is a specialized treatment program
37 that houses one or more sexually aggressive youth and the juvenile is
38 not assessed as sexually vulnerable under RCW 13.40.470.

1 **Sec. 707.** RCW 72.05.440 and 1998 c 269 s 16 are each amended to
2 read as follows:

3 (1) A person shall not be eligible for an employed or volunteer
4 position within the ((~~juvenile rehabilitation administration~~))
5 department of children, youth, and families or any agency with which
6 it contracts in which the person may have regular access to juveniles
7 under the jurisdiction of the department of ((~~social and health~~
8 ~~services~~)) children, youth, and families or the department of
9 corrections if the person has been convicted of one or more of the
10 following:

11 (a) Any felony sex offense;

12 (b) Any violent offense, as defined in RCW 9.94A.030.

13 (2) Subsection (1) of this section applies only to persons hired
14 by the department or any of its contracting agencies after September
15 1, 1998.

16 (3) Any person employed by the ((~~juvenile rehabilitation~~
17 ~~administration~~)) department of children, youth, and families, or by
18 any contracting agency, who may have regular access to juveniles
19 under the jurisdiction of the department of children, youth, and
20 families or the department of corrections and who is convicted of an
21 offense set forth in this section after September 1, 1998, shall
22 report the conviction to his or her supervisor. The report must be
23 made within seven days of conviction. Failure to report within seven
24 days of conviction constitutes misconduct under Title 50 RCW.

25 (4) For purposes of this section "may have regular access to
26 juveniles" means access for more than a nominal amount of time.

27 (5) The department shall adopt rules to implement this section.

28 **Sec. 708.** RCW 72.19.010 and 1979 c 141 s 222 are each amended to
29 read as follows:

30 There is hereby established under the supervision and control of
31 the secretary of ((~~social and health services~~)) children, youth, and
32 families a correctional institution for the confinement and
33 rehabilitation of juveniles committed by the juvenile courts to the
34 department of ((~~social and health services~~)) children, youth, and
35 families. Such institution shall be situated upon publicly owned
36 lands within King county, under the supervision of the department of
37 natural resources, which land is located in the vicinity of Echo Lake
38 and more particularly situated in Section 34, Township 24 North,
39 Range 7 East W.M. and that portion of Section 3, Township 23 North,

1 Range 7 East W.M. lying north of U.S. Highway 10, together with
2 necessary access routes thereto, all of which tract is leased by the
3 department of natural resources to the department of (~~social and~~
4 ~~health services~~) children, youth, and families for the establishment
5 and construction of the correctional institution authorized and
6 provided for in this chapter.

7 **Sec. 709.** RCW 72.19.020 and 1979 c 141 s 223 are each amended to
8 read as follows:

9 The secretary of children, youth, and families may make, amend,
10 and repeal rules (~~and regulations~~) for the administration of the
11 juvenile correctional institution established by this chapter in
12 furtherance of the provisions of this chapter and not inconsistent
13 with law.

14 **Sec. 710.** RCW 72.19.030 and 1983 1st ex.s. c 41 s 27 are each
15 amended to read as follows:

16 The superintendent of the correctional institution established by
17 this chapter shall be appointed by the secretary of children, youth,
18 and families.

19 **Sec. 711.** RCW 72.19.040 and 2012 c 117 s 461 are each amended to
20 read as follows:

21 The superintendent, subject to the approval of the secretary of
22 children, youth, and families, shall appoint such associate
23 superintendents as shall be deemed necessary. In the event the
24 superintendent shall be absent from the institution, or during
25 periods of illness or other situations incapacitating the
26 superintendent from properly performing his or her duties, one of the
27 associate superintendents of such institution shall act as
28 superintendent during such period of absence, illness, or incapacity
29 as may be designated by the secretary of children, youth, and
30 families.

31 **Sec. 712.** RCW 72.19.050 and 1993 c 281 s 65 are each amended to
32 read as follows:

33 The superintendent shall have the following powers, duties and
34 responsibilities:

35 (1) Subject to the rules of the department of children, youth,
36 and families, the superintendent shall have the supervision and

1 management of the institution, of the grounds and buildings, the
2 subordinate officers and employees, and of the juveniles received at
3 such institution and the custody of such persons until released or
4 transferred as provided by law.

5 (2) Subject to the rules of the department of children, youth,
6 and families and the (~~Washington personnel resources board~~) office
7 of financial management, appoint all subordinate officers and
8 employees.

9 (3) The superintendent shall be the custodian of the personal
10 property of all juveniles in the institution and shall make rules
11 governing the accounting and disposition of all moneys received by
12 such juveniles, not inconsistent with the law, and subject to the
13 approval of the secretary of the department of children, youth, and
14 families.

15 **Sec. 713.** RCW 72.19.060 and 1979 c 141 s 227 are each amended to
16 read as follows:

17 The plans and construction of the juvenile correctional
18 institution established by this chapter shall provide for adequate
19 separation of the residential housing of the male juvenile from the
20 female juvenile. In all other respects, the juvenile correctional
21 programs for both boys and girls may be combined or separated as the
22 secretary of children, youth, and families deems most reasonable and
23 effective to accomplish the reformation, training and rehabilitation
24 of the juvenile offender, realizing all possible economies from the
25 lack of necessity for duplication of facilities.

26 **Sec. 714.** RCW 72.72.030 and 1991 sp.s. c 13 s 10 are each
27 amended to read as follows:

28 (1) There is hereby created, in the state treasury, an
29 institutional impact account. The secretary of (~~social and health~~
30 ~~services~~) children, youth, and families may reimburse political
31 subdivisions for criminal justice costs incurred directly as a result
32 of crimes committed by offenders residing in an institution as
33 defined herein under the jurisdiction of the secretary of (~~social~~
34 ~~and health services~~) children, youth, and families. Such
35 reimbursement shall be made to the extent funds are available from
36 the institutional impact account. Reimbursements shall be limited to
37 law enforcement, prosecutorial, judicial, and jail facilities costs

1 which are documented to be strictly related to the criminal
2 activities of the offender.

3 (2) The secretary of corrections may reimburse political
4 subdivisions for criminal justice costs incurred directly as a result
5 of crimes committed by offenders residing in an institution as
6 defined herein under the jurisdiction of the secretary of
7 corrections. Such reimbursement shall be made to the extent funds are
8 available from the institutional impact account. Reimbursements shall
9 be limited to law enforcement, prosecutorial, judicial, and jail
10 facilities costs which are documented to be strictly related to the
11 criminal activities of the offender.

12 **Sec. 715.** RCW 72.72.040 and 1983 c 279 s 3 are each amended to
13 read as follows:

14 (1) The secretary of (~~social and health services~~) children,
15 youth, and families and the secretary of corrections shall each
16 promulgate rules pursuant to chapter 34.05 RCW regarding the
17 reimbursement process for their respective agencies.

18 (2) Reimbursement shall not be made if otherwise provided
19 pursuant to other provisions of state law.

20 **Sec. 716.** RCW 13.06.020 and 1983 c 191 s 2 are each amended to
21 read as follows:

22 From any state moneys made available for such purpose, the state
23 of Washington, through the department of (~~social and health~~
24 ~~services~~) children, youth, and families, shall, in accordance with
25 this chapter and applicable departmental rules, share in the cost of
26 providing services to juveniles.

27 **Sec. 717.** RCW 13.06.030 and 1983 c 191 s 3 are each amended to
28 read as follows:

29 The department of (~~social and health services~~) children, youth,
30 and families shall adopt rules prescribing minimum standards for the
31 operation of consolidated juvenile services programs for juvenile
32 offenders and such other rules as may be necessary for the
33 administration of the provisions of this chapter. Consolidated
34 juvenile services is a mechanism through which the department of
35 (~~social and health services~~) children, youth, and families supports
36 local county comprehensive program plans in providing services to
37 offender groups. Standards shall be sufficiently flexible to support

1 current programs which have demonstrated effectiveness and
2 efficiency, to foster development of innovative and improved services
3 for juvenile offenders, to permit direct contracting with private
4 vendors, and to encourage community support for and assistance to
5 local programs. The secretary of (~~social and health services~~)
6 children, youth, and families shall seek advice from appropriate
7 juvenile justice system participants in developing standards and
8 procedures for the operation of consolidated juvenile services
9 programs and the distribution of funds under this chapter.

10 **Sec. 718.** RCW 13.06.040 and 1983 c 191 s 4 are each amended to
11 read as follows:

12 Any county or group of counties may make application to the
13 department of (~~social and health services~~) children, youth, and
14 families in the manner and form prescribed by the department for
15 financial aid for the cost of consolidated juvenile services
16 programs. Any such application must include a plan or plans for
17 providing consolidated services to juvenile offenders in accordance
18 with standards of the department.

19 **Sec. 719.** RCW 13.06.050 and 1993 c 415 s 7 are each amended to
20 read as follows:

21 No county shall be entitled to receive any state funds provided
22 by this chapter until its application and plan are approved, and
23 unless and until the minimum standards prescribed by the department
24 of (~~social and health services~~) children, youth, and families are
25 complied with and then only on such terms as are set forth in this
26 section. In addition, any county making application for state funds
27 under this chapter that also operates a juvenile detention facility
28 must have standards of operations in place that include: Intake and
29 admissions, medical and health care, communication, correspondence,
30 visiting and telephone use, security and control, sanitation and
31 hygiene, juvenile rights, rules and discipline, property, juvenile
32 records, safety and emergency procedures, programming, release and
33 transfer, training and staff development, and food service.

34 (1) The distribution of funds to a county or a group of counties
35 shall be based on criteria including but not limited to the county's
36 per capita income, regional or county at-risk populations, juvenile
37 crime or arrest rates, rates of poverty, size of racial minority
38 populations, existing programs, and the effectiveness and efficiency

1 of consolidating local programs towards reducing commitments to state
2 correctional facilities for offenders whose standard range
3 disposition does not include commitment of the offender to the
4 department and reducing reliance on other traditional departmental
5 services.

6 (2) The secretary of children, youth, and families will reimburse
7 a county upon presentation and approval of a valid claim pursuant to
8 the provisions of this chapter based on actual performance in meeting
9 the terms and conditions of the approved plan and contract. Funds
10 received by participating counties under this chapter shall not be
11 used to replace local funds for existing programs.

12 (3) The secretary of children, youth, and families, in
13 conjunction with the human rights commission, shall evaluate the
14 effectiveness of programs funded under this chapter in reducing
15 racial disproportionality. The secretary shall investigate whether
16 implementation of such programs has reduced disproportionality in
17 counties with initially high levels of disproportionality. The
18 analysis shall indicate which programs are cost-effective in reducing
19 disproportionality in such areas as alternatives to detention, intake
20 and risk assessment standards pursuant to RCW 13.40.038, alternatives
21 to incarceration, and in the prosecution and adjudication of
22 juveniles. The secretary shall report his or her findings to the
23 legislature by (~~December 1, 1994, and~~) December 1st of each year
24 (~~(thereafter)~~).

25 **Sec. 720.** RCW 28A.190.010 and 2014 c 157 s 2 are each amended to
26 read as follows:

27 A program of education shall be provided for by the department of
28 social and health services or the department of children, youth, and
29 families and the several school districts of the state for common
30 school-age persons who have been admitted to facilities staffed and
31 maintained or contracted pursuant to RCW 13.40.320 by the department
32 of social and health services or the department of children, youth,
33 and families for the education and treatment of juveniles who have
34 been diverted or who have been found to have committed a juvenile
35 offense. The division of duties, authority, and liabilities of the
36 department of social and health services or the department of
37 children, youth, and families and the several school districts of the
38 state respecting the educational programs shall be the same in all
39 respects as set forth in this chapter respecting programs of

1 education for state residential school residents. For the purposes of
2 this section, the term "residential school" or "schools" as used in
3 this chapter shall be construed to mean a facility staffed and
4 maintained by the department of social and health services or the
5 department of children, youth, and families or a program established
6 under RCW 13.40.320, for the education and treatment of juvenile
7 offenders on probation or parole. Nothing in this section shall
8 prohibit a school district from utilizing the services of an
9 educational service district subject to RCW 28A.310.180.

10 **Sec. 721.** RCW 28A.190.020 and 2014 c 157 s 3 are each amended to
11 read as follows:

12 The term "residential school" as used in this chapter and RCW
13 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, (~~Maple~~
14 ~~Lane school,~~) Naselle Youth Camp, (~~Cedar Creek Youth Camp,~~ ~~Mission~~
15 ~~Creek Youth Camp,~~) Echo Glen, Lakeland Village, Rainier school,
16 Yakima Valley school, (~~Interlake school,~~) Fircrest school,
17 (~~Francis Haddon Morgan Center,~~) the Child Study and Treatment
18 Center and Secondary School of western state hospital, and such other
19 schools, camps, and centers as are now or hereafter established by
20 the department of social and health services or the department of
21 children, youth, and families for the diagnosis, confinement and
22 rehabilitation of juveniles committed by the courts or for the care
23 and treatment of persons who are exceptional in their needs by reason
24 of mental and/or physical deficiency: PROVIDED, That the term shall
25 not include the state schools for the deaf and blind or adult
26 correctional institutions.

27 **Sec. 722.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended
28 to read as follows:

29 The duties and authority of the department of social and health
30 services or the department of children, youth, and families and of
31 each superintendent or chief administrator of a residential school to
32 support each program of education conducted by a school district
33 pursuant to RCW 28A.190.030, shall include the following:

34 (1) The provision of transportation for residential school
35 students to and from the sites of the program of education through
36 the purchase, lease or rental of school buses and other vehicles as
37 necessary;

1 (2) The provision of safe and healthy building and playground
2 space for the conduct of the program of education through the
3 construction, purchase, lease or rental of such space as necessary;

4 (3) The provision of furniture, vocational instruction machines
5 and tools, building and playground fixtures, and other equipment and
6 fixtures for the conduct of the program of education through
7 construction, purchase, lease or rental as necessary;

8 (4) The provision of heat, lights, telephones, janitorial
9 services, repair services, and other support services for the
10 vehicles, building and playground spaces, equipment and fixtures
11 provided for in this section;

12 (5) The employment, supervision and control of persons to
13 transport students and to maintain the vehicles, building and
14 playground spaces, equipment and fixtures, provided for in this
15 section;

16 (6) Clinical and medical evaluation services necessary to a
17 determination by the school district of the educational needs of
18 residential school students; and

19 (7) Such other support services and facilities as are reasonably
20 necessary for the conduct of the program of education.

21 **Sec. 723.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended
22 to read as follows:

23 Each school district required to conduct a program of education
24 pursuant to RCW 28A.190.030, and the department of social and health
25 services and the department of children, youth, and families shall
26 hereafter negotiate and execute a written contract for each school
27 year or such longer period as may be agreed to which delineates the
28 manner in which their respective duties and authority will be
29 cooperatively performed and exercised, and any disputes and
30 grievances resolved. Any such contract may provide for the
31 performance of duties by a school district in addition to those set
32 forth in RCW 28A.190.030 (1) through (5), including duties imposed
33 upon the department of social and health services and the department
34 of children, youth, and families and (~~its~~) their agents pursuant to
35 RCW 28A.190.040: PROVIDED, That funds identified in RCW
36 28A.190.030(6) and/or funds provided by the department of social and
37 health services and the department of children, youth, and families
38 are available to fully pay the direct and indirect costs of such
39 additional duties and the district is otherwise authorized by law to

1 perform such duties in connection with the maintenance and operation
2 of a school district.

3 **Sec. 724.** RCW 28A.190.060 and 2014 c 157 s 4 are each amended to
4 read as follows:

5 The department of social and health services and the department
6 of children, youth, and families shall provide written notice on or
7 before April 15th of each school year to the superintendent of each
8 school district conducting a program of education pursuant to this
9 chapter of any foreseeable residential school closure, reduction in
10 the number of residents, or any other cause for a reduction in the
11 school district's staff for the next school year. In the event the
12 department of social and health services and the department of
13 children, youth, and families fail((s)) to provide notice as
14 prescribed by this section, the departments shall be liable and
15 responsible for the payment of the salary and employment related
16 costs for the next school year of each school district employee whose
17 contract the school district would have nonrenewed but for the
18 failure of the departments to provide notice.

19 **Sec. 725.** RCW 71.34.795 and 1985 c 354 s 19 are each amended to
20 read as follows:

21 When in the judgment of the department of children, youth, and
22 families the welfare of any person committed to or confined in any
23 state juvenile correctional institution or facility necessitates that
24 the person be transferred or moved for observation, diagnosis, or
25 treatment to an evaluation and treatment facility, the secretary of
26 children, youth, and families or the secretary's designee is
27 authorized to order and effect such move or transfer for a period of
28 up to fourteen days, provided that the secretary notifies the
29 original committing court of the transfer and the evaluation and
30 treatment facility is in agreement with the transfer. No person
31 committed to or confined in any state juvenile correctional
32 institution or facility may be transferred to an evaluation and
33 treatment facility for more than fourteen days unless that person has
34 been admitted as a voluntary patient or committed for one hundred
35 eighty-day treatment under this chapter or ninety-day treatment under
36 chapter 71.05 RCW if eighteen years of age or older. Underlying
37 jurisdiction of minors transferred or committed under this section
38 remains with the state correctional institution. A voluntary admitted

1 minor or minors committed under this section and no longer meeting
2 the criteria for one hundred eighty-day commitment shall be returned
3 to the state correctional institution to serve the remaining time of
4 the underlying dispositional order or sentence. The time spent by the
5 minor at the evaluation and treatment facility shall be credited
6 towards the minor's juvenile court sentence.

7 **Sec. 726.** RCW 72.01.010 and 1981 c 136 s 66 are each amended to
8 read as follows:

9 As used in this chapter:

10 "Department" means the departments of social and health services,
11 children, youth, and families, and corrections; and

12 "Secretary" means the secretaries of social and health services,
13 children, youth, and families, and corrections.

14 The powers and duties granted and imposed in this chapter, when
15 applicable, apply to ((~~both~~)) the departments of social and health
16 services, children, youth, and families, and corrections and the
17 secretaries of social and health services, children, youth, and
18 families and corrections, for institutions under their control. A
19 power or duty may be exercised or fulfilled jointly if joint action
20 is more efficient, as determined by the secretaries.

21 **Sec. 727.** RCW 72.01.210 and 2008 c 104 s 3 are each amended to
22 read as follows:

23 (1) The secretary of corrections shall appoint institutional
24 chaplains for the state correctional institutions for convicted
25 felons. Institutional chaplains shall be appointed as employees of
26 the department of corrections. The secretary of corrections may
27 further contract with chaplains to be employed as is necessary to
28 meet the religious needs of those inmates whose religious
29 denominations are not represented by institutional chaplains and
30 where volunteer chaplains are not available.

31 (2) Institutional chaplains appointed by the department of
32 corrections under this section shall have qualifications necessary to
33 function as religious program coordinators for all faith groups
34 represented within the department. Every chaplain so appointed or
35 contracted with shall have qualifications consistent with community
36 standards of the given faith group to which the chaplain belongs and
37 shall not be required to violate the tenets of his or her faith when
38 acting in an ecclesiastical role.

1 (3) The secretary of (~~social and health services~~) children,
2 youth, and families shall appoint chaplains for the correctional
3 institutions for juveniles found delinquent by the juvenile courts;
4 and the secretary of corrections and the secretary of social and
5 health services shall appoint one or more chaplains for other
6 custodial, correctional, and mental institutions under their control.

7 (4) Except as provided in this section, the chaplains so
8 appointed under this section shall have the qualifications and shall
9 be compensated in an amount as recommended by the appointing
10 department and approved by the Washington personnel resources board.

11 **Sec. 728.** RCW 72.01.410 and 2015 c 156 s 2 are each amended to
12 read as follows:

13 (1) Whenever any child under the age of eighteen is convicted as
14 an adult in the courts of this state of a crime amounting to a
15 felony, and is committed for a term of confinement, that child shall
16 be initially placed in a facility operated by the department of
17 corrections to determine the child's earned release date.

18 (a) If the earned release date is prior to the child's twenty-
19 first birthday, the department of corrections shall transfer the
20 child to the custody of the department of (~~social and health~~
21 ~~services~~) children, youth, and families, or to such other
22 institution as is now, or may hereafter be authorized by law to
23 receive such child, until such time as the child completes the
24 ordered term of confinement or arrives at the age of twenty-one
25 years.

26 (i) While in the custody of the department of (~~social and health~~
27 ~~services~~) children, youth, and families, the child must have the
28 same treatment, housing options, transfer, and access to program
29 resources as any other child committed directly to that juvenile
30 correctional facility or institution pursuant to chapter 13.40 RCW.
31 Treatment, placement, and program decisions shall be at the sole
32 discretion of the department of (~~social and health services~~)
33 children, youth, and families. The youth shall only be transferred
34 back to the custody of the department of corrections with the
35 approval of the department of (~~social and health services~~)
36 children, youth, and families or when the child reaches the age of
37 twenty-one.

38 (ii) If the child's sentence includes a term of community
39 custody, the department of (~~social and health services~~) children,

1 youth, and families shall not release the child to community custody
2 until the department of corrections has approved the child's release
3 plan pursuant to RCW 9.94A.729(5)(b). If a child is held past his or
4 her earned release date pending release plan approval, the department
5 of (~~social and health services~~) children, youth, and families shall
6 retain custody until a plan is approved or the child completes the
7 ordered term of confinement prior to age twenty-one.

8 (iii) If the department of (~~social and health services~~)
9 children, youth, and families determines that retaining custody of
10 the child presents a safety risk, the child may be returned to the
11 custody of the department of corrections.

12 (b) If the child's earned release date is on or after the child's
13 twenty-first birthday, the department of corrections shall, with the
14 consent of the secretary of (~~social and health services~~) children,
15 youth, and families, transfer the child to a facility or institution
16 operated by the department of (~~social and health services~~)
17 children, youth, and families. Despite the transfer, the department
18 of corrections retains authority over custody decisions and must
19 approve any leave from the facility. When the child turns age twenty-
20 one, he or she must be transferred back to the department of
21 corrections. The department of (~~social and health services~~)
22 children, youth, and families has all routine and day-to-day
23 operations authority for the child while in its custody.

24 (2)(a) Except as provided in (b) and (c) of this subsection, an
25 offender under the age of eighteen who is convicted in adult criminal
26 court and who is committed to a term of confinement at the department
27 of corrections must be placed in a housing unit, or a portion of a
28 housing unit, that is separated from offenders eighteen years of age
29 or older, until the offender reaches the age of eighteen.

30 (b) An offender who reaches eighteen years of age may remain in a
31 housing unit for offenders under the age of eighteen if the secretary
32 of corrections determines that: (i) The offender's needs and the
33 correctional goals for the offender could continue to be better met
34 by the programs and housing environment that is separate from
35 offenders eighteen years of age and older; and (ii) the programs or
36 housing environment for offenders under the age of eighteen will not
37 be substantially affected by the continued placement of the offender
38 in that environment. The offender may remain placed in a housing unit
39 for offenders under the age of eighteen until such time as the
40 secretary of corrections determines that the offender's needs and

1 correctional goals are no longer better met in that environment but
2 in no case past the offender's twenty-first birthday.

3 (c) An offender under the age of eighteen may be housed in an
4 intensive management unit or administrative segregation unit
5 containing offenders eighteen years of age or older if it is
6 necessary for the safety or security of the offender or staff. In
7 these cases, the offender must be kept physically separate from other
8 offenders at all times.

9 **PART VIII**

10 **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

11 NEW SECTION. **Sec. 801.** (1) The secretary shall investigate the
12 conviction records, pending charges, and disciplinary board final
13 decisions of any current employee or applicant seeking or being
14 considered for any position with the department who will or may have
15 unsupervised access to children. This includes, but is not limited
16 to, positions conducting comprehensive assessments, financial
17 eligibility determinations, licensing and certification activities,
18 investigations, surveys, or case management; or for state positions
19 otherwise required by federal law to meet employment standards.

20 (2) The secretary shall require a fingerprint-based background
21 check through both the Washington state patrol and the federal bureau
22 of investigation as provided in RCW 43.43.837. Unless otherwise
23 authorized by law, the secretary shall use the information solely for
24 the purpose of determining the character, suitability, and competence
25 of the applicant.

26 (3) Criminal justice agencies shall provide the secretary such
27 information as they may have and that the secretary may require for
28 such purpose.

29 (4) Any person whose criminal history would otherwise disqualify
30 the person under this section from a position that will or may have
31 unsupervised access to children shall not be disqualified if the
32 department of social and health services reviewed the person's
33 otherwise disqualifying criminal history through the department of
34 social and health services' background assessment review team process
35 conducted in 2002 and determined that such person could remain in a
36 position covered by this section, or if the otherwise disqualifying
37 conviction or disposition has been the subject of a pardon,
38 annulment, or other equivalent procedure.

1 NEW SECTION. **Sec. 802.** (1) The department of early learning is
2 hereby abolished and its powers, duties, and functions are hereby
3 transferred to the department of children, youth, and families. All
4 references to the secretary or the department of early learning in
5 the Revised Code of Washington shall be construed to mean the
6 secretary or the department of children, youth, and families.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the department of
9 early learning shall be delivered to the custody of the department of
10 children, youth, and families. All cabinets, furniture, office
11 equipment, motor vehicles, and other tangible property employed by
12 the department of early learning shall be made available to the
13 department of children, youth, and families. All funds, credits, or
14 other assets held by the department of early learning shall be
15 assigned to the department of children, youth, and families.

16 (b) Any appropriations made to the department of early learning
17 shall, on the effective date of this section, be transferred and
18 credited to the department of children, youth, and families.

19 (c) If any question arises as to the transfer of any personnel,
20 funds, books, documents, records, papers, files, equipment, or other
21 tangible property used or held in the exercise of the powers and the
22 performance of the duties and functions transferred, the director of
23 financial management shall make a determination as to the proper
24 allocation and certify the same to the state agencies concerned.

25 (3) All employees of the department of early learning are
26 transferred to the jurisdiction of the department of children, youth,
27 and families. All employees classified under chapter 41.06 RCW, the
28 state civil service law, are assigned to the department of children,
29 youth, and families to perform their usual duties upon the same terms
30 as formerly, without any loss of rights, subject to any action that
31 may be appropriate thereafter in accordance with the laws and rules
32 governing state civil service.

33 (4) All rules and all pending business before the department of
34 early learning shall be continued and acted upon by the department of
35 children, youth, and families. All existing contracts and obligations
36 shall remain in full force and shall be performed by the department
37 of children, youth, and families.

38 (5) The transfer of the powers, duties, functions, and personnel
39 of the department of early learning shall not affect the validity of
40 any act performed before the effective date of this section.

1 (6) If apportionments of budgeted funds are required because of
2 the transfers directed by this section, the director of financial
3 management shall certify the apportionments to the agencies affected,
4 the state auditor, and the state treasurer. Each of these shall make
5 the appropriate transfer and adjustments in funds and appropriation
6 accounts and equipment records in accordance with the certification.

7 (7)(a) The bargaining units of employees at the department of
8 early learning existing on the effective date of this section that
9 are transferred to the department of children, youth, and families
10 shall be considered separate appropriate units within the department
11 of children, youth, and families unless and until modified by the
12 public employment relations commission pursuant to Title 391 WAC. The
13 exclusive bargaining representatives recognized as representing the
14 bargaining units of employees at the department of early learning
15 existing on the effective date of this section shall continue as the
16 exclusive bargaining representatives of the transferred bargaining
17 units without the necessity of an election.

18 (b) The public employment relations commission may review the
19 appropriateness of the collective bargaining units that are a result
20 of the transfer from the department of early learning to the
21 department of children, youth, and families under chapter . . . , Laws
22 of 2017 (this act). The employer or the exclusive bargaining
23 representative may petition the public employment relations
24 commission to review the bargaining units in accordance with this
25 section.

26 NEW SECTION. **Sec. 803.** (1) All powers, duties, and functions of
27 the department of social and health services pertaining to child
28 welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60,
29 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are
30 transferred to the department of children, youth, and families. All
31 references to the secretary or the department of social and health
32 services in the Revised Code of Washington shall be construed to mean
33 the secretary or the department of children, youth, and families when
34 referring to the functions transferred in this section.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the department of
37 social and health services pertaining to the powers, duties, and
38 functions transferred shall be delivered to the custody of the
39 department of children, youth, and families. All cabinets, furniture,

1 office equipment, motor vehicles, and other tangible property
2 employed by the department of social and health services in carrying
3 out the powers, duties, and functions transferred shall be made
4 available to the department of children, youth, and families. All
5 funds, credits, or other assets held in connection with the powers,
6 duties, and functions transferred shall be assigned to the department
7 of children, youth, and families.

8 (b) Any appropriations made to the department of social and
9 health services for carrying out the powers, duties, and functions
10 transferred shall, on the effective date of this section, be
11 transferred and credited to the department of children, youth, and
12 families.

13 (c) Whenever any question arises as to the transfer of any
14 personnel, funds, books, documents, records, papers, files,
15 equipment, or other tangible property used or held in the exercise of
16 the powers and the performance of the duties and functions
17 transferred, the director of financial management shall make a
18 determination as to the proper allocation and certify the same to the
19 state agencies concerned.

20 (3) All employees of the department of social and health services
21 engaged in performing the powers, duties, and functions transferred
22 are transferred to the jurisdiction of the department of children,
23 youth, and families. All employees classified under chapter 41.06
24 RCW, the state civil service law, are assigned to the department of
25 children, youth, and families to perform their usual duties upon the
26 same terms as formerly, without any loss of rights, subject to any
27 action that may be appropriate thereafter in accordance with the laws
28 and rules governing state civil service.

29 (4) All rules and all pending business before the department of
30 social and health services pertaining to the powers, duties, and
31 functions transferred shall be continued and acted upon by the
32 department of children, youth, and families. All existing contracts
33 and obligations shall remain in full force and shall be performed by
34 the department of children, youth, and families.

35 (5) The transfer of the powers, duties, functions, and personnel
36 of the department of social and health services shall not affect the
37 validity of any act performed before the effective date of this
38 section.

39 (6) If apportionments of budgeted funds are required because of
40 the transfers directed by this section, the director of financial

1 management shall certify the apportionments to the agencies affected,
2 the state auditor, and the state treasurer. Each of these shall make
3 the appropriate transfer and adjustments in funds and appropriation
4 accounts and equipment records in accordance with the certification.

5 (7)(a) The portions of any bargaining units of employees at the
6 department of social and health services existing on the effective
7 date of this section that are transferred to the department of
8 children, youth, and families shall be considered separate
9 appropriate units within the department of children, youth, and
10 families unless and until modified by the public employment relations
11 commission pursuant to Title 391 WAC. The exclusive bargaining
12 representatives recognized as representing the portions of the
13 bargaining units of employees at the department of social and health
14 services existing on the effective date of this section shall
15 continue as the exclusive bargaining representatives of the
16 transferred bargaining units without the necessity of an election.

17 (b) The public employment relations commission may review the
18 appropriateness of the collective bargaining units that are a result
19 of the transfer from the department of social and health services to
20 the department of children, youth, and families under chapter . . . ,
21 Laws of 2017 (this act). The employer or the exclusive bargaining
22 representative may petition the public employment relations
23 commission to review the bargaining units in accordance with this
24 section.

25 **Sec. 804.** RCW 9.96A.060 and 2001 c 296 s 2 are each amended to
26 read as follows:

27 This chapter is not applicable to the department of social and
28 health services or the department of children, youth, and families
29 when employing a person, who in the course of his or her employment,
30 has or may have unsupervised access to any person who is under the
31 age of eighteen, who is under the age of twenty-one and has been
32 sentenced to a term of confinement under the supervision of the
33 department of (~~social and health services~~) children, youth, and
34 families under chapter 13.40 RCW, who is a vulnerable adult under
35 chapter 74.34 RCW, or who is a vulnerable person. For purposes of
36 this section "vulnerable person" means an adult of any age who lacks
37 the functional, mental, or physical ability to care for himself or
38 herself.

1 **Sec. 805.** RCW 9.97.020 and 2016 c 81 s 3 are each amended to
2 read as follows:

3 (1) Except as provided in this section, no state, county, or
4 municipal department, board, officer, or agency authorized to assess
5 the qualifications of any applicant for a license, certificate of
6 authority, qualification to engage in the practice of a profession or
7 business, or for admission to an examination to qualify for such a
8 license or certificate may disqualify a qualified applicant, solely
9 based on the applicant's criminal history, if the qualified applicant
10 has obtained a certificate of restoration of opportunity and the
11 applicant meets all other statutory and regulatory requirements,
12 except as required by federal law or exempted under this subsection.
13 Nothing in this section is interpreted as restoring or creating a
14 means to restore any firearms rights or eligibility to obtain a
15 firearm dealer license pursuant to RCW 9.41.110 or requiring the
16 removal of a protection order.

17 (a)(i) Criminal justice agencies, as defined in RCW 10.97.030,
18 and the Washington state bar association are exempt from this
19 section.

20 (ii) This section does not apply to the licensing, certification,
21 or qualification of the following professionals: Accountants, RCW
22 18.04.295; assisted living facilities employees, RCW 18.20.125; bail
23 bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term
24 care workers, RCW 18.88B.080; nursing home administrators, RCW
25 18.52.071; nursing, chapter 18.79 RCW; physicians and physician
26 assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW
27 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and
28 28A.410 RCW; notaries public, chapter 42.44 RCW; private
29 investigators, chapter 18.165 RCW; real estate brokers and
30 salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter
31 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

32 (iii) To the extent this section conflicts with the requirements
33 for receipt of federal funding under the adoption and safe families
34 act, 42 U.S.C. Sec. 671, this section does not apply.

35 (b) Unless otherwise addressed in statute, in cases where an
36 applicant would be disqualified under RCW 43.20A.710, and the
37 applicant has obtained a certificate of restoration of opportunity,
38 the department of social and health services and the department of
39 children, youth, and families may, after review of relevant factors,
40 including the nature and seriousness of the offense, time that has

1 passed since conviction, changed circumstances since the offense
2 occurred, and the nature of the employment or license sought, at
3 (~~its~~) their discretion:

4 (i) Allow the applicant to have unsupervised access to children,
5 vulnerable adults, or individuals with mental illness or
6 developmental disabilities if the applicant is otherwise qualified
7 and suitable; or

8 (ii) Disqualify the applicant solely based on the applicant's
9 criminal history.

10 (c) If the practice of a profession or business involves
11 unsupervised contact with vulnerable adults, children, or individuals
12 with mental illness or developmental disabilities, or populations
13 otherwise defined by statute as vulnerable, the department of health
14 may, after review of relevant factors, including the nature and
15 seriousness of the offense, time that has passed since conviction,
16 changed circumstances since the offense occurred, and the nature of
17 the employment or license sought, at its discretion:

18 (i) Disqualify an applicant who has obtained a certificate of
19 restoration of opportunity, for a license, certification, or
20 registration to engage in the practice of a health care profession or
21 business solely based on the applicant's criminal history; or

22 (ii) If such applicant is otherwise qualified and suitable,
23 credential or credential with conditions an applicant who has
24 obtained a certificate of restoration of opportunity for a license,
25 certification, or registration to engage in the practice of a health
26 care profession or business.

27 (d) The state of Washington, any of its counties, cities, towns,
28 municipal corporations, or quasi-municipal corporations, the
29 department of health, and its officers, employees, contractors, and
30 agents are immune from suit in law, equity, or any action under the
31 administrative procedure act based upon its exercise of discretion
32 under this section. This section does not create a protected class;
33 private right of action; any right, privilege, or duty; or change to
34 any right, privilege, or duty existing under law. This section does
35 not modify a licensing or certification applicant's right to a review
36 of an agency's decision under the administrative procedure act or
37 other applicable statute or agency rule. A certificate of restoration
38 of opportunity does not remove or alter citizenship or legal
39 residency requirements already in place for state agencies and
40 employers.

1 (2) A qualified court has jurisdiction to issue a certificate of
2 restoration of opportunity to a qualified applicant.

3 (a) A court must determine, in its discretion whether the
4 certificate:

5 (i) Applies to all past criminal history; or

6 (ii) Applies only to the convictions or adjudications in the
7 jurisdiction of the court.

8 (b) The certificate does not apply to any future criminal justice
9 involvement that occurs after the certificate is issued.

10 (c) A court must determine whether to issue a certificate by
11 determining whether the applicant is a qualified applicant as defined
12 in RCW 9.97.010.

13 (3) An employer or housing provider may, in its sole discretion,
14 determine whether to consider a certificate of restoration of
15 opportunity issued under this chapter in making employment or rental
16 decisions. An employer or housing provider is immune from suit in
17 law, equity, or under the administrative procedure act for damages
18 based upon its exercise of discretion under this section or the
19 refusal to exercise such discretion. In any action at law against an
20 employer or housing provider arising out of the employment of or
21 provision of housing to the recipient of a certificate of restoration
22 of opportunity, evidence of the crime for which a certificate of
23 restoration of opportunity has been issued may not be introduced as
24 evidence of negligence or intentionally tortious conduct on the part
25 of the employer or housing provider. This subsection does not create
26 a protected class, private right of action, any right, privilege, or
27 duty, or to change any right, privilege, or duty existing under law
28 related to employment or housing except as provided in RCW 7.60.035.

29 (4)(a) Department of social and health services: A certificate of
30 restoration of opportunity does not apply to the state abuse and
31 neglect registry. No finding of abuse, neglect, or misappropriation
32 of property may be removed from the registry based solely on a
33 certificate. The department must include such certificates as part of
34 its criminal history record reports, qualifying letters, or other
35 assessments pursuant to RCW 43.43.830 through 43.43.838. The
36 department shall adopt rules to implement this subsection.

37 (b) Washington state patrol: The Washington state patrol is not
38 required to remove any records based solely on a certificate of
39 restoration of opportunity. The state patrol must include a
40 certificate as part of its criminal history record report.

1 (c) Court records:

2 (i) A certificate of restoration of opportunity has no effect on
3 any other court records, including records in the judicial
4 information system. The court records related to a certificate of
5 restoration of opportunity must be processed and recorded in the same
6 manner as any other record.

7 (ii) The qualified court where the applicant seeks the
8 certificate of restoration of opportunity must administer the court
9 records regarding the certificate in the same manner as it does
10 regarding all other proceedings.

11 (d) Effect in other judicial proceedings: A certificate of
12 restoration of opportunity may only be submitted to a court to
13 demonstrate that the individual met the specific requirements of this
14 section and not for any other procedure, including evidence of
15 character, reputation, or conduct. A certificate is not an equivalent
16 procedure under Rule of Evidence 609(c).

17 (e) Department of health: The department of health must include a
18 certificate of restoration of opportunity on its public web site if:

19 (i) Its web site includes an order, stipulation to informal
20 disposition, or notice of decision related to the conviction
21 identified in the certificate of restoration of opportunity; and

22 (ii) The credential holder has provided a certified copy of the
23 certificate of restoration of opportunity to the department of
24 health.

25 (f) Department of children, youth, and families: A certificate of
26 restoration of opportunity does not apply to founded findings of
27 child abuse or neglect. No finding of child abuse or neglect may be
28 destroyed based solely on a certificate. The department of children,
29 youth, and families must include such certificates as part of its
30 criminal history record reports, qualifying letters, or other
31 assessments pursuant to RCW 43.43.830 through 43.43.838. The
32 department of children, youth, and families shall adopt rules to
33 implement this subsection (4)(f).

34 (5) In all cases, an applicant must provide notice to the
35 prosecutor in the county where he or she seeks a certificate of
36 restoration of opportunity of the pendency of such application. If
37 the applicant has been sentenced by any other jurisdiction in the
38 five years preceding the application for a certificate, the applicant
39 must also notify the prosecuting attorney in those jurisdictions. The
40 prosecutor in the county where an applicant applies for a certificate

1 shall provide the court with a report of the applicant's criminal
2 history.

3 (6) Application for a certificate of restoration of opportunity
4 must be filed as a civil action.

5 (7) A superior court in the county in which the applicant resides
6 may decline to consider the application for certificate of
7 restoration of opportunity. If the superior court in which the
8 applicant resides declines to consider the application, the court
9 must dismiss the application without prejudice and the applicant may
10 refile the application in another qualified court. The court must
11 state the reason for the dismissal on the order. If the court
12 determines that the applicant does not meet the required
13 qualifications, then the court must dismiss the application without
14 prejudice and state the reason(s) on the order. The superior court in
15 the county of the applicant's conviction or adjudication may not
16 decline to consider the application.

17 (8) Unless the qualified court determines that a hearing on an
18 application for certificate of restoration is necessary, the court
19 must decide without a hearing whether to grant the certificate of
20 restoration of opportunity based on a review of the application filed
21 by the applicant and pleadings filed by the prosecuting attorney.

22 (9) The clerk of the court in which the certificate of
23 restoration of opportunity is granted shall transmit the certificate
24 of restoration of opportunity to the Washington state patrol
25 identification section, which holds criminal history information for
26 the person who is the subject of the conviction. The Washington state
27 patrol shall update its records to reflect the certificate of
28 restoration of opportunity.

29 (10)(a) The administrative office of the courts shall develop and
30 prepare instructions, forms, and an informational brochure designed
31 to assist applicants applying for a certificate of restoration of
32 opportunity.

33 (b) The instructions must include, at least, a sample of a
34 standard application and a form order for a certificate of
35 restoration of opportunity.

36 (c) The administrative office of the courts shall distribute a
37 master copy of the instructions, informational brochure, and sample
38 application and form order to all county clerks and a master copy of
39 the application and order to all superior courts by January 1, 2017.

1 (d) The administrative office of the courts shall determine the
2 significant non-English-speaking or limited English-speaking
3 populations in the state. The administrator shall then arrange for
4 translation of the instructions, which shall contain a sample of the
5 standard application and order, and the informational brochure into
6 languages spoken by those significant non-English-speaking
7 populations and shall distribute a master copy of the translated
8 instructions and informational brochures to the county clerks by
9 January 1, 2017.

10 (e) The administrative office of the courts shall update the
11 instructions, brochures, standard application and order, and
12 translations when changes in the law make an update necessary.

13 **Sec. 806.** RCW 41.06.475 and 2007 c 387 s 8 are each amended to
14 read as follows:

15 The director shall adopt rules, in cooperation with the
16 (~~director~~) secretary of the department of (~~early-learning~~)
17 children, youth, and families, for the background investigation of
18 current employees and of persons being actively considered for
19 positions with the department who will or may have unsupervised
20 access to children. The director shall also adopt rules, in
21 cooperation with the (~~director~~) secretary of the department of
22 (~~early-learning~~) children, youth, and families, for background
23 investigation of positions otherwise required by federal law to meet
24 employment standards. "Considered for positions" includes decisions
25 about (1) initial hiring, layoffs, reallocations, transfers,
26 promotions, or demotions, or (2) other decisions that result in an
27 individual being in a position that will or may have unsupervised
28 access to children as an employee, an intern, or a volunteer.

29 **Sec. 807.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
30 amended to read as follows:

31 As used in this chapter:

32 (1) "Adult family home provider" means a provider as defined in
33 RCW 70.128.010 who receives payments from the medicaid and state-
34 funded long-term care programs.

35 (2) "Bargaining representative" means any lawful organization
36 which has as one of its primary purposes the representation of
37 employees in their employment relations with employers.

1 (3) "Child care subsidy" means a payment from the state through a
2 child care subsidy program established pursuant to RCW 74.12.340 or
3 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
4 program.

5 (4) "Collective bargaining" means the performance of the mutual
6 obligations of the public employer and the exclusive bargaining
7 representative to meet at reasonable times, to confer and negotiate
8 in good faith, and to execute a written agreement with respect to
9 grievance procedures and collective negotiations on personnel
10 matters, including wages, hours and working conditions, which may be
11 peculiar to an appropriate bargaining unit of such public employer,
12 except that by such obligation neither party shall be compelled to
13 agree to a proposal or be required to make a concession unless
14 otherwise provided in this chapter.

15 (5) "Commission" means the public employment relations
16 commission.

17 (6) "Executive director" means the executive director of the
18 commission.

19 (7) "Family child care provider" means a person who: (a) Provides
20 regularly scheduled care for a child or children in the home of the
21 provider or in the home of the child or children for periods of less
22 than twenty-four hours or, if necessary due to the nature of the
23 parent's work, for periods equal to or greater than twenty-four
24 hours; (b) receives child care subsidies; and (c) under chapter
25 43.215 RCW (as recodified by this act), is either licensed by the
26 state (~~(under RCW 74.15.030)~~) or is exempt from licensing (~~(under~~
27 ~~chapter 74.15 RCW)~~).

28 (8) "Individual provider" means an individual provider as defined
29 in RCW 74.39A.240(4) who, solely for the purposes of collective
30 bargaining, is a public employee as provided in RCW 74.39A.270.

31 (9) "Institution of higher education" means the University of
32 Washington, Washington State University, Central Washington
33 University, Eastern Washington University, Western Washington
34 University, The Evergreen State College, and the various state
35 community colleges.

36 (10)(a) "Language access provider" means any independent
37 contractor who provides spoken language interpreter services for
38 department of social and health services appointments or medicaid
39 enrollee appointments, or department of children, youth, and families
40 appointments, or provided these services on or after January 1, 2009,

1 and before June 10, 2010, whether paid by a broker, language access
2 agency, or the department.

3 (b) "Language access provider" does not mean an owner, manager,
4 or employee of a broker or a language access agency.

5 (11) "Public employee" means any employee of a public employer
6 except any person (a) elected by popular vote, or (b) appointed to
7 office pursuant to statute, ordinance or resolution for a specified
8 term of office as a member of a multimember board, commission, or
9 committee, whether appointed by the executive head or body of the
10 public employer, or (c) whose duties as deputy, administrative
11 assistant or secretary necessarily imply a confidential relationship
12 to (i) the executive head or body of the applicable bargaining unit,
13 or (ii) any person elected by popular vote, or (iii) any person
14 appointed to office pursuant to statute, ordinance or resolution for
15 a specified term of office as a member of a multimember board,
16 commission, or committee, whether appointed by the executive head or
17 body of the public employer, or (d) who is a court commissioner or a
18 court magistrate of superior court, district court, or a department
19 of a district court organized under chapter 3.46 RCW, or (e) who is a
20 personal assistant to a district court judge, superior court judge,
21 or court commissioner. For the purpose of (e) of this subsection, no
22 more than one assistant for each judge or commissioner may be
23 excluded from a bargaining unit.

24 (12) "Public employer" means any officer, board, commission,
25 council, or other person or body acting on behalf of any public body
26 governed by this chapter, or any subdivision of such public body. For
27 the purposes of this section, the public employer of district court
28 or superior court employees for wage-related matters is the
29 respective county legislative authority, or person or body acting on
30 behalf of the legislative authority, and the public employer for
31 nonwage-related matters is the judge or judge's designee of the
32 respective district court or superior court.

33 (13) "Uniformed personnel" means: (a) Law enforcement officers as
34 defined in RCW 41.26.030 employed by the governing body of any city
35 or town with a population of two thousand five hundred or more and
36 law enforcement officers employed by the governing body of any county
37 with a population of ten thousand or more; (b) correctional employees
38 who are uniformed and nonuniformed, commissioned and noncommissioned
39 security personnel employed in a jail as defined in RCW 70.48.020(9),
40 by a county with a population of seventy thousand or more, and who

1 are trained for and charged with the responsibility of controlling
2 and maintaining custody of inmates in the jail and safeguarding
3 inmates from other inmates; (c) general authority Washington peace
4 officers as defined in RCW 10.93.020 employed by a port district in a
5 county with a population of one million or more; (d) security forces
6 established under RCW 43.52.520; (e) firefighters as that term is
7 defined in RCW 41.26.030; (f) employees of a port district in a
8 county with a population of one million or more whose duties include
9 crash fire rescue or other firefighting duties; (g) employees of fire
10 departments of public employers who dispatch exclusively either fire
11 or emergency medical services, or both; (h) employees in the several
12 classes of advanced life support technicians, as defined in RCW
13 18.71.200, who are employed by a public employer; or (i) court
14 marshals of any county who are employed by, trained for, and
15 commissioned by the county sheriff and charged with the
16 responsibility of enforcing laws, protecting and maintaining security
17 in all county-owned or contracted property, and performing any other
18 duties assigned to them by the county sheriff or mandated by judicial
19 order.

20 **Sec. 808.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to
21 read as follows:

22 (1) In addition to the entities listed in RCW 41.56.020, this
23 chapter applies to the governor with respect to language access
24 providers. Solely for the purposes of collective bargaining and as
25 expressly limited under subsections (2) and (3) of this section, the
26 governor is the public employer of language access providers who,
27 solely for the purposes of collective bargaining, are public
28 employees. The governor or the governor's designee shall represent
29 the public employer for bargaining purposes.

30 (2) There shall be collective bargaining, as defined in RCW
31 41.56.030, between the governor and language access providers, except
32 as follows:

33 (a) A statewide unit of all language access providers is the only
34 unit appropriate for purposes of collective bargaining under RCW
35 41.56.060;

36 (b) The exclusive bargaining representative of language access
37 providers in the unit specified in (a) of this subsection shall be
38 the representative chosen in an election conducted pursuant to RCW
39 41.56.070.

1 Bargaining authorization cards furnished as the showing of
2 interest in support of any representation petition or motion for
3 intervention filed under this section are exempt from disclosure
4 under chapter 42.56 RCW;

5 (c) Notwithstanding the definition of "collective bargaining" in
6 RCW 41.56.030(4), the scope of collective bargaining for language
7 access providers under this section is limited solely to: (i)
8 Economic compensation, such as the manner and rate of payments; (ii)
9 professional development and training; (iii) labor-management
10 committees; and (iv) grievance procedures. Retirement benefits are
11 not subject to collective bargaining. By such obligation neither
12 party may be compelled to agree to a proposal or be required to make
13 a concession unless otherwise provided in this chapter;

14 (d) In addition to the entities listed in the mediation and
15 interest arbitration provisions of RCW 41.56.430 through 41.56.470
16 and 41.56.480, the provisions apply to the governor or the governor's
17 designee and the exclusive bargaining representative of language
18 access providers, except that:

19 (i) In addition to the factors to be taken into consideration by
20 an interest arbitration panel under RCW 41.56.465, the panel shall
21 consider the financial ability of the state to pay for the
22 compensation and benefit provisions of a collective bargaining
23 agreement;

24 (ii) The decision of the arbitration panel is not binding on the
25 legislature and, if the legislature does not approve the request for
26 funds necessary to implement the compensation and benefit provisions
27 of the arbitrated collective bargaining agreement, the decision is
28 not binding on the state;

29 (e) Language access providers do not have the right to strike.

30 (3) Language access providers who are public employees solely for
31 the purposes of collective bargaining under subsection (1) of this
32 section are not, for that reason, employees of the state for any
33 other purpose. This section applies only to the governance of the
34 collective bargaining relationship between the employer and language
35 access providers as provided in subsections (1) and (2) of this
36 section.

37 (4) Each party with whom the department of social and health
38 services or the department of children, youth, and families contracts
39 for language access services and each of their subcontractors shall
40 provide to the department an accurate list of language access

1 providers, as defined in RCW 41.56.030, including their names,
2 addresses, and other contact information, annually by January 30th,
3 except that initially the lists must be provided within thirty days
4 of June 10, 2010. The department shall, upon request, provide a list
5 of all language access providers, including their names, addresses,
6 and other contact information, to a labor union seeking to represent
7 language access providers.

8 (5) This section does not create or modify:

9 (a) The department's obligation to comply with the federal
10 statute and regulations; and

11 (b) The legislature's right to make programmatic modifications to
12 the delivery of state services under chapter 74.04 RCW. The governor
13 may not enter into, extend, or renew any agreement under this chapter
14 that does not expressly reserve the legislative rights described in
15 this subsection.

16 (6) Upon meeting the requirements of subsection (7) of this
17 section, the governor must submit, as a part of the proposed biennial
18 or supplemental operating budget submitted to the legislature under
19 RCW 43.88.030, a request for funds necessary to implement the
20 compensation and benefit provisions of a collective bargaining
21 agreement entered into under this section or for legislation
22 necessary to implement the agreement.

23 (7) A request for funds necessary to implement the compensation
24 and benefit provisions of a collective bargaining agreement entered
25 into under this section may not be submitted by the governor to the
26 legislature unless the request has been:

27 (a) Submitted to the director of financial management by October
28 1st prior to the legislative session at which the requests are to be
29 considered, except that, for initial negotiations under this section,
30 the request may not be submitted before July 1, 2011; and

31 (b) Certified by the director of financial management as
32 financially feasible for the state or reflective of a binding
33 decision of an arbitration panel reached under subsection (2)(d) of
34 this section.

35 (8) The legislature must approve or reject the submission of the
36 request for funds as a whole. If the legislature rejects or fails to
37 act on the submission, any collective bargaining agreement must be
38 reopened for the sole purpose of renegotiating the funds necessary to
39 implement the agreement.

1 (9) If, after the compensation and benefit provisions of an
2 agreement are approved by the legislature, a significant revenue
3 shortfall occurs resulting in reduced appropriations, as declared by
4 proclamation of the governor or by resolution of the legislature,
5 both parties shall immediately enter into collective bargaining for a
6 mutually agreed upon modification of the agreement.

7 (10) After the expiration date of any collective bargaining
8 agreement entered into under this section, all of the terms and
9 conditions specified in the agreement remain in effect until the
10 effective date of a subsequent agreement, not to exceed one year from
11 the expiration date stated in the agreement.

12 (11) In enacting this section, the legislature intends to provide
13 state action immunity under federal and state antitrust laws for the
14 joint activities of language access providers and their exclusive
15 bargaining representative to the extent the activities are authorized
16 by this chapter.

17 **Sec. 809.** RCW 43.06A.100 and 2015 c 199 s 2 are each amended to
18 read as follows:

19 (1) The department of (~~social and health services and the~~
20 ~~department of early learning~~) children, youth, and families shall:

21 (a) Allow the ombuds or the ombuds's designee to communicate
22 privately with any child in the custody of the department of (~~social~~
23 ~~and health services~~) children, youth, and families, or any child who
24 is part of a near fatality investigation by the department of (~~early~~
25 ~~learning~~) children, youth, and families, for the purposes of
26 carrying out its duties under this chapter;

27 (b) Permit the ombuds or the ombuds designee physical access to
28 state institutions serving children, and state licensed facilities or
29 residences for the purpose of carrying out its duties under this
30 chapter;

31 (c) Upon the ombuds's request, grant the ombuds or the ombuds's
32 designee the right to access, inspect, and copy all relevant
33 information, records, or documents in the possession or control of
34 the department of (~~social and health services or the department of~~
35 ~~early learning~~) children, youth, and families that the ombuds
36 considers necessary in an investigation; and

37 (d) Grant the office of the family and children's ombuds
38 unrestricted online access to the child welfare case management
39 information system and the department of (~~early learning~~) children,

1 youth, and families data information system for the purpose of
2 carrying out its duties under this chapter.

3 (2) For the purposes of this section, "near fatality" means an
4 act that, as certified by a physician, places the child in serious or
5 critical condition.

6 (3) Nothing in this section creates a duty for the office of the
7 family and children's ombuds under RCW 43.06A.030 as related to
8 children in the care of an early learning program described in RCW
9 43.215.400 through 43.215.450 (as recodified by this act), a licensed
10 child care center, or a licensed child care home.

11 **Sec. 810.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each
12 amended to read as follows:

13 The secretary shall appoint a deputy secretary, a department
14 personnel director and such assistant secretaries as shall be needed
15 to administer the department. The deputy secretary shall have charge
16 and general supervision of the department in the absence or
17 disability of the secretary, and in case of a vacancy in the office
18 of secretary, shall continue in charge of the department until a
19 successor is appointed and qualified, or until the governor shall
20 appoint an acting secretary. (~~The secretary shall appoint an~~
21 ~~assistant secretary to administer the juvenile rehabilitation~~
22 ~~responsibilities required of the department by chapters 13.04, 13.40,~~
23 ~~and 13.50 RCW.)) The officers appointed under this section, and
24 exempt from the provisions of the state civil service law by the
25 terms of RCW 41.06.076, shall be paid salaries to be fixed by the
26 governor in accordance with the procedure established by law for the
27 fixing of salaries for officers exempt from the operation of the
28 state civil service law.~~

29 **Sec. 811.** RCW 43.06A.060 and 2013 c 23 s 75 are each amended to
30 read as follows:

31 Neither the ombuds nor the ombuds's staff may be compelled, in
32 any judicial or administrative proceeding, to testify or to produce
33 evidence regarding the exercise of the official duties of the ombuds
34 or of the ombuds's staff. All related memoranda, work product, notes,
35 and case files of the ombuds's office are confidential, are not
36 subject to discovery, judicial or administrative subpoena, or other
37 method of legal compulsion, and are not admissible in evidence in a
38 judicial or administrative proceeding. This section shall not apply

1 to the (~~legislative children's oversight committee~~) oversight board
2 for children, youth, and families.

3 **Sec. 812.** RCW 43.06A.070 and 2013 c 23 s 76 are each amended to
4 read as follows:

5 Identifying information about complainants or witnesses shall not
6 be subject to any method of legal compulsion, nor shall such
7 information be revealed to the (~~legislative children's oversight~~
8 ~~committee~~) oversight board for children, youth, and families or the
9 governor except under the following circumstances: (1) The
10 complainant or witness waives confidentiality; (2) under a
11 legislative subpoena when there is a legislative investigation for
12 neglect of duty or misconduct by the ombuds or ombuds's office when
13 the identifying information is necessary to the investigation of the
14 ombuds's acts; or (3) under an investigation or inquiry by the
15 governor as to neglect of duty or misconduct by the ombuds or
16 ombuds's office when the identifying information is necessary to the
17 investigation of the ombuds's acts.

18 For the purposes of this section, "identifying information"
19 includes the complainant's or witness's name, location, telephone
20 number, likeness, social security number or other identification
21 number, or identification of immediate family members.

22 **Sec. 813.** RCW 43.15.020 and 2015 c 225 s 61 are each amended to
23 read as follows:

24 The lieutenant governor serves as president of the senate and is
25 responsible for making appointments to, and serving on, the
26 committees and boards as set forth in this section.

27 (1) The lieutenant governor serves on the following boards and
28 committees:

- 29 (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 30 (b) Washington higher education facilities authority, RCW
31 28B.07.030;
- 32 (c) Productivity board, also known as the employee involvement
33 and recognition board, RCW 41.60.015;
- 34 (d) State finance committee, RCW 43.33.010;
- 35 (e) State capitol committee, RCW 43.34.010;
- 36 (f) Washington health care facilities authority, RCW 70.37.030;
- 37 (g) State medal of merit nominating committee, RCW 1.40.020;
- 38 (h) Medal of valor committee, RCW 1.60.020; and

1 (i) Association of Washington generals, RCW 43.15.030.

2 (2) The lieutenant governor, and when serving as president of the
3 senate, appoints members to the following boards and committees:

4 (a) Civil legal aid oversight committee, RCW 2.53.010;

5 (b) Office of public defense advisory committee, RCW 2.70.030;

6 (c) Washington state gambling commission, RCW 9.46.040;

7 (d) Sentencing guidelines commission, RCW 9.94A.860;

8 (e) State building code council, RCW 19.27.070;

9 (f) Financial education public-private partnership, RCW
10 28A.300.450;

11 (g) Joint administrative rules review committee, RCW 34.05.610;

12 (h) Capital projects advisory review board, RCW 39.10.220;

13 (i) Select committee on pension policy, RCW 41.04.276;

14 (j) Legislative ethics board, RCW 42.52.310;

15 (k) Washington citizens' commission on salaries, RCW 43.03.305;

16 (l) Legislative oral history committee, RCW 44.04.325;

17 (m) State council on aging, RCW 43.20A.685;

18 (n) State investment board, RCW 43.33A.020;

19 (o) Capitol campus design advisory committee, RCW 43.34.080;

20 (p) Washington state arts commission, RCW 43.46.015;

21 (q) PNWER-Net working subgroup under chapter 43.147 RCW;

22 (r) Community economic revitalization board, RCW 43.160.030;

23 (s) Washington economic development finance authority, RCW
24 43.163.020;

25 (t) Life sciences discovery fund authority, RCW 43.350.020;

26 (u) (~~Legislative children's oversight committee, RCW 44.04.220~~)
27 Oversight board for children, youth, and families, section 105 of
28 this act;

29 (v) Joint legislative audit and review committee, RCW 44.28.010;

30 (w) Joint committee on energy supply and energy conservation, RCW
31 44.39.015;

32 (x) Legislative evaluation and accountability program committee,
33 RCW 44.48.010;

34 (y) Agency council on coordinated transportation, RCW 47.06B.020;

35 (z) Washington horse racing commission, RCW 67.16.014;

36 (aa) Correctional industries board of directors, RCW 72.09.080;

37 (bb) Joint committee on veterans' and military affairs, RCW
38 73.04.150;

39 (cc) Joint legislative committee on water supply during drought,
40 RCW 90.86.020;

1 (dd) Statute law committee, RCW 1.08.001; and
2 (ee) Joint legislative oversight committee on trade policy, RCW
3 44.55.020.

4 **Sec. 814.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to
5 read as follows:

6 (1) In addition to the disclosures authorized by RCW 70.02.050
7 and 70.02.210, a health care provider or health care facility may
8 disclose health care information, except for information and records
9 related to sexually transmitted diseases and information related to
10 mental health services which are addressed by RCW 70.02.220 through
11 70.02.260, about a patient without the patient's authorization, to:

12 (a) Any other health care provider or health care facility
13 reasonably believed to have previously provided health care to the
14 patient, to the extent necessary to provide health care to the
15 patient, unless the patient has instructed the health care provider
16 or health care facility in writing not to make the disclosure;

17 (b) Immediate family members of the patient, including a
18 patient's state registered domestic partner, or any other individual
19 with whom the patient is known to have a close personal relationship,
20 if made in accordance with good medical or other professional
21 practice, unless the patient has instructed the health care provider
22 or health care facility in writing not to make the disclosure;

23 (c) A health care provider or health care facility who is the
24 successor in interest to the health care provider or health care
25 facility maintaining the health care information;

26 (d) A person who obtains information for purposes of an audit, if
27 that person agrees in writing to:

28 (i) Remove or destroy, at the earliest opportunity consistent
29 with the purpose of the audit, information that would enable the
30 patient to be identified; and

31 (ii) Not to disclose the information further, except to
32 accomplish the audit or report unlawful or improper conduct involving
33 fraud in payment for health care by a health care provider or
34 patient, or other unlawful conduct by the health care provider;

35 (e) Provide directory information, unless the patient has
36 instructed the health care provider or health care facility not to
37 make the disclosure;

38 (f) Fire, police, sheriff, or other public authority, that
39 brought, or caused to be brought, the patient to the health care

1 facility or health care provider if the disclosure is limited to the
2 patient's name, residence, sex, age, occupation, condition,
3 diagnosis, estimated or actual discharge date, or extent and location
4 of injuries as determined by a physician, and whether the patient was
5 conscious when admitted;

6 (g) Federal, state, or local law enforcement authorities and the
7 health care provider, health care facility, or third-party payor
8 believes in good faith that the health care information disclosed
9 constitutes evidence of criminal conduct that occurred on the
10 premises of the health care provider, health care facility, or third-
11 party payor;

12 (h) Another health care provider, health care facility, or third-
13 party payor for the health care operations of the health care
14 provider, health care facility, or third-party payor that receives
15 the information, if each entity has or had a relationship with the
16 patient who is the subject of the health care information being
17 requested, the health care information pertains to such relationship,
18 and the disclosure is for the purposes described in RCW 70.02.010(17)

19 (a) and (b);

20 (i) An official of a penal or other custodial institution in
21 which the patient is detained; and

22 (j) Any law enforcement officer, corrections officer, or guard
23 supplied by a law enforcement or corrections agency who is
24 accompanying a patient pursuant to RCW 10.110.020, only to the extent
25 the disclosure is incidental to the fulfillment of the role of the
26 law enforcement officer, corrections officer, or guard under RCW
27 10.110.020.

28 (2) In addition to the disclosures required by RCW 70.02.050 and
29 70.02.210, a health care provider shall disclose health care
30 information, except for information related to sexually transmitted
31 diseases and information related to mental health services which are
32 addressed by RCW 70.02.220 through 70.02.260, about a patient without
33 the patient's authorization if the disclosure is:

34 (a) To federal, state, or local law enforcement authorities to
35 the extent the health care provider is required by law;

36 (b) To federal, state, or local law enforcement authorities, upon
37 receipt of a written or oral request made to a nursing supervisor,
38 administrator, or designated privacy official, in a case in which the
39 patient is being treated or has been treated for a bullet wound,
40 gunshot wound, powder burn, or other injury arising from or caused by

1 the discharge of a firearm, or an injury caused by a knife, an ice
2 pick, or any other sharp or pointed instrument which federal, state,
3 or local law enforcement authorities reasonably believe to have been
4 intentionally inflicted upon a person, or a blunt force injury that
5 federal, state, or local law enforcement authorities reasonably
6 believe resulted from a criminal act, the following information, if
7 known:

8 (i) The name of the patient;

9 (ii) The patient's residence;

10 (iii) The patient's sex;

11 (iv) The patient's age;

12 (v) The patient's condition;

13 (vi) The patient's diagnosis, or extent and location of injuries
14 as determined by a health care provider;

15 (vii) Whether the patient was conscious when admitted;

16 (viii) The name of the health care provider making the
17 determination in (b)(v), (vi), and (vii) of this subsection;

18 (ix) Whether the patient has been transferred to another
19 facility; and

20 (x) The patient's discharge time and date;

21 (c) Pursuant to compulsory process in accordance with RCW
22 70.02.060.

23 (3) To the extent they retain health care information subject to
24 this chapter, the department of social and health services and the
25 health care authority shall disclose to the department of children,
26 youth, and families health care information, except for information
27 and records related to sexually transmitted diseases and information
28 related to mental health services that are addressed by RCW 70.02.220
29 through 70.02.260, about a patient without the patient's
30 authorization, for the purpose of investigating and preventing child
31 abuse and neglect and providing for the health care coordination and
32 the well-being of children in foster care. Disclosure under this
33 subsection is mandatory for the purposes of the federal health
34 insurance portability and accountability act.

35 **Sec. 815.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each
36 amended to read as follows:

37 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
38 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
39 pursuant to a valid authorization under RCW 70.02.030, the fact of

1 admission to a provider for mental health services and all
2 information and records compiled, obtained, or maintained in the
3 course of providing mental health services to either voluntary or
4 involuntary recipients of services at public or private agencies must
5 be confidential.

6 (2) Information and records related to mental health services,
7 other than those obtained through treatment under chapter 71.34 RCW,
8 may be disclosed only:

9 (a) In communications between qualified professional persons to
10 meet the requirements of chapter 71.05 RCW, in the provision of
11 services or appropriate referrals, or in the course of guardianship
12 proceedings if provided to a professional person:

- 13 (i) Employed by the facility;
- 14 (ii) Who has medical responsibility for the patient's care;
- 15 (iii) Who is a designated crisis responder;
- 16 (iv) Who is providing services under chapter 71.24 RCW;
- 17 (v) Who is employed by a state or local correctional facility
18 where the person is confined or supervised; or
- 19 (vi) Who is providing evaluation, treatment, or follow-up
20 services under chapter 10.77 RCW;

21 (b) When the communications regard the special needs of a patient
22 and the necessary circumstances giving rise to such needs and the
23 disclosure is made by a facility providing services to the operator
24 of a facility in which the patient resides or will reside;

25 (c)(i) When the person receiving services, or his or her
26 guardian, designates persons to whom information or records may be
27 released, or if the person is a minor, when his or her parents make
28 such a designation;

29 (ii) A public or private agency shall release to a person's next
30 of kin, attorney, personal representative, guardian, or conservator,
31 if any:

32 (A) The information that the person is presently a patient in the
33 facility or that the person is seriously physically ill;

34 (B) A statement evaluating the mental and physical condition of
35 the patient, and a statement of the probable duration of the
36 patient's confinement, if such information is requested by the next
37 of kin, attorney, personal representative, guardian, or conservator;
38 and

1 (iii) Other information requested by the next of kin or attorney
2 as may be necessary to decide whether or not proceedings should be
3 instituted to appoint a guardian or conservator;

4 (d)(i) To the courts as necessary to the administration of
5 chapter 71.05 RCW or to a court ordering an evaluation or treatment
6 under chapter 10.77 RCW solely for the purpose of preventing the
7 entry of any evaluation or treatment order that is inconsistent with
8 any order entered under chapter 71.05 RCW.

9 (ii) To a court or its designee in which a motion under chapter
10 10.77 RCW has been made for involuntary medication of a defendant for
11 the purpose of competency restoration.

12 (iii) Disclosure under this subsection is mandatory for the
13 purpose of the federal health insurance portability and
14 accountability act;

15 (e)(i) When a mental health professional or designated crisis
16 responder is requested by a representative of a law enforcement or
17 corrections agency, including a police officer, sheriff, community
18 corrections officer, a municipal attorney, or prosecuting attorney to
19 undertake an investigation or provide treatment under RCW 71.05.150,
20 10.31.110, or 71.05.153, the mental health professional or designated
21 crisis responder shall, if requested to do so, advise the
22 representative in writing of the results of the investigation
23 including a statement of reasons for the decision to detain or
24 release the person investigated. The written report must be submitted
25 within seventy-two hours of the completion of the investigation or
26 the request from the law enforcement or corrections representative,
27 whichever occurs later.

28 (ii) Disclosure under this subsection is mandatory for the
29 purposes of the federal health insurance portability and
30 accountability act;

31 (f) To the attorney of the detained person;

32 (g) To the prosecuting attorney as necessary to carry out the
33 responsibilities of the office under RCW 71.05.330(2),
34 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
35 access to records regarding the committed person's treatment and
36 prognosis, medication, behavior problems, and other records relevant
37 to the issue of whether treatment less restrictive than inpatient
38 treatment is in the best interest of the committed person or others.
39 Information must be disclosed only after giving notice to the
40 committed person and the person's counsel;

1 (h)(i) To appropriate law enforcement agencies and to a person,
2 when the identity of the person is known to the public or private
3 agency, whose health and safety has been threatened, or who is known
4 to have been repeatedly harassed, by the patient. The person may
5 designate a representative to receive the disclosure. The disclosure
6 must be made by the professional person in charge of the public or
7 private agency or his or her designee and must include the dates of
8 commitment, admission, discharge, or release, authorized or
9 unauthorized absence from the agency's facility, and only any other
10 information that is pertinent to the threat or harassment. The agency
11 or its employees are not civilly liable for the decision to disclose
12 or not, so long as the decision was reached in good faith and without
13 gross negligence.

14 (ii) Disclosure under this subsection is mandatory for the
15 purposes of the federal health insurance portability and
16 accountability act;

17 (i)(i) To appropriate corrections and law enforcement agencies
18 all necessary and relevant information in the event of a crisis or
19 emergent situation that poses a significant and imminent risk to the
20 public. The mental health service agency or its employees are not
21 civilly liable for the decision to disclose or not so long as the
22 decision was reached in good faith and without gross negligence.

23 (ii) Disclosure under this subsection is mandatory for the
24 purposes of the health insurance portability and accountability act;

25 (j) To the persons designated in RCW 71.05.425 for the purposes
26 described in those sections;

27 (k) Upon the death of a person. The person's next of kin,
28 personal representative, guardian, or conservator, if any, must be
29 notified. Next of kin who are of legal age and competent must be
30 notified under this section in the following order: Spouse, parents,
31 children, brothers and sisters, and other relatives according to the
32 degree of relation. Access to all records and information compiled,
33 obtained, or maintained in the course of providing services to a
34 deceased patient are governed by RCW 70.02.140;

35 (l) To mark headstones or otherwise memorialize patients interred
36 at state hospital cemeteries. The department of social and health
37 services shall make available the name, date of birth, and date of
38 death of patients buried in state hospital cemeteries fifty years
39 after the death of a patient;

1 (m) To law enforcement officers and to prosecuting attorneys as
2 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of
3 information that may be released is limited as follows:

4 (i) Only the fact, place, and date of involuntary commitment, an
5 official copy of any order or orders of commitment, and an official
6 copy of any written or oral notice of ineligibility to possess a
7 firearm that was provided to the person pursuant to RCW 9.41.047(1),
8 must be disclosed upon request;

9 (ii) The law enforcement and prosecuting attorneys may only
10 release the information obtained to the person's attorney as required
11 by court rule and to a jury or judge, if a jury is waived, that
12 presides over any trial at which the person is charged with violating
13 RCW 9.41.040(2)(a)(iii);

14 (iii) Disclosure under this subsection is mandatory for the
15 purposes of the federal health insurance portability and
16 accountability act;

17 (n) When a patient would otherwise be subject to the provisions
18 of this section and disclosure is necessary for the protection of the
19 patient or others due to his or her unauthorized disappearance from
20 the facility, and his or her whereabouts is unknown, notice of the
21 disappearance, along with relevant information, may be made to
22 relatives, the department of corrections when the person is under the
23 supervision of the department, and governmental law enforcement
24 agencies designated by the physician or psychiatric advanced
25 registered nurse practitioner in charge of the patient or the
26 professional person in charge of the facility, or his or her
27 professional designee;

28 (o) Pursuant to lawful order of a court;

29 (p) To qualified staff members of the department, to the director
30 of behavioral health organizations, to resource management services
31 responsible for serving a patient, or to service providers designated
32 by resource management services as necessary to determine the
33 progress and adequacy of treatment and to determine whether the
34 person should be transferred to a less restrictive or more
35 appropriate treatment modality or facility;

36 (q) Within the mental health service agency where the patient is
37 receiving treatment, confidential information may be disclosed to
38 persons employed, serving in bona fide training programs, or
39 participating in supervised volunteer programs, at the facility when
40 it is necessary to perform their duties;

1 (r) Within the department as necessary to coordinate treatment
2 for mental illness, developmental disabilities, alcoholism, or drug
3 abuse of persons who are under the supervision of the department;

4 (s) Between the department of social and health services, the
5 department of children, youth, and families, and the health care
6 authority as necessary to coordinate treatment for mental illness,
7 developmental disabilities, alcoholism, or drug abuse of persons who
8 are under the supervision of the department of social and health
9 services or the department of children, youth, and families;

10 (t) To a licensed physician or psychiatric advanced registered
11 nurse practitioner who has determined that the life or health of the
12 person is in danger and that treatment without the information and
13 records related to mental health services could be injurious to the
14 patient's health. Disclosure must be limited to the portions of the
15 records necessary to meet the medical emergency;

16 ((+t)) (u) Consistent with the requirements of the federal
17 health information portability and accountability act, to a licensed
18 mental health professional or a health care professional licensed
19 under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who
20 is providing care to a person, or to whom a person has been referred
21 for evaluation or treatment, to assure coordinated care and treatment
22 of that person. Psychotherapy notes may not be released without
23 authorization of the person who is the subject of the request for
24 release of information;

25 ((+u)) (v) To administrative and office support staff designated
26 to obtain medical records for those licensed professionals listed in
27 ((+t)) (u) of this subsection;

28 ((+v)) (w) To a facility that is to receive a person who is
29 involuntarily committed under chapter 71.05 RCW, or upon transfer of
30 the person from one evaluation and treatment facility to another. The
31 release of records under this subsection is limited to the
32 information and records related to mental health services required by
33 law, a record or summary of all somatic treatments, and a discharge
34 summary. The discharge summary may include a statement of the
35 patient's problem, the treatment goals, the type of treatment which
36 has been provided, and recommendation for future treatment, but may
37 not include the patient's complete treatment record;

38 ((+w)) (x) To the person's counsel or guardian ad litem, without
39 modification, at any time in order to prepare for involuntary
40 commitment or recommitment proceedings, reexaminations, appeals, or

1 other actions relating to detention, admission, commitment, or
2 patient's rights under chapter 71.05 RCW;

3 ~~((x))~~ (y) To staff members of the protection and advocacy
4 agency or to staff members of a private, nonprofit corporation for
5 the purpose of protecting and advocating the rights of persons with
6 mental disorders or developmental disabilities. Resource management
7 services may limit the release of information to the name, birthdate,
8 and county of residence of the patient, information regarding whether
9 the patient was voluntarily admitted, or involuntarily committed, the
10 date and place of admission, placement, or commitment, the name and
11 address of a guardian of the patient, and the date and place of the
12 guardian's appointment. Any staff member who wishes to obtain
13 additional information must notify the patient's resource management
14 services in writing of the request and of the resource management
15 services' right to object. The staff member shall send the notice by
16 mail to the guardian's address. If the guardian does not object in
17 writing within fifteen days after the notice is mailed, the staff
18 member may obtain the additional information. If the guardian objects
19 in writing within fifteen days after the notice is mailed, the staff
20 member may not obtain the additional information;

21 ~~((y))~~ (z) To all current treating providers of the patient with
22 prescriptive authority who have written a prescription for the
23 patient within the last twelve months. For purposes of coordinating
24 health care, the department may release without written authorization
25 of the patient, information acquired for billing and collection
26 purposes as described in RCW 70.02.050(1)(d). The department shall
27 notify the patient that billing and collection information has been
28 released to named providers, and provide the substance of the
29 information released and the dates of such release. The department
30 may not release counseling, inpatient psychiatric hospitalization, or
31 drug and alcohol treatment information without a signed written
32 release from the client;

33 ~~((z))~~ (aa)(i) To the secretary of social and health services
34 for either program evaluation or research, or both so long as the
35 secretary adopts rules for the conduct of the evaluation or research,
36 or both. Such rules must include, but need not be limited to, the
37 requirement that all evaluators and researchers sign an oath of
38 confidentiality substantially as follows:

1 "As a condition of conducting evaluation or research concerning
2 persons who have received services from (fill in the facility,
3 agency, or person) I,, agree not to divulge, publish, or
4 otherwise make known to unauthorized persons or the public any
5 information obtained in the course of such evaluation or research
6 regarding persons who have received services such that the person who
7 received such services is identifiable.

8 I recognize that unauthorized release of confidential information
9 may subject me to civil liability under the provisions of state law.

10 /s/"

11 (ii) Nothing in this chapter may be construed to prohibit the
12 compilation and publication of statistical data for use by government
13 or researchers under standards, including standards to assure
14 maintenance of confidentiality, set forth by the secretary.

15 (3) Whenever federal law or federal regulations restrict the
16 release of information contained in the information and records
17 related to mental health services of any patient who receives
18 treatment for chemical dependency, the department may restrict the
19 release of the information as necessary to comply with federal law
20 and regulations.

21 (4) Civil liability and immunity for the release of information
22 about a particular person who is committed to the department of
23 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)
24 after dismissal of a sex offense as defined in RCW 9.94A.030, is
25 governed by RCW 4.24.550.

26 (5) The fact of admission to a provider of mental health
27 services, as well as all records, files, evidence, findings, or
28 orders made, prepared, collected, or maintained pursuant to chapter
29 71.05 RCW are not admissible as evidence in any legal proceeding
30 outside that chapter without the written authorization of the person
31 who was the subject of the proceeding except as provided in RCW
32 70.02.260, in a subsequent criminal prosecution of a person committed
33 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
34 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
35 trial, in a civil commitment proceeding pursuant to chapter 71.09
36 RCW, or, in the case of a minor, a guardianship or dependency
37 proceeding. The records and files maintained in any court proceeding
38 pursuant to chapter 71.05 RCW must be confidential and available
39 subsequent to such proceedings only to the person who was the subject

1 of the proceeding or his or her attorney. In addition, the court may
2 order the subsequent release or use of such records or files only
3 upon good cause shown if the court finds that appropriate safeguards
4 for strict confidentiality are and will be maintained.

5 (6)(a) Except as provided in RCW 4.24.550, any person may bring
6 an action against an individual who has willfully released
7 confidential information or records concerning him or her in
8 violation of the provisions of this section, for the greater of the
9 following amounts:

10 (i) One thousand dollars; or

11 (ii) Three times the amount of actual damages sustained, if any.

12 (b) It is not a prerequisite to recovery under this subsection
13 that the plaintiff suffered or was threatened with special, as
14 contrasted with general, damages.

15 (c) Any person may bring an action to enjoin the release of
16 confidential information or records concerning him or her or his or
17 her ward, in violation of the provisions of this section, and may in
18 the same action seek damages as provided in this subsection.

19 (d) The court may award to the plaintiff, should he or she
20 prevail in any action authorized by this subsection, reasonable
21 attorney fees in addition to those otherwise provided by law.

22 (e) If an action is brought under this subsection, no action may
23 be brought under RCW 70.02.170.

24 **Sec. 816.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each
25 amended to read as follows:

26 (1)(a) For the protection of applicants and recipients, the
27 department, the authority, and the county offices and their
28 respective officers and employees are prohibited, except as
29 hereinafter provided, from disclosing the contents of any records,
30 files, papers and communications, except for purposes directly
31 connected with the administration of the programs of this title. In
32 any judicial proceeding, except such proceeding as is directly
33 concerned with the administration of these programs, such records,
34 files, papers and communications, and their contents, shall be deemed
35 privileged communications and except for the right of any individual
36 to inquire of the office whether a named individual is a recipient of
37 welfare assistance and such person shall be entitled to an
38 affirmative or negative answer.

1 (b) Unless prohibited by federal law, for the purpose of
2 investigating and preventing child abuse and neglect and providing
3 for the health care coordination and well-being of children in foster
4 care, the department and the authority shall disclose to the
5 department of children, youth, and families the following
6 information: Developmental disabilities administration client
7 records; home and community services client records; long-term care
8 facility or certified community residential supports records; health
9 care information; child support information; food assistance
10 information; and public assistance information. Disclosure under this
11 subsection (1)(b) is mandatory for the purposes of the federal health
12 insurance portability and accountability act.

13 (c) Upon written request of a parent who has been awarded
14 visitation rights in an action for divorce or separation or any
15 parent with legal custody of the child, the department shall disclose
16 to him or her the last known address and location of his or her
17 natural or adopted children. The secretary shall adopt rules which
18 establish procedures for disclosing the address of the children and
19 providing, when appropriate, for prior notice to the custodian of the
20 children. The notice shall state that a request for disclosure has
21 been received and will be complied with by the department unless the
22 department receives a copy of a court order which enjoins the
23 disclosure of the information or restricts or limits the requesting
24 party's right to contact or visit the other party or the child.
25 Information supplied to a parent by the department shall be used only
26 for purposes directly related to the enforcement of the visitation
27 and custody provisions of the court order of separation or decree of
28 divorce. No parent shall disclose such information to any other
29 person except for the purpose of enforcing visitation provisions of
30 the said order or decree.

31 ~~((e))~~ (d) The department shall review methods to improve the
32 protection and confidentiality of information for recipients of
33 welfare assistance who have disclosed to the department that they are
34 past or current victims of domestic violence or stalking.

35 (2) The county offices shall maintain monthly at their offices a
36 report showing the names and addresses of all recipients in the
37 county receiving public assistance under this title, together with
38 the amount paid to each during the preceding month.

39 (3) The provisions of this section shall not apply to duly
40 designated representatives of approved private welfare agencies,

1 public officials, members of legislative interim committees and
2 advisory committees when performing duties directly connected with
3 the administration of this title, such as regulation and
4 investigation directly connected therewith: PROVIDED, HOWEVER, That
5 any information so obtained by such persons or groups shall be
6 treated with such degree of confidentiality as is required by the
7 federal social security law.

8 (4) It shall be unlawful, except as provided in this section, for
9 any person, body, association, firm, corporation or other agency to
10 solicit, publish, disclose, receive, make use of, or to authorize,
11 knowingly permit, participate in or acquiesce in the use of any lists
12 or names for commercial or political purposes of any nature. The
13 violation of this section shall be a gross misdemeanor.

14 **Sec. 817.** RCW 74.34.063 and 2005 c 274 s 354 are each amended to
15 read as follows:

16 (1) The department shall initiate a response to a report, no
17 later than twenty-four hours after knowledge of the report, of
18 suspected abandonment, abuse, financial exploitation, neglect, or
19 self-neglect of a vulnerable adult.

20 (2) When the initial report or investigation by the department
21 indicates that the alleged abandonment, abuse, financial
22 exploitation, or neglect may be criminal, the department shall make
23 an immediate report to the appropriate law enforcement agency. The
24 department and law enforcement will coordinate in investigating
25 reports made under this chapter. The department may provide
26 protective services and other remedies as specified in this chapter.

27 (3) The law enforcement agency or the department shall report the
28 incident in writing to the proper county prosecutor or city attorney
29 for appropriate action whenever the investigation reveals that a
30 crime may have been committed.

31 (4) The department and law enforcement may share information
32 contained in reports and findings of abandonment, abuse, financial
33 exploitation, and neglect of vulnerable adults, consistent with RCW
34 74.04.060, chapter 42.56 RCW, and other applicable confidentiality
35 laws.

36 (5) Unless prohibited by federal law, the department of social
37 and health services may share with the department of children, youth,
38 and families information contained in reports and findings of

1 abandonment, abuse, financial exploitation, and neglect of vulnerable
2 adults.

3 (6) The department shall notify the proper licensing authority
4 concerning any report received under this chapter that alleges that a
5 person who is professionally licensed, certified, or registered under
6 Title 18 RCW has abandoned, abused, financially exploited, or
7 neglected a vulnerable adult.

8 NEW SECTION. Sec. 818. The following acts or parts of acts are
9 each repealed:

10 (1) RCW 43.20A.780 (Administration of family services and
11 programs) and 1992 c 198 s 9;

12 (2) RCW 43.20A.850 (Group homes—Availability of evaluations and
13 data) and 1994 sp.s. c 7 s 322;

14 (3) RCW 43.215.040 (Director—Power and duties) and 2006 c 265 s
15 105; and

16 (4) RCW 44.04.220 (Legislative children's oversight committee)
17 and 2013 c 23 s 100 & 1996 c 131 s 1.

18 NEW SECTION. Sec. 819. The following sections are decodified:

19 (1) RCW 13.40.800 (Juvenile offenses with firearms—Data—
20 Reports);

21 (2) RCW 43.215.005 (Finding—Purpose);

22 (3) RCW 43.215.125 (Washington head start program proposal—
23 Report);

24 (4) RCW 43.215.907 (Evaluation of department by joint legislative
25 audit and review committee);

26 (5) RCW 72.05.300 (Parental schools—Leases, purchases—Powers of
27 school district); and

28 (6) RCW 74.14B.900 (Captions).

29 NEW SECTION. Sec. 820. The following sections are recodified in
30 the new chapter created in section 821 of this act in the following
31 order with the following subchapter headings:

32 GENERAL PROVISIONS

33 RCW 43.215.010

34 RCW 43.215.020

35 RCW 43.215.030

36 RCW 43.215.050

1 RCW 43.215.060
2 RCW 43.215.065
3 RCW 43.215.070
4 RCW 43.215.080
5 RCW 43.215.090
6 RCW 43.215.099
7 RCW 43.215.100
8 RCW 43.215.1001
9 RCW 43.215.101
10 RCW 43.215.102
11 RCW 43.215.103
12 RCW 43.215.105
13 RCW 43.215.110
14 RCW 43.215.120
15 RCW 43.215.130
16 RCW 43.215.135
17 RCW 43.215.1351
18 RCW 43.215.1352
19 RCW 43.215.136
20 RCW 43.215.137
21 RCW 43.215.140
22 RCW 43.215.145
23 RCW 43.215.146
24 RCW 43.215.147
25 RCW 43.215.195
26 LICENSING
27 RCW 43.215.200
28 RCW 43.215.201
29 RCW 43.215.205
30 RCW 43.215.210
31 RCW 43.215.215
32 RCW 43.215.216
33 RCW 43.215.217
34 RCW 43.215.218
35 RCW 43.215.220
36 RCW 43.215.230
37 RCW 43.215.240
38 RCW 43.215.250
39 RCW 43.215.255
40 RCW 43.215.260

1 RCW 43.215.270
2 RCW 43.215.280
3 RCW 43.215.290
4 RCW 43.215.300
5 RCW 43.215.305
6 RCW 43.215.307
7 RCW 43.215.308
8 RCW 43.215.310
9 RCW 43.215.320
10 RCW 43.215.330
11 RCW 43.215.335
12 RCW 43.215.340
13 RCW 43.215.350
14 RCW 43.215.355
15 RCW 43.215.360
16 RCW 43.215.370
17 RCW 43.215.371
18 EARLY CHILDHOOD EDUCATION AND ASSISTANCE
19 RCW 43.215.400
20 RCW 43.215.405
21 RCW 43.215.410
22 RCW 43.215.415
23 RCW 43.215.420
24 RCW 43.215.425
25 RCW 43.215.430
26 RCW 43.215.435
27 RCW 43.215.440
28 RCW 43.215.445
29 RCW 43.215.450
30 RCW 43.215.455
31 RCW 43.215.456
32 RCW 43.215.457
33 RCW 43.215.460
34 RCW 43.215.470
35 RCW 43.215.472
36 RCW 43.215.474
37 RCW 43.215.476
38 CHILD CARE
39 RCW 43.215.490
40 RCW 43.215.492

1 RCW 43.215.495
2 RCW 43.215.500
3 RCW 43.215.502
4 RCW 43.215.505
5 RCW 43.215.510
6 RCW 43.215.520
7 RCW 43.215.525
8 RCW 43.215.530
9 RCW 43.215.532
10 RCW 43.215.535
11 RCW 43.215.540
12 RCW 43.215.545
13 RCW 43.215.550
14 RCW 43.215.555
15 RCW 43.215.560
16 RCW 43.215.562
17 RCW 43.215.564
18 TECHNICAL PROVISIONS
19 RCW 43.215.900
20 RCW 43.215.901
21 RCW 43.215.903
22 RCW 43.215.905
23 RCW 43.215.908
24 RCW 43.215.909

25 NEW SECTION. **Sec. 821.** Sections 101, 104, 107 through 109, 115,
26 and 801 through 803 of this act constitute a new chapter in Title 43
27 RCW.

28 NEW SECTION. **Sec. 822.** If any part of this act is found to be
29 in conflict with federal requirements that are a prescribed condition
30 to the allocation of federal funds to the state, the conflicting part
31 of this act is inoperative solely to the extent of the conflict and
32 with respect to the agencies directly affected, and this finding does
33 not affect the operation of the remainder of this act in its
34 application to the agencies concerned. Rules adopted under this act
35 must meet federal requirements that are a necessary condition to the
36 receipt of federal funds by the state.

1 NEW SECTION. **Sec. 823.** Section 103 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect thirty days after the governor signs this act.

5 NEW SECTION. **Sec. 824.** Sections 101, 102, 104 through 115, 201
6 through 227, 301 through 337, 401 through 419, 501 through 513, and
7 801 through 822 of this act take effect July 1, 2018.

8 NEW SECTION. **Sec. 825.** Sections 601 through 631 and 701 through
9 728 of this act take effect July 1, 2019.

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