

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1661

65th Legislature
2017 3rd Special Session

Passed by the House June 29, 2017
Yeas 77 Nays 17

Speaker of the House of Representatives

Passed by the Senate June 30, 2017
Yeas 42 Nays 7

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1661** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1661

Passed Legislature - 2017 3rd Special Session

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, 44.04.220, 43.215.020, 43.215.065,
4 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218,
5 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550,
6 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191,
7 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096,
8 4.24.595, 13.34.030, 13.34.090, 13.34.096, 13.34.110, 13.34.136,
9 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.010, 13.50.100,
10 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020,
11 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063,
12 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040,
13 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510,
14 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107,
15 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080,
16 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178,
17 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010,
18 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005,
19 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145,
20 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285,
21 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464,
22 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560,
23 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010,

1 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415,
2 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040,
3 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030,
4 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040,
5 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410,
6 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100,
7 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 74.04.060,
8 and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010,
9 43.215.215, 42.56.230, 43.43.832, 13.36.020, 13.36.020, 13.04.030,
10 13.40.020, 13.40.280, and 70.02.230; adding a new section to chapter
11 41.06 RCW; adding a new chapter to Title 43 RCW; creating new
12 sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030,
13 43.215.050, 43.215.060, 43.215.065, 43.215.070, 43.215.080,
14 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101,
15 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120,
16 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136,
17 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147,
18 43.215.195, 43.215.---, 43.215.200, 43.215.201, 43.215.205,
19 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218,
20 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255,
21 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300,
22 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320,
23 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355,
24 43.215.360, 43.215.370, 43.215.371, 43.215.---, 43.215.400,
25 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425,
26 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450,
27 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470,
28 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492,
29 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510,
30 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535,
31 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560,
32 43.215.562, 43.215.564, 43.215.---, 43.215.900, 43.215.901,
33 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW
34 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and
35 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, and 43.215.040;
36 providing effective dates; providing expiration dates; and declaring
37 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) Research is clear that quality culturally and linguistically
26 responsive early care and education builds the foundation for a
27 child's success in school and in life. In restructuring early
28 learning and child welfare services, the legislature seeks to build
29 on the success of Washington's early learning efforts to assure
30 children most at risk of experiencing adversity are provided high
31 quality early learning experiences.

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

38 (5) The legislature finds that a focus on adolescent development
39 is needed to ensure that effective supports and interventions are
40 targeted to support adolescents successfully transitioning to

1 adulthood. Youth known to both the child welfare and juvenile justice
2 systems often suffer from childhood trauma, have multisystem
3 involvement, and experience homelessness. Increased integration of
4 the child welfare and juvenile justice systems can increase
5 opportunities for prevention and improve outcomes for youth in both
6 systems.

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

17 (7) The department of children, youth, and families must be
18 anchored in a culture of innovation, transparency, accountability,
19 rigorous data analysis, and reliance on research and evidence-based
20 interventions.

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

30 (9) The legislature finds that the work of the department of
31 children, youth, and families will only be as successful as the
32 workforce—both the agency employees and community-based providers.
33 Increased support for the professionals working with children, youth,
34 and families is critical to improving outcomes.

35 (10) The legislature further finds that other states have
36 successfully established integrated departments dedicated to serving
37 children, youth, and families. These departments have improved the
38 visibility of child and family issues, increased authority and
39 accountability, enabled system improvements, and created a stronger
40 focus on improving child outcomes.

1 **PART I**

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

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

10 (b) The department, in partnership with state and local agencies,
11 tribes, and communities, shall protect children and youth from harm
12 and promote healthy development with effective, high quality
13 prevention, intervention, and early education services delivered in
14 an equitable manner. An important role for the department shall be to
15 provide preventative services to help secure and preserve families in
16 crisis. The department shall partner with the federally recognized
17 Indian tribes to develop effective services for youth and families
18 while respecting the sovereignty of those tribes and the government-
19 to-government relationship. Nothing in chapter . . . , Laws of 2017
20 3rd sp. sess. (this act) alters the duties, requirements, and
21 policies of the federal Indian child welfare act, 25 U.S.C. Secs.
22 1901 through 1963, as amended, or the Indian child welfare act,
23 chapter 13.38 RCW.

24 (2) Beginning July 1, 2018, the department must develop
25 definitions for, work plans to address, and metrics to measure the
26 outcomes for children, youth, and families served by the department
27 and must work with state agencies to ensure services for children,
28 youth, and families are science-based, outcome-driven, data-informed,
29 and collaborative.

30 (3)(a) Beginning July 1, 2018, the department must establish
31 short and long-term population level outcome measure goals, including
32 metrics regarding reducing disparities by family income, race, and
33 ethnicity in each outcome.

34 (b) The department must report to the legislature on outcome
35 measures, actions taken, progress toward these goals, and plans for
36 the future year, no less than annually, beginning December 1, 2018.

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

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

1 (A) Increasing the number and proportion of children kindergarten-
2 ready as measured by the Washington kindergarten inventory of
3 developing skills (WAKids) assessment including mathematics; (B)
4 increasing the proportion of children in early learning programs that
5 have achieved the level 3 or higher early achievers quality standard;
6 and (C) increasing the available supply of licensed child care in
7 both child care centers and family homes, including providers not
8 receiving state subsidy;

9 (ii) Preventing child abuse and neglect;
10 (iii) Improving child and youth safety, permanency, and well-
11 being as measured by: (A) Reducing the number of children entering
12 out-of-home care; (B) reducing a child's length of stay in out-of-
13 home care; (C) reducing maltreatment of youth while in out-of-home
14 care; (D) licensing more foster homes than there are children in
15 foster care; (E) reducing the number of children that reenter out-of-
16 home care within twelve months; (F) increasing the stability of
17 placements for children in out-of-home care; and (G) developing
18 strategies to demonstrate to foster families that their service and
19 involvement is highly valued by the department, as demonstrated by
20 the development of strategies to consult with foster families
21 regarding future placement of a foster child currently placed with a
22 foster family;

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) Beginning July 1, 2018, 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;

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; and

23 (e) Create and annually update a list of the rights and
24 responsibilities of foster parents in partnership with foster parent
25 representatives. The list of foster parent rights and
26 responsibilities must be posted on the department's web site and
27 provided to foster parents in writing at the time of licensure.

28 (5) The department is accountable to the public. To ensure
29 transparency, beginning December 30, 2018, agency performance data
30 for the services provided by the department, including outcome data
31 for contracted services, must be available to the public, consistent
32 with confidentiality laws, federal protections, and individual rights
33 to privacy. Publicly available data must include budget and funding
34 decisions, performance-based contracting data, including data for
35 contracted services, and performance data on metrics identified in
36 this section. The oversight board for children, youth, and families
37 must work with the secretary and director to develop the most
38 effective and cost-efficient ways to make department data available
39 to the public, including making this data readily available on the
40 department's web site.

1 (6) The department shall ensure that all new and renewed
2 contracts for services are performance-based.

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

8 (8) The department must execute all new and renewed contracts for
9 services in accordance with this section and consistent with RCW
10 74.13B.020. When contracted services are managed through a network
11 administrator or other third party, the department must execute data-
12 sharing agreements with the entities managing the contracts to track
13 provider performance measures. Contracts with network administrators
14 or other third parties must provide the contract administrator the
15 ability to shift resources from one provider to another, to evaluate
16 individual provider performance, to add or delete services in
17 consultation with the department, and to reinvest savings from
18 increased efficiencies into new or improved services in their
19 catchment area. Whenever possible, contractor performance data must
20 be made available to the public, consistent with confidentiality laws
21 and individual rights to privacy.

22 (9)(a) The oversight board for children, youth, and families
23 shall begin its work and call the first meeting of the board on or
24 after July 1, 2018. The oversight board shall immediately assume the
25 duties of the legislative children's oversight committee, as provided
26 for in RCW 74.13.570 and assume the full functions of the board as
27 provided for in this section by July 1, 2019. The office of
28 innovation, alignment, and accountability shall provide quarterly
29 updates regarding the implementation of the department of children,
30 youth, and families to the board between July 1, 2018, and July 1,
31 2019.

32 (b) The ombuds shall establish the oversight board for children,
33 youth, and families. The board is authorized for the purpose of
34 monitoring and ensuring that the department of children, youth, and
35 families achieves the stated outcomes of chapter . . . , Laws of 2017
36 3rd sp. sess. (this act), and complies with administrative acts,
37 relevant statutes, rules, and policies pertaining to early learning,
38 juvenile rehabilitation, juvenile justice, and children and family
39 services.

1 (10)(a) The oversight board for children, youth, and families
2 shall consist of two senators and two representatives from the
3 legislature with one member from each major caucus, one nonvoting
4 representative from the governor's office, one subject matter expert
5 in early learning, one subject matter expert in child welfare, one
6 subject matter expert in juvenile rehabilitation and justice, one
7 subject matter expert in reducing disparities in child outcomes by
8 family income and race and ethnicity, one tribal representative from
9 the west of the crest of the Cascade mountains, one tribal
10 representative from the east of the crest of the Cascade mountains,
11 one current or former foster parent representative, one
12 representative of an organization that advocates for the best
13 interest of the child, one parent stakeholder group representative,
14 one law enforcement representative, one child welfare caseworker
15 representative, one early childhood learning program implementation
16 practitioner, and one judicial representative presiding over child
17 welfare court proceedings or other children's matters.

18 (b) The senate members of the board shall be appointed by the
19 leaders of the two major caucuses of the senate. The house of
20 representatives members of the board shall be appointed by the
21 leaders of the two major caucuses of the house of representatives.
22 Members shall be appointed before the close of each regular session
23 of the legislature during an odd-numbered year.

24 (c) The remaining board members shall be nominated by the
25 governor, subject to the approval of the appointed legislators by
26 majority vote, and serve four-year terms.

27 (11) The oversight board for children, youth, and families has
28 the following powers, which may be exercised by majority vote of the
29 board:

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

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

33 (c) To select its officers and adoption of rules for orderly
34 procedure;

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

37 (e) To request and receive information, outcome data, documents,
38 materials, and records from the department of children, youth, and
39 families relating to children and family welfare, juvenile
40 rehabilitation, juvenile justice, and early learning;

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

3 (g) If final review is requested by a licensee, to review whether
4 department of children, youth, and families' licensors appropriately
5 and consistently applied agency rules in child care facility
6 licensing compliance agreements as defined in section 114 of this act
7 that do not involve a violation of health and safety standards as
8 defined in section 114 of this act in cases that have already been
9 reviewed by the internal review process described in section 114 of
10 this act with the authority to overturn, change, or uphold such
11 decisions;

12 (h) To conduct annual reviews of a sample of department of
13 children, youth, and families contracts for services from a variety
14 of program and service areas to ensure that those contracts are
15 performance-based and to assess the measures included in each
16 contract; and

17 (i) Upon receipt of records or data from the family and
18 children's ombuds or the department of children, youth, and families,
19 the oversight board for children, youth, and families is subject to
20 the same confidentiality restrictions as the family and children's
21 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also
22 apply to the oversight board for children, youth, and families.

23 (12) The oversight board for children, youth, and families has
24 general oversight over the performance and policies of the department
25 and shall provide advice and input to the department and the
26 governor.

27 (13) The oversight board for children, youth, and families must
28 no less than twice per year convene stakeholder meetings to allow
29 feedback to the board regarding contracting with the department of
30 children, youth, and families, departmental use of local, state,
31 private, and federal funds, and other matters as relating to carrying
32 out the duties of the department.

33 (14) The oversight board for children, youth, and families shall
34 review existing surveys of providers, customers, parent groups, and
35 external services to assess whether the department of children,
36 youth, and families is effectively delivering services, and shall
37 conduct additional surveys as needed to assess whether the department
38 is effectively delivering services.

39 (15) The oversight board for children, youth, and families is
40 subject to the open public meetings act, chapter 42.30 RCW.

1 (16) Records or information received by the oversight board for
2 children, youth, and families is confidential to the extent permitted
3 by state or federal law. This subsection does not create an exception
4 for records covered by RCW 13.50.100.

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

10 (18) The oversight board for children, youth, and families shall
11 select, by majority vote, an executive director who shall be the
12 chief administrative officer of the board and shall be responsible
13 for carrying out the policies adopted by the board. The executive
14 director is exempt from the provisions of the state civil service
15 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
16 established in this section.

17 (19) The oversight board for children, youth, and families shall
18 maintain a staff not to exceed one full-time equivalent employee. The
19 board-selected executive director of the board is responsible for
20 coordinating staff appointments.

21 (20) The oversight board for children, youth, and families shall
22 issue an annual report to the governor and legislature by December
23 1st of each year with an initial report delivered by December 1,
24 2019. The report must review the department of children, youth, and
25 families' progress towards meeting stated performance measures and
26 desired performance outcomes, and must also include a review of the
27 department's strategic plan, policies, and rules.

28 (21) As used in this section, "department" means the department
29 of children, youth, and families, "director" means the director of
30 the office of innovation, alignment, and accountability, and
31 "secretary" means the secretary of the department.

32 (22) The governor must appoint the secretary of the department
33 within thirty days of the effective date of this section.

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

36 (1) The executive head and appointing authority of the department
37 is the ~~((director))~~ secretary. The ~~((director))~~ secretary shall be
38 appointed by the governor with the consent of the senate, and shall
39 serve at the pleasure of the governor. ~~((The governor shall solicit~~

1 ~~input from all parties involved in the private-public partnership~~
2 ~~concerning this appointment.))~~ The ~~((director))~~ secretary shall be
3 paid a salary to be fixed by the governor in accordance with RCW
4 43.03.040. If a vacancy occurs in the position of ~~((director))~~
5 secretary while the senate is not in session, the governor shall make
6 a temporary appointment until the next meeting of the senate when the
7 governor's nomination for the office of ~~((director))~~ secretary shall
8 be presented.

9 (2) The ~~((director))~~ secretary may employ staff members, who
10 shall be exempt from chapter 41.06 RCW, and any additional staff
11 members as are necessary to administer this chapter and such other
12 duties as may be authorized by law. The employment of such additional
13 staff shall be in accordance with chapter 41.06 RCW, except as
14 otherwise provided. The ~~((director))~~ secretary may delegate any power
15 or duty vested in him or her by ~~((this))~~ chapter . . . , Laws of 2017
16 3rd sp. sess. (this act) or other law, including authority to make
17 final decisions and enter final orders in hearings conducted under
18 chapter 34.05 RCW.

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

30 NEW SECTION. Sec. 103. (1) The office of innovation, alignment,
31 and accountability is created within the department of children,
32 youth, and families. The secretary of the department of children,
33 youth, and families is the executive head and appointing authority,
34 and serves at the pleasure of the governor. The secretary has the
35 responsibility to work with the governor's office, the office of
36 financial management, the department of social and health services,
37 the department of early learning, and other impacted agencies to plan
38 for the implementation of the department of children, youth, and
39 families until July 1, 2018. The secretary shall be paid a salary to

1 be fixed by the governor in accordance with RCW 43.03.040. If a
2 vacancy occurs in the position of secretary, the governor shall fill
3 the vacancy. Beginning July 1, 2018, the secretary of the department
4 of children, youth, and families shall appoint a separate director of
5 the office of innovation, alignment, and accountability.

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

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

15 (b) To convene research institutions that include federally
16 recognized tribal representatives and address tribal specific topics,
17 including university-based research institutions, the education data
18 center, the department of social and health services' research and
19 data analysis office, the Washington state institute for public
20 policy, 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 tribes, parents, families, kinship care
9 providers, and foster parents are also included in the development of
10 the 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. Both the stakeholder advisory
15 mechanism and external review protocol must include ongoing
16 consultation with tribes, families, and a cross-cultural
17 representation of communities of color. The office must also make
18 recommendations for external oversight on disparity and
19 disproportionality in the department's outcomes, programs, and
20 services;

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

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

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

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

11 (i) Preparing a report, in coordination with the department of
12 early learning and the department of social and health services on
13 how to incorporate the staff responsible for determining eligibility
14 for the working connections child care program into the department of
15 children, youth, and families. The report must outline a plan for
16 transferring child care eligibility staff, the treatment of shared
17 client data, information technology systems, phone systems, staff
18 training, federal cost allocation, and service delivery from the
19 department of social and health services to the department of
20 children, youth, and families. This report must include
21 recommendations for effectively integrating working connections child
22 care eligibility into the department of children, youth, and families
23 by July 1, 2019.

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

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

28 NEW SECTION. **Sec. 104.** (1) Beginning July 1, 2018, the office
29 of innovation, alignment, and accountability shall have a director,
30 appointed by the secretary, who shall set the agenda and oversee the
31 office, who reports 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 and tribal
4 governments to align and measure outcomes across state agencies and
5 state-funded agencies serving children, youth, and families
6 including, but not limited to, the use of evidence-based and
7 research-based practices and contracting;

8 (c) To work with other state government agencies, tribal
9 governments, partner agencies, and state-funded organizations on the
10 use of data-driven, research-based interventions that effectively
11 intervene in the lives of at-risk young people and align systems that
12 serve children, youth, 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, tribal courts and tribal
22 attorneys, attorneys, court-appointed special advocates, and
23 guardians ad litem to align and integrate the work of the department
24 with those involved in decision making in child welfare and juvenile
25 justice cases;

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

30 (i) To appoint members of an external stakeholder committee who
31 value racial and ethnic diversity and that includes representatives
32 from a philanthropic organization, research entity representatives,
33 representatives from the business community, one or more parent
34 representatives, youth representatives, tribal representatives,
35 representatives from communities of color, foster parent
36 representatives, representatives from an organization that advocates
37 for the best interest of the child, and community-based providers,
38 who will advise the office on priorities for practice, policy, and
39 system reform and on effective management policies, development of
40 appropriate organizational culture, external partnerships, knowledge

1 of best practices, and leveraging additional resources to carry out
2 the duties of the department;

3 (j) To provide a report to the governor and the appropriate
4 committees of the legislature by November 1, 2018, that includes
5 recommendations regarding whether the juvenile rehabilitation
6 division of the department of social and health services should be
7 integrated into the department of children, youth, and families, and
8 if so, what the appropriate timing and process is for integration of
9 the juvenile rehabilitation division into the department of children,
10 youth, and families;

11 (k) To provide a report to the governor and the appropriate
12 committees of the legislature by November 1, 2018, that includes:

13 (i) A review of the current process for addressing foster parent
14 complaints and concerns through the department and through the office
15 of the family and children's ombuds established in chapter 43.06A RCW
16 that includes an examination of any deficiencies of the current
17 system; and

18 (ii) Recommendations for expanding, modifying, and enhancing the
19 current system for addressing individual foster parent complaints to
20 improve child welfare, the experience of foster parents, and the
21 overall functioning of the child welfare system; and

22 (l) To provide a report to the governor and the appropriate
23 committees of the legislature by November 1, 2018, that includes
24 recommendations regarding whether the office of homeless youth
25 prevention and protection programs in the department of commerce
26 should be integrated into the department, and the process for that
27 integration if recommended.

28 NEW SECTION. **Sec. 105.** A new section is added to chapter 41.06
29 RCW to read as follows:

30 In addition to the exemptions under RCW 41.06.070, this chapter
31 does not apply in the department of children, youth, and families to
32 the secretary; the secretary's confidential secretary; deputy,
33 assistant, and regional secretaries, one confidential secretary for
34 each of the aforesaid officers; and any other exempt staff members
35 provided for in chapter . . . , Laws of 2017 3rd sp. sess. (this act).

36 NEW SECTION. **Sec. 106.** (1) The secretary or the secretary's
37 designee has the full authority to administer oaths and take
38 testimony, to issue subpoenas requiring the attendance of witnesses

1 before him or her together with all books, memoranda, papers, and
2 other documents, articles, or instruments, and to compel the
3 disclosure by those witnesses of all facts known to them relative to
4 the matters under investigation.

5 (2) Subpoenas issued in adjudicative proceedings are governed by
6 RCW 34.05.588(1).

7 (3) Subpoenas issued in the conduct of investigations required or
8 authorized by other statutory provisions or necessary in the
9 enforcement of other statutory provisions are governed by RCW
10 34.05.588(2).

11 (4) When a judicially approved subpoena is required by law, the
12 secretary or the secretary's designee may apply for and obtain a
13 superior court order approving and authorizing a subpoena in advance
14 of its issuance. The application may be made in the county where the
15 subpoenaed person resides or is found, or in the county where the
16 subpoenaed documents, records, or evidence are located, or in
17 Thurston county. The application must:

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

19 (b) Adequately specify the documents, records, evidence, or
20 testimony; and

21 (c) Include a declaration made under oath that an investigation
22 is being conducted for a lawfully authorized purpose related to an
23 investigation within the department's authority and that the
24 subpoenaed documents, records, evidence, or testimony are reasonably
25 related to an investigation within the department's authority.

26 (5) When an application under subsection (4) of this section is
27 made to the satisfaction of the court, the court must issue an order
28 approving the subpoena. When a judicially approved subpoena is
29 required by law, an order under this subsection constitutes authority
30 of law for the agency to subpoena the documents, records, evidence,
31 or testimony.

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

1 financial institutions, (16) the director of the department of
2 archaeology and historic preservation, (17) the (~~director of early~~
3 ~~learning~~) secretary of children, youth, and families, and (18) the
4 executive director of the Puget Sound partnership.

5 Such officers, except the director of fish and wildlife, shall be
6 appointed by the governor, with the consent of the senate, and hold
7 office at the pleasure of the governor. The director of fish and
8 wildlife shall be appointed by the fish and wildlife commission as
9 prescribed by RCW 77.04.055.

10 **Sec. 111.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015
11 3rd sp.s. c 1 s 317 are each reenacted and amended to read as
12 follows:

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

15 (1) The chief administrative law judge, the director of
16 agriculture, the director of the department of services for the
17 blind, the secretary of children, youth, and families, the director
18 of the state system of community and technical colleges, the director
19 of commerce, the director of the consolidated technology services
20 agency, the secretary of corrections, (~~the director of early~~
21 ~~learning,~~) the director of ecology, the commissioner of employment
22 security, the chair of the energy facility site evaluation council,
23 the director of enterprise services, the secretary of the state
24 finance committee, the director of financial management, the director
25 of fish and wildlife, the executive secretary of the forest practices
26 appeals board, the director of the gambling commission, the secretary
27 of health, the administrator of the Washington state health care
28 authority, the executive secretary of the health care facilities
29 authority, the executive secretary of the higher education facilities
30 authority, the executive secretary of the horse racing commission,
31 the executive secretary of the human rights commission, the executive
32 secretary of the indeterminate sentence review board, the executive
33 director of the state investment board, the director of labor and
34 industries, the director of licensing, the director of the lottery
35 commission, the director of the office of minority and women's
36 business enterprises, the director of parks and recreation, the
37 executive director of the public disclosure commission, the executive
38 director of the Puget Sound partnership, the director of the
39 recreation and conservation office, the director of retirement

1 systems, the director of revenue, the secretary of social and health
2 services, the chief of the Washington state patrol, the executive
3 secretary of the board of tax appeals, the secretary of
4 transportation, the secretary of the utilities and transportation
5 commission, the director of veterans affairs, the president of each
6 of the regional and state universities and the president of The
7 Evergreen State College, and each district and each campus president
8 of each state community college;

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

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

11 (4) Central Washington University board of trustees, the boards
12 of trustees of each community college and each technical college,
13 each member of the state board for community and technical colleges,
14 state convention and trade center board of directors, Eastern
15 Washington University board of trustees, Washington economic
16 development finance authority, Washington energy northwest executive
17 board, The Evergreen State College board of trustees, executive
18 ethics board, fish and wildlife commission, forest practices appeals
19 board, forest practices board, gambling commission, Washington health
20 care facilities authority, student achievement council, higher
21 education facilities authority, horse racing commission, state
22 housing finance commission, human rights commission, indeterminate
23 sentence review board, board of industrial insurance appeals, state
24 investment board, commission on judicial conduct, legislative ethics
25 board, life sciences discovery fund authority board of trustees,
26 state liquor ((control)) and cannabis board, lottery commission,
27 Pacific Northwest electric power and conservation planning council,
28 parks and recreation commission, Washington personnel resources
29 board, board of pilotage commissioners, pollution control hearings
30 board, public disclosure commission, public employees' benefits
31 board, recreation and conservation funding board, salmon recovery
32 funding board, shorelines hearings board, board of tax appeals,
33 transportation commission, University of Washington board of regents,
34 utilities and transportation commission, Washington State University
35 board of regents, and Western Washington University board of
36 trustees.

37 **Sec. 112.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to
38 read as follows:

39 The ombuds shall perform the following duties:

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

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

11 (3) Monitor the procedures as established, implemented, and
12 practiced by the department of children, youth, and families to carry
13 out its responsibilities in delivering family and children's services
14 with a view toward appropriate preservation of families and ensuring
15 children's health and safety;

16 (4) Review periodically the facilities and procedures of state
17 institutions serving children, youth, and families, and state-
18 licensed facilities or residences;

19 (5) Recommend changes in the procedures for addressing the needs
20 of children, youth, and families (~~and children~~);

21 (6) Submit annually to the (~~committee~~) oversight board for
22 children, youth, and families created in section 101 of this act and
23 to the governor by November 1st a report analyzing the work of the
24 (~~office~~) department of children, youth, and families, including
25 recommendations;

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

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

29 **Sec. 113.** RCW 43.215.100 and 2015 3rd sp.s. c 7 s 2 are each
30 amended to read as follows:

31 (1) The department, in collaboration with tribal governments and
32 community and statewide partners, shall implement a quality rating
33 and improvement system, called the early achievers program. The early
34 achievers program provides a foundation of quality for the early care
35 and education system. The early achievers program is applicable to
36 licensed or certified child care centers and homes and early learning
37 programs such as working connections child care and early childhood
38 education and assistance programs.

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

1 (a) Improve short-term and long-term educational outcomes for
2 children as measured by assessments including, but not limited to,
3 the Washington kindergarten inventory of developing skills in RCW
4 28A.655.080;

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

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

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

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

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

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

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

20 (b) Approved early childhood education and assistance program
21 providers receiving state-funded support must participate in the
22 early achievers program by the required deadlines established in RCW
23 43.215.415.

24 (c) Participation in the early achievers program is voluntary
25 for:

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

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

29 (d) School-age child care providers are exempt from participating
30 in the early achievers program. By July 1, 2017, the department and
31 the office of the superintendent of public instruction shall jointly
32 design a plan to incorporate school-age child care providers into the
33 early achievers program or other appropriate quality improvement
34 system. To test implementation of the early achievers system for
35 school-age child care providers the department and the office of the
36 superintendent of public instruction shall implement a pilot program.

37 (4) There are five levels in the early achievers program.
38 Participants are expected to actively engage and continually advance
39 within the program.

1 (5) The department has the authority to determine the rating
2 cycle for the early achievers program. The department shall
3 streamline and eliminate duplication between early achievers
4 standards and state child care rules in order to reduce costs
5 associated with the early achievers rating cycle and child care
6 licensing.

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

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

13 (c) The first rating is free for early achievers program
14 participants.

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

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

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

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

25 (7)(a) The department must create a single source of information
26 for parents and caregivers to access details on a provider's early
27 achievers program rating level, licensing history, and other
28 indicators of quality and safety that will help parents and
29 caregivers make informed choices. The licensing history that the
30 department must provide for parents and caregivers pursuant to this
31 subsection shall only include license suspension, surrender,
32 revocation, denial, stayed suspension, or reinstatement. No unfounded
33 child abuse or neglect reports may be provided to parents and
34 caregivers pursuant to this subsection.

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

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

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

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

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

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

14 (8)(a) The department shall create a professional development
15 pathway for early achievers program participants to obtain a high
16 school diploma or equivalency or higher education credential in early
17 childhood education, early childhood studies, child development, or
18 an academic field related to early care and education.

19 (b) The professional development pathway must include
20 opportunities for scholarships and grants to assist early achievers
21 program participants with the costs associated with obtaining an
22 educational degree.

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

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

29 (10) In collaboration with tribal governments, community and
30 statewide partners, and the early achievers review subcommittee
31 created in RCW 43.215.090 (as recodified by this act), the department
32 shall develop a protocol for granting early achievers program
33 participants an extension in meeting rating level requirement
34 timelines outlined for the working connections child care program and
35 the early childhood education and assistance program.

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

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

4 (c) Extensions may only be granted to early achievers program
5 participants who have demonstrated engagement in the early achievers
6 program.

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

10 (b) Each national accreditation agency will be allowed to submit
11 its most current standards of accreditation to establish potential
12 credit earned in the early achievers program. The department shall
13 grant credit to accreditation bodies that can demonstrate that their
14 standards meet or exceed the current early achievers program
15 standards.

16 (c) Licensed child care centers and child care home providers
17 must meet national accreditation standards approved by the department
18 for the early achievers program in order to be granted credit for the
19 early achievers program standards. Eligibility for the early
20 achievers program is not subject to bargaining, mediation, or
21 interest arbitration under RCW 41.56.028, consistent with the
22 legislative reservation of rights under RCW 41.56.028(4)(d).

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

26 (13) A child care or early learning program that is operated by a
27 federally recognized tribe and receives state funds shall participate
28 in the early achievers program. The tribe may choose to participate
29 through an interlocal agreement between the tribe and the department.
30 The interlocal agreement must reflect the government-to-government
31 relationship between the state and the tribe, including recognition
32 of tribal sovereignty. The interlocal agreement must provide that:

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

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

39 (c) Tribal child care facilities and early learning programs must
40 provide notification to parents or guardians who apply for or have

1 been admitted into their program that early achievers program rating
2 level information is available and provide the parents or guardians
3 with the program's early achievers program rating level upon request.

4 (14) The department shall consult with the early achievers review
5 subcommittee on all substantial policy changes to the early achievers
6 program.

7 (15) Nothing in this section changes the department's
8 responsibility to collectively bargain over mandatory subjects or
9 limits the legislature's authority to make programmatic modifications
10 to licensed child care and early learning programs under RCW
11 41.56.028(4)(d).

12 NEW SECTION. **Sec. 114.** (1) The department shall develop an
13 internal review process to determine whether department licensors
14 have appropriately and consistently applied agency rules in child
15 care facility licensing compliance agreements that do not involve a
16 violation of health and safety standards. Adverse licensing decisions
17 including license denial, suspension, revocation, modification, or
18 nonrenewal pursuant to RCW 43.215.300 (as recodified by this act) or
19 imposition of civil fines pursuant to RCW 43.215.307 (as recodified
20 by this act) are not subject to the internal review process in this
21 section, but may be appealed using the administrative procedure act,
22 chapter 34.05 RCW.

23 (2) The definitions in this subsection apply throughout this
24 section.

25 (a) "Child care facility licensing compliance agreement" means an
26 agreement issued by the department in lieu of the department taking
27 enforcement action against a child care provider that contains: (i) A
28 description of the violation and the rule or law that was violated;
29 (ii) a statement from the licensee regarding the proposed plan to
30 comply with the rule or law; (iii) the date the violation must be
31 corrected; (iv) information regarding other licensing action that may
32 be imposed if compliance does not occur by the required date; and (v)
33 the signature of the licensor and licensee.

34 (b) "Health and safety standards" means rules or requirements
35 developed by the department to protect the health and safety of
36 children against substantial risk of bodily injury, illness, or
37 death.

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

1 (a) Three department employees who may include child care
2 licensors; and

3 (b) Three child care providers selected by the department from
4 names submitted by the oversight board for children, youth, and
5 families established in section 101 of this act.

6 (4) The internal review process established in this section may
7 overturn, change, or uphold a department licensing decision by
8 majority vote. In the event that the six individuals conducting the
9 internal review process are equally divided, the secretary shall make
10 the decision of the internal review process. The internal review
11 process must provide the parties with a written decision of the
12 outcome after completion of the internal review process. A licensee
13 must request a review under the internal review process within ten
14 days of the development of a child care facility licensing compliance
15 agreement and the internal review process must be completed within
16 thirty days after the request from the licensee to initiate the
17 internal review process is received.

18 (5) A licensee may request a final review by the oversight board
19 for children, youth, and families after completing the internal
20 review process established in this section by giving notice to the
21 department and the oversight board for children, youth, and families
22 within ten days of receiving the written decision produced by the
23 internal review process.

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

31 **Sec. 115.** RCW 44.04.220 and 2013 c 23 s 100 are each amended to
32 read as follows:

33 (1) There is created the legislative children's oversight
34 committee for the purpose of monitoring and ensuring compliance with
35 administrative acts, relevant statutes, rules, and policies
36 pertaining to family and children services and the placement,
37 supervision, and treatment of children in the state's care or in
38 state-licensed facilities or residences. The committee shall consist
39 of three senators and three representatives from the legislature. The

1 senate members of the committee shall be appointed by the president
2 of the senate. The house members of the committee shall be appointed
3 by the speaker of the house. Not more than two members from each
4 chamber shall be from the same political party. Members shall be
5 appointed before the close of each regular session of the legislature
6 during an odd-numbered year.

7 (2) The committee shall have the following powers:

8 (a) Selection of its officers and adopt rules for orderly
9 procedure;

10 (b) Request investigations by the ombuds of administrative acts;

11 (c) Receive reports of the ombuds;

12 (d)(i) Obtain access to all relevant records in the possession of
13 the ombuds, except as prohibited by law; and (ii) make
14 recommendations to all branches of government;

15 (e) Request legislation;

16 (f) Conduct hearings into such matters as it deems necessary.

17 (3) Upon receipt of records from the ombuds, the committee is
18 subject to the same confidentiality restrictions as the ombuds under
19 RCW 43.06A.050.

20 (4) From July 1, 2018, through June 30, 2019, the oversight board
21 for children, youth, and families established in section 101 of this
22 act shall assume the duties of the legislative children's oversight
23 committee.

24 (5) This section expires July 1, 2019.

25 PART II

26 POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF EARLY LEARNING

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

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

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

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

1 (b) "Early learning" includes but is not limited to programs and
2 services for child care; state, federal, private, and nonprofit
3 preschool; child care subsidies; child care resource and referral;
4 parental education and support; and training and professional
5 development for early learning professionals;

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

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

15 (e) "Service provider" means the entity that operates a community
16 facility.

17 (2) "Agency" does not include the following:

18 (a) Persons related to the child in the following ways:

19 (i) Any blood relative, including those of half-blood, and
20 including first cousins, nephews or nieces, and persons of preceding
21 generations as denoted by prefixes of grand, great, or great-great;

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

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

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

29 (b) Persons who are legal guardians of the child;

30 (c) Persons who care for a neighbor's or friend's child or
31 children, with or without compensation, where the person providing
32 care for periods of less than twenty-four hours does not conduct such
33 activity on an ongoing, regularly scheduled basis for the purpose of
34 engaging in business, which includes, but is not limited to,
35 advertising such care;

36 (d) Parents on a mutually cooperative basis exchange care of one
37 another's children;

38 (e) Nursery schools that are engaged primarily in early childhood
39 education with preschool children and in which no child is enrolled
40 on a regular basis for more than four hours per day;

1 (f) Schools, including boarding schools, that are engaged
2 primarily in education, operate on a definite school year schedule,
3 follow a stated academic curriculum, and accept only school age
4 children;

5 (g) Seasonal camps of three months' or less duration engaged
6 primarily in recreational or educational activities;

7 (h) Facilities providing child care for periods of less than
8 twenty-four hours when a parent or legal guardian of the child
9 remains on the premises of the facility for the purpose of
10 participating in:

11 (i) Activities other than employment; or

12 (ii) Employment of up to two hours per day when the facility is
13 operated by a nonprofit entity that also operates a licensed child
14 care program at the same facility in another location or at another
15 facility;

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

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

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

24 (iii) The entity is a local affiliate of a national nonprofit;
25 and

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

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

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

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

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

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

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

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

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

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

11 (8) "Early childhood education and assistance program contractor"
12 means an organization that provides early childhood education and
13 assistance program services under a signed contract with the
14 department.

15 (9) "Early childhood education and assistance program provider"
16 means an organization that provides site level, direct, and high
17 quality early childhood education and assistance program services
18 under the direction of an early childhood education and assistance
19 program contractor.

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

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

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

27 (c) Integrated full-day and part-day high quality early learning
28 programs; and

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

31 (11) "Education data center" means the education data center
32 established in RCW 43.41.400, commonly referred to as the education
33 research and data center.

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

37 (13) "Enforcement action" means denial, suspension, revocation,
38 modification, or nonrenewal of a license pursuant to RCW
39 43.215.300(1) (as recodified by this act) or assessment of civil

1 monetary penalties pursuant to RCW 43.215.300(3) (as recodified by
2 this act).

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

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

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

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

16 (18) "Negative action" means a court order, court judgment, or an
17 adverse action taken by an agency, in any state, federal, tribal, or
18 foreign jurisdiction, which results in a finding against the
19 applicant reasonably related to the individual's character,
20 suitability, and competence to care for or have unsupervised access
21 to children in child care. This may include, but is not limited to:

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

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

25 (c) An adverse agency action, including termination, revocation,
26 or denial of a license or certification, or if pending adverse agency
27 action, the voluntary surrender of a license, certification, or
28 contract in lieu of the adverse action;

29 (d) A revocation, denial, or restriction placed on any
30 professional license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (b) To make early learning resources available to parents and
32 caregivers;

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

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

1 (e) To safeguard and promote the health, safety, and well-being
2 of children receiving child care and early learning assistance, which
3 is paramount over the right of any person to provide such care;

4 (f) To apply data already collected comparing the following
5 factors and make biennial recommendations to the legislature
6 regarding working connections subsidy and state-funded preschool
7 rates and compensation models that would attract and retain high
8 quality early learning professionals:

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

11 (ii) Compensation of early learning educators in licensed centers
12 and homes and early learning teachers at state higher education
13 institutions;

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

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

18 ~~((f))~~ (g) To serve as the state lead agency for Part C of the
19 federal individuals with disabilities education act (IDEA) and to
20 develop and adopt rules that establish minimum requirements for the
21 services offered through Part C programs, including allowable
22 allocations and expenditures for transition into Part B of the
23 federal individuals with disabilities education act (IDEA);

24 ~~((g))~~ (h) To standardize internal financial audits, oversight
25 visits, performance benchmarks, and licensing criteria, so that
26 programs can function in an integrated fashion;

27 ~~((h))~~ (i) To support the implementation of the nongovernmental
28 private-public partnership and cooperate with that partnership in
29 pursuing its goals including providing data and support necessary for
30 the successful work of the partnership;

31 ~~((i))~~ (j) To work cooperatively and in coordination with the
32 early learning council;

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

36 ~~((k))~~ (l) To develop and adopt rules for administration of the
37 program of early learning established in RCW 43.215.455 (as
38 recodified by this act);

39 ~~((l))~~ (m) To develop a comprehensive birth-to-three plan to
40 provide education and support through a continuum of options

1 including, but not limited to, services such as: Home visiting;
2 quality incentives for infant and toddler child care subsidies;
3 quality improvements for family home and center-based child care
4 programs serving infants and toddlers; professional development;
5 early literacy programs; and informal supports for family, friend,
6 and neighbor caregivers; and

7 ~~((+3))~~ (n) Upon the development of an early learning information
8 system, to make available to parents timely inspection and licensing
9 action information and provider comments through the internet and
10 other means.

11 ~~((+3))~~ (2) When additional funds are appropriated for the
12 specific purpose of home visiting and parent and caregiver support,
13 the department must reserve at least eighty percent for home visiting
14 services to be deposited into the home visiting services account and
15 up to twenty percent of the new funds for other parent or caregiver
16 support.

17 ~~((+4))~~ (3) Home visiting services must include programs that
18 serve families involved in the child welfare system.

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

23 ~~(+6))~~ (4) The department's programs shall be designed in a way
24 that respects and preserves the ability of parents and legal
25 guardians to direct the education, development, and upbringing of
26 their children, and that recognizes and honors cultural and
27 linguistic diversity. The department shall include parents and legal
28 guardians in the development of policies and program decisions
29 affecting their children.

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

32 (1)(a) The ~~((director of the department of early learning))~~
33 secretary shall review current department policies and assess the
34 adequacy and availability of programs targeted at persons who receive
35 assistance who are the children and families of a person who is
36 incarcerated in a department of corrections facility. Great attention
37 shall be focused on programs and policies affecting foster youth who
38 have a parent who is incarcerated.

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

5 (2) The (~~director~~) secretary shall conduct the following
6 activities to assist in implementing the requirements of subsection
7 (1) of this section:

8 (a) Gather information and data on the recipients of assistance
9 who are the children and families of inmates incarcerated in
10 department of corrections facilities; and

11 (b) Participate in the children of incarcerated parents advisory
12 committee and report information obtained under this section to the
13 advisory committee.

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

16 (1) In addition to other duties under this chapter, the
17 (~~director~~) secretary shall actively participate in a
18 nongovernmental private-public partnership focused on supporting
19 government's investments in early learning and ensuring that every
20 child in the state is prepared to succeed in school and in life.
21 Except for licensing as required by Washington state law and to the
22 extent permitted by federal law, the (~~director of the department of~~
23 ~~early learning~~) secretary shall grant waivers from the rules of
24 state agencies for the operation of early learning programs requested
25 by the nongovernmental private-public partnership to allow for
26 flexibility to pursue market-based approaches to achieving the best
27 outcomes for children and families.

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

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

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

34 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary
35 to implement this chapter, including rules governing child day care
36 and early learning programs under this chapter. This section does not
37 expand the rule-making authority of the director beyond that
38 necessary to implement and administer programs and services existing
39 July 1, 2006, as transferred to the department of early learning

1 under section 501, chapter 265, Laws of 2006. The rule-making
2 authority does not include any authority to set mandatory curriculum
3 or establish what must be taught in child day care centers or by
4 family day care providers.

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

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

9 (1) In consultation and with the advice and assistance of persons
10 representative of the various type agencies to be licensed, to
11 designate categories of child care facilities for which separate or
12 different requirements shall be developed as may be appropriate
13 whether because of variations in the ages and other characteristics
14 of the children served, variations in the purposes and services
15 offered or size or structure of the agencies to be licensed, or
16 because of any other factor relevant thereto;

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

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

28 (3) In consultation and with the advice and assistance of parents
29 or guardians, and persons representative of the various type agencies
30 to be licensed, to adopt and publish minimum requirements for
31 licensing applicable to each of the various categories of agencies to
32 be licensed under this chapter;

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

38 (5) To satisfy the shared background check requirements provided
39 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the

1 department of (~~early learning~~) children, youth, and families and
2 the department of social and health services shall share federal
3 fingerprint-based background check results as permitted under the
4 law. The purpose of this provision is to allow both departments to
5 fulfill their joint background check responsibility of checking any
6 individual who may have unsupervised access to vulnerable adults,
7 children, or juveniles. Neither department may share the federal
8 background check results with any other state agency or person;

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

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

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

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

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

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

27 (1) In determining whether an individual is of appropriate
28 character, suitability, and competence to provide child care and
29 early learning services to children, the department may consider the
30 history of past involvement of child protective services or law
31 enforcement agencies with the individual for the purpose of
32 establishing a pattern of conduct, behavior, or inaction with regard
33 to the health, safety, or welfare of a child. No report of child
34 abuse or neglect that has been destroyed or expunged under RCW
35 26.44.031 may be used for such purposes. No unfounded or inconclusive
36 allegation of child abuse or neglect as defined in RCW 26.44.020 may
37 be disclosed to a provider licensed under this chapter.

38 (2) In order to determine the suitability of individuals newly
39 applying for an agency license, new licensees, their new employees,

1 and other persons who newly have unsupervised access to children in
2 care, shall be fingerprinted.

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

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

11 (ii) Persons required to be fingerprinted and obtain a criminal
12 (~~history~~) history record check pursuant to this section must pay
13 for the cost of this check as follows: The fee established by the
14 Washington state patrol for the criminal background history check,
15 including the cost of obtaining the fingerprints; and a fee paid to
16 the department for the cost of administering the individual-based/
17 portable background check clearance registry. The fee paid to the
18 department must be deposited into the individual-based/portable
19 background check clearance account established in RCW 43.215.218 (as
20 recodified by this act). The licensee may, but need not, pay these
21 costs on behalf of a prospective employee or reimburse the
22 prospective employee for these costs. The licensee and the
23 prospective employee may share these costs.

24 (c) The (~~director~~) secretary shall use the fingerprint criminal
25 history record check information solely for the purpose of
26 determining eligibility for a license and for determining the
27 character, suitability, and competence of those persons or agencies,
28 excluding parents, not required to be licensed who are authorized to
29 care for children.

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

33 (e) No later than July 1, 2013, all agency licensees holding
34 licenses prior to July 1, 2012, persons who were employees before
35 July 1, 2012, and persons who have been qualified by the department
36 before July 1, 2012, to have unsupervised access to children in care,
37 must submit a new background application to the department. The
38 department must require persons submitting a new background
39 application pursuant to this subsection (2)(e) to pay a fee to the
40 department for the cost of administering the individual-based/

1 portable background check clearance registry. This fee must be paid
2 into the individual-based/portable background check clearance account
3 established in RCW 43.215.218 (as recodified by this act). The
4 licensee may, but need not, pay these costs on behalf of a
5 prospective employee or reimburse the prospective employee for these
6 costs. The licensee and the prospective employee may share these
7 costs.

8 (f) The department shall issue a background check clearance card
9 or certificate to the applicant if after the completion of a
10 background check the department concludes the applicant is qualified
11 for unsupervised access to children in child care. The background
12 check clearance card or certificate is valid for three years from the
13 date of issuance. A valid card or certificate must be accepted by a
14 potential employer as proof that the applicant has successfully
15 completed a background check as required under this chapter.

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

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

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

28 (j) The department shall investigate and conduct a
29 redetermination of an applicant's or licensee's background clearance
30 if the department receives a complaint or information from
31 individuals, a law enforcement agency, or other federal, state, or
32 local government agency. Subject to the requirements contained in RCW
33 43.215.300 and 43.215.305 (as recodified by this act) and based on a
34 determination that an individual lacks the appropriate character,
35 suitability, or competence to provide child care or early learning
36 services to children, the department may: (i) Invalidate the
37 background card or certificate; or (ii) suspend, modify, or revoke
38 any license authorized by this chapter.

39 (3) To satisfy the shared background check requirements of the
40 department of (~~early learning~~) children, youth, and families and

1 the department of social and health services, each department shall
2 share federal fingerprint-based background check results as permitted
3 under the law. The purpose of this provision is to allow both
4 departments to fulfill their joint background check responsibility of
5 checking any individual who may have unsupervised access to
6 vulnerable adults, children, or juveniles. Neither department may
7 share the federal background check results with any other state
8 agency or person.

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

11 Subject to appropriation, the department (~~((of early learning))~~)
12 shall (~~((establish and))~~) maintain an individual-based or portable
13 background check clearance registry (~~((by July 1, 2012))~~). Any
14 individual seeking a child care license or employment in any child
15 care facility licensed or regulated under current law shall submit a
16 background application on a form prescribed by the department in
17 rule.

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

20 (~~((Effective July 1, 2011,))~~) All agency licensees shall pay the
21 department a one-time fee established by the department. When
22 establishing the fee, the department must consider the cost of
23 developing and administering the registry, and shall not set a fee
24 which is estimated to generate revenue beyond estimated costs for the
25 development and administration of the registry. Fee revenues must be
26 deposited in the individual-based/portable background check clearance
27 account created in RCW 43.215.218 (as recodified by this act) and may
28 be expended only for the costs of developing and administering the
29 individual-based/portable background check clearance registry created
30 in RCW 43.215.216 (as recodified by this act).

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

33 The individual-based/portable background check clearance account
34 is created in the custody of the state treasurer. All fees collected
35 pursuant to RCW 43.215.215 and 43.215.217 (as recodified by this act)
36 must be deposited in the account. Expenditures from the account may
37 be made only for development and administration, and implementation

1 of the individual-based/portable background check registry
2 established in RCW 43.215.216 (as recodified by this act). Only the
3 (~~director of the department of early learning~~) secretary or the
4 (~~director's~~) secretary's designee may authorize expenditures from
5 the account. The account is subject to allotment procedures under
6 chapter 43.88 RCW, but an appropriation is not required for
7 expenditures.

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

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout RCW 43.215.400 through 43.215.457 and
12 43.215.900 through 43.215.903 (as recodified by this act).

13 (1) "Advisory committee" means the advisory committee under RCW
14 43.215.420 (as recodified by this act).

15 (2) "Approved programs" means those state-supported education and
16 special assistance programs which are recognized by the department as
17 meeting the minimum program rules adopted by the department to
18 qualify under RCW 43.215.400 through 43.215.450 and 43.215.900
19 through 43.215.903 (as recodified by this act) and are designated as
20 eligible for funding by the department under RCW 43.215.430 and
21 43.215.440 (as recodified by this act).

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

25 (4) (~~("Department" means the department of early learning.~~
26 ~~+5)~~) "Eligible child" means a child not eligible for
27 kindergarten whose family income is at or below one hundred ten
28 percent of the federal poverty level, as published annually by the
29 federal department of health and human services, and includes a child
30 whose family is eligible for public assistance, and who is not a
31 participant in a federal or state program providing comprehensive
32 services; a child eligible for special education due to disability
33 under RCW 28A.155.020; and may include children who are eligible
34 under rules adopted by the department if the number of such children
35 equals not more than ten percent of the total enrollment in the early
36 childhood program. Priority for enrollment shall be given to children
37 from families with the lowest income, children in foster care, or to
38 eligible children from families with multiple needs.

1 ~~((6))~~ (5) "Family support services" means providing
2 opportunities for parents to:
3 (a) Actively participate in their child's early childhood
4 program;
5 (b) Increase their knowledge of child development and parenting
6 skills;
7 (c) Further their education and training;
8 (d) Increase their ability to use needed services in the
9 community;
10 (e) Increase their self-reliance.

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

13 The department shall establish an advisory committee composed of
14 interested parents and representatives from the office of the
15 superintendent of public instruction, ~~((the division of children and
16 family services within the department of social and health
17 services,))~~ early childhood education and development staff
18 preparation programs, the head start programs, school districts, and
19 such other community and business organizations as deemed necessary
20 by the department to assist with the establishment of the preschool
21 program and advise the department on matters regarding the ongoing
22 promotion and operation of the program.

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

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

26 (1) Recognize the family as the most important social and
27 economic unit of society and support the central role parents play in
28 child rearing. All parents are encouraged to care for and nurture
29 their children through the traditional methods of parental care at
30 home. The availability of quality, affordable child care is a concern
31 for working parents, the costs of care are often beyond the resources
32 of working parents, and child care facilities are not located
33 conveniently to workplaces and neighborhoods. Parents are encouraged
34 to participate fully in the effort to improve the quality of child
35 care services.

36 (2) Promote a variety of culturally and developmentally
37 appropriate child care settings and services of the highest possible
38 quality in accordance with the basic principle of continuity of care.

1 These settings shall include, but not be limited to, family day care
2 homes, mini-centers, centers and schools.

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

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

10 (5) Facilitate broad community and private sector involvement in
11 the provision of quality child care services to foster economic
12 development and assist industry through the department (~~(of early~~
13 ~~learning)~~)).

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

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

17 (1) Work in conjunction with the statewide child care resource
18 and referral network as well as local governments, nonprofit
19 organizations, businesses, and community child care advocates to
20 create local child care resource and referral organizations. These
21 organizations may carry out needs assessments, resource development,
22 provider training, technical assistance, and parent information and
23 training;

24 (2) Actively seek public and private money for distribution as
25 grants to the statewide child care resource and referral network and
26 to existing or potential local child care resource and referral
27 organizations;

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

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

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

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

38 (d) Provide information for businesses regarding child care
39 supply and demand;

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

3 (f) Provide technical assistance to employers regarding employee
4 child care services; and

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

8 (4) Provide staff support and technical assistance to the
9 statewide child care resource and referral network and local child
10 care resource and referral organizations;

11 (5) Maintain a statewide child care licensing data bank and work
12 with department licensors to provide information to local child care
13 resource and referral organizations about licensed child care
14 providers in the state;

15 (6) Through the statewide child care resource and referral
16 network and local resource and referral organizations, compile data
17 about local child care needs and availability for future planning and
18 development;

19 (7) Coordinate with the statewide child care resource and
20 referral network and local child care resource and referral
21 organizations for the provision of training and technical assistance
22 to child care providers;

23 (8) Collect and assemble information regarding the availability
24 of insurance and of federal and other child care funding to assist
25 state and local agencies, businesses, and other child care providers
26 in offering child care services;

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

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

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

35 (b) The provider is actively participating in the early achievers
36 program;

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

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

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

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

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

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

11 (2) Provide technical assistance to employers regarding child
12 care services, working with and through local resource and referral
13 organizations whenever possible. Such technical assistance shall
14 include at a minimum:

15 (a) Assessing the child care needs of employees and prospective
16 employees;

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

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

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

23 (e) Preparing, collecting, and distributing current information
24 for employers on options for increasing involvement in child care;
25 and

26 (3) Provide assistance to local child care resource and referral
27 organizations to increase their capacity to provide quality technical
28 assistance to employers in their community.

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

31 (1) Beginning with the 2007-08 school year, funding for voluntary
32 all-day kindergarten programs shall be phased-in beginning with
33 schools with the highest poverty levels, defined as those schools
34 with the highest percentages of students qualifying for free and
35 reduced-price lunch support in the prior school year. During the
36 2011-2013 biennium, funding shall continue to be phased-in each year
37 until full statewide implementation of all-day kindergarten is
38 achieved in the 2017-18 school year. Once a school receives funding

1 for the all-day kindergarten program, that school shall remain
2 eligible for funding in subsequent school years regardless of changes
3 in the school's percentage of students eligible for free and reduced-
4 price lunches as long as other program requirements are fulfilled.
5 Additionally, schools receiving all-day kindergarten program support
6 shall agree to the following conditions:

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

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

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

12 (ii) Developing a variety of communication skills;

13 (iii) Providing experiences in science, social studies, arts,
14 health and physical education, and a world language other than
15 English;

16 (iv) Acquiring large and small motor skills;

17 (v) Acquiring social and emotional skills including successful
18 participation in learning activities as an individual and as part of
19 a group; and

20 (vi) Learning through hands-on experiences;

21 (c) Establish learning environments that are developmentally
22 appropriate and promote creativity;

23 (d) Demonstrate strong connections and communication with early
24 learning community providers; and

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

27 (2)(a) It is the intent of the legislature that administration of
28 the Washington kindergarten inventory of developing skills as
29 required in this subsection (2) and RCW 28A.655.080 replace
30 administration of other assessments being required by school
31 districts or that other assessments only be administered if they seek
32 to obtain information not covered by the Washington kindergarten
33 inventory of developing skills.

34 (b) In addition to the requirements in subsection (1) of this
35 section and to the extent funds are available, beginning with the
36 2011-12 school year on a voluntary basis, schools must identify the
37 skills, knowledge, and characteristics of kindergarten students at
38 the beginning of the school year in order to support social-
39 emotional, physical, and cognitive growth and development of
40 individual children; support early learning provider and parent

1 involvement; and inform instruction. Kindergarten teachers shall
2 administer the Washington kindergarten inventory of developing
3 skills, as directed by the superintendent of public instruction in
4 consultation with the department of (~~early learning~~) children,
5 youth, and families and in collaboration with the nongovernmental
6 private-public partnership designated in RCW 43.215.070 (as
7 recodified by this act), and report the results to the
8 superintendent. The superintendent shall share the results with the
9 (~~director~~) secretary of the department of (~~early learning~~)
10 children, youth, and families.

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

14 (3) Subject to funds appropriated for this purpose, the
15 superintendent of public instruction shall designate one or more
16 school districts to serve as resources and examples of best practices
17 in designing and operating a high-quality all-day kindergarten
18 program. Designated school districts shall serve as lighthouse
19 programs and provide technical assistance to other school districts
20 in the initial stages of implementing an all-day kindergarten
21 program. Examples of topics addressed by the technical assistance
22 include strategic planning, developing the instructional program and
23 curriculum, working with early learning providers to identify
24 students and communicate with parents, and developing kindergarten
25 program readiness activities.

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

28 (1) Each school district shall provide or contract for early
29 intervention services to all eligible children with disabilities from
30 birth to three years of age. Eligibility shall be determined
31 according to Part C of the federal individuals with disabilities
32 education act or other applicable federal and state laws, and as
33 specified in the Washington Administrative Code adopted by the state
34 lead agency, which is the department of (~~early learning~~) children,
35 youth, and families. School districts shall provide or contract, or
36 both, for early intervention services in partnership with local
37 birth-to-three lead agencies and birth-to-three providers. Services
38 provided under this section shall not supplant services or funding
39 currently provided in the state for early intervention services to

1 eligible children with disabilities from birth to three years of age.
2 The state-designated birth-to-three lead agency shall be payor of
3 last resort for birth-to-three early intervention services provided
4 under this section.

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

11 (b) The reported expenditures must include, but are not limited
12 to per student allocations, per student expenditures, the number of
13 children served, detailed information on services provided by school
14 districts and contracted for by school districts, coordination and
15 transition services, and administrative costs.

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

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

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

22 (1) "Chief administrator" shall mean the person with the
23 authority and responsibility for the immediate supervision of the
24 operation of a school or day care center as defined in this section
25 or, in the alternative, such other person as may hereafter be
26 designated in writing for the purposes of RCW 28A.210.060 through
27 28A.210.170 by the statutory or corporate board of directors of the
28 school district, school, or day care center or, if none, such other
29 persons or person with the authority and responsibility for the
30 general supervision of the operation of the school district, school
31 or day care center.

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

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

38 (4) "School" shall mean and include each building, facility, and
39 location at or within which any or all portions of a preschool,

1 kindergarten and grades one through twelve program of education and
2 related activities are conducted for two or more children by or in
3 behalf of any public school district and by or in behalf of any
4 private school or private institution subject to approval by the
5 state board of education pursuant to RCW 28A.305.130, 28A.195.010
6 through 28A.195.050, and 28A.410.120.

7 (5) "Day care center" shall mean an agency which regularly
8 provides care for a group of thirteen or more children for periods of
9 less than twenty-four hours and is licensed pursuant to chapter
10 ~~((74.15))~~ 43.215 RCW (as recodified by this act).

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

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

16 Expenditures under federal funds and/or state appropriations made
17 to carry out the purposes of RCW 28A.215.010 through 28A.215.050
18 shall be made by warrants issued by the state treasurer upon order of
19 the superintendent of public instruction. The superintendent of
20 public instruction shall make necessary rules to carry out the
21 purpose of RCW 28A.215.010. ~~((After being notified by the office of
22 the governor that there is an agency or department responsible for
23 early learning,))~~ The superintendent shall consult with ~~((that
24 agency))~~ the department of children, youth, and families when
25 establishing relevant rules.

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

28 For the program of early learning established in RCW
29 ~~((43.215.141))~~ 43.215.455 (as recodified by this act), school
30 districts:

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

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

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

1 (1) School districts, educational service districts, the
2 Washington state center for childhood deafness and hearing loss, the
3 state school for the blind, and their contractors hiring employees
4 who will have regularly scheduled unsupervised access to children
5 shall require a record check through the Washington state patrol
6 criminal identification system under RCW 43.43.830 through 43.43.834,
7 10.97.030, and 10.97.050 and through the federal bureau of
8 investigation before hiring an employee. The record check shall
9 include a fingerprint check using a complete Washington state
10 criminal identification fingerprint card. The requesting entity shall
11 provide a copy of the record report to the applicant. When necessary,
12 applicants may be employed on a conditional basis pending completion
13 of the investigation. If the applicant has had a record check within
14 the previous two years, the district, the Washington state center for
15 childhood deafness and hearing loss, the state school for the blind,
16 or contractor may waive the requirement. Except as provided in
17 subsection (2) of this section, the district, pursuant to chapter
18 41.59 or 41.56 RCW, the Washington state center for childhood
19 deafness and hearing loss, the state school for the blind, or
20 contractor hiring the employee shall determine who shall pay costs
21 associated with the record check.

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

25 (3) Individuals who hold a valid portable background check
26 clearance card issued by the department of ~~((early—learning))~~
27 children, youth, and families consistent with RCW 43.215.215 (as
28 recodified by this act) can meet the requirements in subsection (1)
29 of this section by providing a true and accurate copy of their
30 Washington state patrol and federal bureau of investigation
31 background report results to the office of the superintendent of
32 public instruction.

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

35 (1)(a) The Washington professional educator standards board shall
36 establish, publish, and enforce rules determining eligibility for and
37 certification of personnel employed in the common schools of this
38 state, including certification for emergency or temporary, substitute
39 or provisional duty and under such certificates or permits as the

1 board shall deem proper or as otherwise prescribed by law. The rules
2 shall require that the initial application for certification shall
3 require a record check of the applicant through the Washington state
4 patrol criminal identification system and through the federal bureau
5 of investigation at the applicant's expense. The record check shall
6 include a fingerprint check using a complete Washington state
7 criminal identification fingerprint card. An individual who holds a
8 valid portable background check clearance card issued by the
9 department of ((early learning)) children, youth, and families
10 consistent with RCW 43.215.215 (as recodified by this act) is exempt
11 from the office of the superintendent of public instruction
12 fingerprint background check if the individual provides a true and
13 accurate copy of his or her Washington state patrol and federal
14 bureau of investigation background report results to the office of
15 the superintendent of public instruction. The superintendent of
16 public instruction may waive the record check for any applicant who
17 has had a record check within the two years before application. The
18 rules shall permit a holder of a lapsed certificate but not a revoked
19 or suspended certificate to be employed on a conditional basis by a
20 school district with the requirement that the holder must complete
21 any certificate renewal requirements established by the state board
22 of education within two years of initial reemployment.

23 (b) In establishing rules pertaining to the qualifications of
24 instructors of American sign language the board shall consult with
25 the national association of the deaf, "sign instructors guidance
26 network" (s.i.g.n.), and the Washington state association of the deaf
27 for evaluation and certification of sign language instructors.

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

30 (2) The superintendent of public instruction shall act as the
31 administrator of any such rules and have the power to issue any
32 certificates or permits and revoke the same in accordance with board
33 rules.

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

36 The following personal information is exempt from public
37 inspection and copying under this chapter:

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

4 (2)(a) Personal information:

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

8 (ii) For a child enrolled in a public or nonprofit program
9 serving or pertaining to children, adolescents, or students,
10 including but not limited to early learning or child care services,
11 parks and recreation programs, youth development programs, and after-
12 school programs; or

13 (iii) For the family members or guardians of a child who is
14 subject to the exemption under this subsection (2) if the family
15 member or guardian has the same last name (~~of~~~~as~~) as the child or
16 if the family member or guardian resides at the same address (~~of~~
17 ~~as~~) as the child and disclosure of the family member's or
18 guardian's information would result in disclosure of the personal
19 information exempted under (a)(i) and (ii) of this subsection.

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

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

26 (4) Information required of any taxpayer in connection with the
27 assessment or collection of any tax if the disclosure of the
28 information to other persons would: (a) Be prohibited to such persons
29 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
30 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
31 to privacy or result in unfair competitive disadvantage to the
32 taxpayer;

33 (5) Credit card numbers, debit card numbers, electronic check
34 numbers, card expiration dates, or bank or other financial
35 information as defined in RCW 9.35.005 including social security
36 numbers, except when disclosure is expressly required by or governed
37 by other law;

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

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

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

6 (c) Any record pertaining to a vehicle license plate, driver's
7 license, or identicard issued under RCW 46.08.066 that, alone or in
8 combination with any other records, may reveal the identity of an
9 individual, or reveal that an individual is or was, performing an
10 undercover or covert law enforcement, confidential public health
11 work, public assistance fraud, or child support investigative
12 activity. This exemption does not prevent the release of the total
13 number of vehicle license plates, drivers' licenses, or identicards
14 that, under RCW 46.08.066, an agency or department has applied for,
15 been issued, denied, returned, destroyed, lost, and reported for
16 misuse.

17 (d) Any record pertaining to a vessel registration issued under
18 RCW 88.02.330 that, alone or in combination with any other records,
19 may reveal the identity of an individual, or reveal that an
20 individual is or was, performing an undercover or covert law
21 enforcement activity. This exemption does not prevent the release of
22 the total number of vessel registrations that, under RCW 88.02.330,
23 an agency or department has applied for, been issued, denied,
24 returned, destroyed, lost, and reported for misuse; (~~and~~)

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

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

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

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

1 (1) An education data center shall be established in the office
2 of financial management. The education data center shall jointly,
3 with the legislative evaluation and accountability program committee,
4 conduct collaborative analyses of early learning, K-12, and higher
5 education programs and education issues across the P-20 system, which
6 includes the department of (~~early learning~~) children, youth, and
7 families, the superintendent of public instruction, the professional
8 educator standards board, the state board of education, the state
9 board for community and technical colleges, the workforce training
10 and education coordinating board, the student achievement council,
11 public and private nonprofit four-year institutions of higher
12 education, and the employment security department. The education data
13 center shall conduct collaborative analyses under this section with
14 the legislative evaluation and accountability program committee and
15 provide data electronically to the legislative evaluation and
16 accountability program committee, to the extent permitted by state
17 and federal confidentiality requirements. The education data center
18 shall be considered an authorized representative of the state
19 educational agencies in this section under applicable federal and
20 state statutes for purposes of accessing and compiling student record
21 data for research purposes.

22 (2) The education data center shall:

23 (a) In consultation with the legislative evaluation and
24 accountability program committee and the agencies and organizations
25 participating in the education data center, identify the critical
26 research and policy questions that are intended to be addressed by
27 the education data center and the data needed to address the
28 questions;

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

33 (c) Collaborate with the legislative evaluation and
34 accountability program committee and the education and fiscal
35 committees of the legislature in identifying the data to be compiled
36 and analyzed to ensure that legislative interests are served;

37 (d) Annually provide to the K-12 data governance group a list of
38 data elements and data quality improvements that are necessary to
39 answer the research and policy questions identified by the education
40 data center and have been identified by the legislative committees in

1 (c) of this subsection. Within three months of receiving the list,
2 the K-12 data governance group shall develop and transmit to the
3 education data center a feasibility analysis of obtaining or
4 improving the data, including the steps required, estimated time
5 frame, and the financial and other resources that would be required.
6 Based on the analysis, the education data center shall submit, if
7 necessary, a recommendation to the legislature regarding any
8 statutory changes or resources that would be needed to collect or
9 improve the data;

10 (e) Monitor and evaluate the education data collection systems of
11 the organizations and agencies represented in the education data
12 center ensuring that data systems are flexible, able to adapt to
13 evolving needs for information, and to the extent feasible and
14 necessary, include data that are needed to conduct the analyses and
15 provide answers to the research and policy questions identified in
16 (a) of this subsection;

17 (f) Track enrollment and outcomes through the public centralized
18 higher education enrollment system;

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

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

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

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

32 (3) The department of ((early learning)) children, youth, and
33 families, superintendent of public instruction, professional educator
34 standards board, state board of education, state board for community
35 and technical colleges, workforce training and education coordinating
36 board, student achievement council, public four-year institutions of
37 higher education, department of social and health services, and
38 employment security department shall work with the education data
39 center to develop data-sharing and research agreements, consistent
40 with applicable security and confidentiality requirements, to

1 facilitate the work of the center. The education data center shall
2 also develop data-sharing and research agreements with the
3 administrative office of the courts to conduct research on
4 educational and workforce outcomes using data maintained under RCW
5 13.50.010(12) related to juveniles. Private, nonprofit institutions
6 of higher education that provide programs of education beyond the
7 high school level leading at least to the baccalaureate degree and
8 are accredited by the Northwest association of schools and colleges
9 or their peer accreditation bodies may also develop data-sharing and
10 research agreements with the education data center, consistent with
11 applicable security and confidentiality requirements. The education
12 data center shall make data from collaborative analyses available to
13 the education agencies and institutions that contribute data to the
14 education data center to the extent allowed by federal and state
15 security and confidentiality requirements applicable to the data of
16 each contributing agency or institution.

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

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

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

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

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

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

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

8 (a) When considering persons for state employment in positions
9 directly responsible for the supervision, care, or treatment of
10 children, vulnerable adults, or individuals with mental illness or
11 developmental disabilities;

12 (b) When considering persons for state positions involving
13 unsupervised access to vulnerable adults to conduct comprehensive
14 assessments, financial eligibility determinations, licensing and
15 certification activities, investigations, surveys, or case
16 management; or for state positions otherwise required by federal law
17 to meet employment standards;

18 (c) When licensing agencies or facilities with individuals in
19 positions directly responsible for the care, supervision, or
20 treatment of children, developmentally disabled persons, or
21 vulnerable adults, including but not limited to agencies or
22 facilities licensed under chapter 74.15 or 18.51 RCW;

23 (d) When contracting with individuals or businesses or
24 organizations for the care, supervision, case management, or
25 treatment, including peer counseling, of children, developmentally
26 disabled persons, or vulnerable adults, including but not limited to
27 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
28 or 74.39A RCW or Title 71A RCW;

29 (e) When individual providers are paid by the state or providers
30 are paid by home care agencies to provide in-home services involving
31 unsupervised access to persons with physical, mental, or
32 developmental disabilities or mental illness, or to vulnerable adults
33 as defined in chapter 74.34 RCW, including but not limited to
34 services provided under chapter 74.39 or 74.39A RCW.

35 (3) The (~~director~~) secretary of the department of (~~early~~
36 ~~learning~~) children, youth, and families shall investigate the
37 conviction records, pending charges, and other information including
38 civil adjudication proceeding records of current employees and of any
39 person actively being considered for any position with the department
40 who will or may have unsupervised access to children, or for state

1 positions otherwise required by federal law to meet employment
2 standards. "Considered for any position" includes decisions about (a)
3 initial hiring, layoffs, reallocations, transfers, promotions, or
4 demotions, or (b) other decisions that result in an individual being
5 in a position that will or may have unsupervised access to children
6 as an employee, an intern, or a volunteer.

7 (4) The (~~director~~) secretary of the department of (~~early~~
8 ~~learning~~) children, youth, and families shall adopt rules and
9 investigate conviction records, pending charges, and other
10 information including civil adjudication proceeding records, in the
11 following circumstances:

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

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

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

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

33 (5) Whenever a state conviction record check is required by state
34 law, persons may be employed or engaged as volunteers or independent
35 contractors on a conditional basis pending completion of the state
36 background investigation. Whenever a national criminal record check
37 through the federal bureau of investigation is required by state law,
38 a person may be employed or engaged as a volunteer or independent
39 contractor on a conditional basis pending completion of the national
40 check. The Washington personnel resources board shall adopt rules to

1 accomplish the purposes of this subsection as it applies to state
2 employees.

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

9 (b) Completed criminal background inquiry information may be
10 shared by a willing health care facility only if the following
11 conditions are satisfied: The licensed health care facility sharing
12 the criminal background inquiry information is reasonably known to be
13 the person's most recent employer, no more than twelve months has
14 elapsed from the date the person was last employed at a licensed
15 health care facility to the date of their current employment
16 application, and the criminal background information is no more than
17 two years old.

18 (c) If criminal background inquiry information is shared, the
19 health care facility employing the subject of the inquiry must
20 require the applicant to sign a disclosure statement indicating that
21 there has been no conviction or finding as described in RCW 43.43.842
22 since the completion date of the most recent criminal background
23 inquiry.

24 (d) Any health care facility that knows or has reason to believe
25 that an applicant has or may have a disqualifying conviction or
26 finding as described in RCW 43.43.842, subsequent to the completion
27 date of their most recent criminal background inquiry, shall be
28 prohibited from relying on the applicant's previous employer's
29 criminal background inquiry information. A new criminal background
30 inquiry shall be requested pursuant to RCW 43.43.830 through
31 43.43.842.

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

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

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

3 (1) Except as provided in subsection (2) of this section, in
4 order to determine the character, competence, and suitability of any
5 applicant or service provider to have unsupervised access, the
6 secretary of the department of social and health services and the
7 secretary of the department of children, youth, and families may
8 require a fingerprint-based background check through both the
9 Washington state patrol and the federal bureau of investigation at
10 any time, but shall require a fingerprint-based background check when
11 the applicant or service provider has resided in the state less than
12 three consecutive years before application, and:

13 (a) Is an applicant or service provider providing services to
14 children or people with developmental disabilities under RCW
15 74.15.030;

16 (b) Is an individual residing in an applicant or service
17 provider's home, facility, entity, agency, or business or who is
18 authorized by the department of social and health services or the
19 department of children, youth, and families to provide services to
20 children or people with developmental disabilities under RCW
21 74.15.030; or

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

24 (i) Medicaid personal care under RCW 74.09.520;

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

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

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

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

34 (3) To satisfy the shared background check requirements provided
35 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
36 department of ~~((early learning))~~ children, youth, and families and
37 the department of social and health services shall share federal
38 fingerprint-based background check results as permitted under the
39 law. The purpose of this provision is to allow both departments to
40 fulfill their joint background check responsibility of checking any

1 individual who may have unsupervised access to vulnerable adults,
2 children, or juveniles. Neither department may share the federal
3 background check results with any other state agency or person.

4 (4) The secretary of the department of children, youth, and
5 families shall require a fingerprint-based background check through
6 the Washington state patrol identification and criminal history
7 section and the federal bureau of investigation when the department
8 seeks to approve an applicant or service provider for a foster or
9 adoptive placement of children in accordance with federal and state
10 law. Fees charged by the Washington state patrol and the federal
11 bureau of investigation for fingerprint-based background checks shall
12 be paid by the department of children, youth, and families for
13 applicant and service providers providing foster care as required in
14 RCW 74.15.030.

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

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

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

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

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

32 (a) Services to people with a developmental disability under RCW
33 74.15.030;

34 (b) In-home services funded by medicaid personal care under RCW
35 74.09.520;

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

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

39 (e) Services under other home and community long-term care
40 programs, established pursuant to chapters 74.39 and 74.39A RCW,

1 administered by the department of social and health services or the
2 department of children, youth, and families; and

3 (f) Services in, or to residents of, a secure facility under RCW
4 71.09.115(~~and~~

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

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

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

14 (10) The department of social and health services and the
15 department of children, youth, and families shall develop rules
16 identifying the financial responsibility of service providers,
17 applicants, and the department for paying the fees charged by law
18 enforcement to roll, print, or scan fingerprints-based for the
19 purpose of a Washington state patrol or federal bureau of
20 investigation fingerprint-based background check.

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

23 (a) "Applicant" means a current or prospective department of
24 social and health services, department of children, youth, and
25 families, or service provider employee, volunteer, student, intern,
26 researcher, contractor, or any other individual who will or may have
27 unsupervised access because of the nature of the work or services he
28 or she provides. "Applicant" includes but is not limited to any
29 individual who will or may have unsupervised access and is:

30 (i) Applying for a license or certification from the department
31 of social and health services or the department of children, youth,
32 and families;

33 (ii) Seeking a contract with the department of social and health
34 services, the department of children, youth, and families, or a
35 service provider;

36 (iii) Applying for employment, promotion, reallocation, or
37 transfer;

38 (iv) An individual that a department of social and health
39 services or the department of children, youth, and families client or
40 guardian of a department of social and health services or department

1 of children, youth, and families client chooses to hire or engage to
2 provide services to himself or herself or another vulnerable adult,
3 juvenile, or child and who might be eligible to receive payment from
4 the department of social and health services or the department of
5 children, youth, and families for services rendered; or

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

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

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

13 (ii) Have unsupervised access to vulnerable adults, juveniles,
14 and children;

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

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

19 (c) (~~"Department" means the department of social and health~~
20 ~~services.~~

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

23 ~~((e))~~ (d) "Secure facility" has the meaning provided in RCW
24 71.09.020.

25 ~~((f))~~ (e) "Service provider" means entities, facilities,
26 agencies, businesses, or individuals who are licensed, certified,
27 authorized, or regulated by, receive payment from, or have contracts
28 or agreements with the department of social and health services or
29 the department of children, youth, and families to provide services
30 to vulnerable adults, juveniles, or children. "Service provider"
31 includes individuals whom a department of social and health services
32 or department of children, youth, and families client or guardian of
33 a department of social and health services or department of children,
34 youth, and families client may choose to hire or engage to provide
35 services to himself or herself or another vulnerable adult, juvenile,
36 or child and who might be eligible to receive payment from the
37 department of social and health services or the department of
38 children, youth, and families for services rendered. "Service
39 provider" does not include those certified under chapter 70.96A RCW.

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

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

8 (a) The subject of the inquiry;

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

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

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

14 (e) The department of social and health services for the purpose
15 of meeting responsibilities set forth in chapter ~~((74.15,))~~ 18.51,
16 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to
17 regulate or license a facility which handles vulnerable adults~~((-~~
18 ~~However, access to conviction records pursuant to this subsection~~
19 ~~(1)(e) does not limit or restrict the ability of the department to~~
20 ~~obtain additional information regarding conviction records and~~
21 ~~pending charges as set forth in RCW 74.15.030(2)(b))~~); or

22 (f) The department of ~~((early learning))~~ children, youth, and
23 families for the purpose of meeting responsibilities in chapters
24 43.215 (as recodified by this act) and 74.15 RCW. However, access to
25 conviction records pursuant to this subsection (1)(f) does not limit
26 or restrict the ability of department of children, youth, and
27 families to obtain additional information regarding conviction
28 records and pending charges as provided in RCW 74.15.030(2)(b).

29 (2) The state patrol shall by rule establish fees for
30 disseminating records under this section to recipients identified in
31 subsection (1)(a) and (b) of this section. The state patrol shall
32 also by rule establish fees for disseminating records in the custody
33 of the national crime information center. The revenue from the fees
34 shall cover, as nearly as practicable, the direct and indirect costs
35 to the state patrol of disseminating the records. No fee shall be
36 charged to a nonprofit organization for the records check. Record
37 checks requested by school districts and educational service
38 districts using only name and date of birth will be provided free of
39 charge.

1 (3) No employee of the state, employee of a business or
2 organization, or the business or organization is liable for
3 defamation, invasion of privacy, negligence, or any other claim in
4 connection with any lawful dissemination of information under RCW
5 43.43.830 through 43.43.840 or 43.43.760.

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

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

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

19 (1) As used in this section:

20 (a) "Designated state agency" means the department of social and
21 health services, the department of health, the health care authority,
22 the department of commerce, the department of ecology, the department
23 of fish and wildlife, the office of the superintendent of public
24 instruction, and the department of ((early learning)) children,
25 youth, and families.

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

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

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

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

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

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

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

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

7 (3) The report required by subsection (2) of this section
8 prepared by the superintendent of public instruction shall include
9 the information required by subsection (2)(a) through (c) of this
10 section for each school district within the state.

11 **PART III**

12 **TRANSFER OF CHILD WELFARE POLICIES AND PROGRAMS**

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

15 (1) Governmental entities, and their officers, agents, employees,
16 and volunteers, are not liable in tort for any of their acts or
17 omissions in emergent placement investigations of child abuse or
18 neglect under chapter 26.44 RCW including, but not limited to, any
19 determination to leave a child with a parent, custodian, or guardian,
20 or to return a child to a parent, custodian, or guardian, unless the
21 act or omission constitutes gross negligence. Emergent placement
22 investigations are those conducted prior to a shelter care hearing
23 under RCW 13.34.065.

24 (2) The department of (~~social and health services~~) children,
25 youth, and families and its employees shall comply with the orders of
26 the court, including shelter care and other dependency orders, and
27 are not liable for acts performed to comply with such court orders.
28 In providing reports and recommendations to the court, employees of
29 the department of (~~social and health services~~) children, youth, and
30 families are entitled to the same witness immunity as would be
31 provided to any other witness.

32 **Sec. 302.** RCW 13.34.030 and 2017 c 276 s 2 are each amended to
33 read as follows:

34 (~~For purposes of~~) The definitions in this section apply
35 throughout this chapter(~~(+)~~) unless the context clearly requires
36 otherwise.

1 (1) "Abandoned" means when the child's parent, guardian, or other
2 custodian has expressed, either by statement or conduct, an intent to
3 forego, for an extended period, parental rights or responsibilities
4 despite an ability to exercise such rights and responsibilities. If
5 the court finds that the petitioner has exercised due diligence in
6 attempting to locate the parent, no contact between the child and the
7 child's parent, guardian, or other custodian for a period of three
8 months creates a rebuttable presumption of abandonment, even if there
9 is no expressed intent to abandon.

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

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

12 (b) Any individual age eighteen to twenty-one years who is
13 eligible to receive and who elects to receive the extended foster
14 care services authorized under RCW 74.13.031. A youth who remains
15 dependent and who receives extended foster care services under RCW
16 74.13.031 shall not be considered a "child" under any other statute
17 or for any other purpose.

18 (3) "Current placement episode" means the period of time that
19 begins with the most recent date that the child was removed from the
20 home of the parent, guardian, or legal custodian for purposes of
21 placement in out-of-home care and continues until: (a) The child
22 returns home; (b) an adoption decree, a permanent custody order, or
23 guardianship order is entered; or (c) the dependency is dismissed,
24 whichever occurs first.

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

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

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

32 (a) Has been abandoned;

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

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

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

1 (7) "Developmental disability" means a disability attributable to
2 intellectual disability, cerebral palsy, epilepsy, autism, or another
3 neurological or other condition of an individual found by the
4 secretary of the department of social and health services to be
5 closely related to an intellectual disability or to require treatment
6 similar to that required for individuals with intellectual
7 disabilities, which disability originates before the individual
8 attains age eighteen, which has continued or can be expected to
9 continue indefinitely, and which constitutes a substantial limitation
10 to the individual.

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

13 (9) "Extended foster care services" means residential and other
14 support services the department is authorized to provide under RCW
15 74.13.031. These services may include placement in licensed,
16 relative, or otherwise approved care, or supervised independent
17 living settings; assistance in meeting basic needs; independent
18 living services; medical assistance; and counseling or treatment.

19 (10) "Guardian" means the person or agency that: (a) Has been
20 appointed as the guardian of a child in a legal proceeding, including
21 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
22 legal right to custody of the child pursuant to such appointment. The
23 term "guardian" does not include a "dependency guardian" appointed
24 pursuant to a proceeding under this chapter.

25 (11) "Guardian ad litem" means a person, appointed by the court
26 to represent the best interests of a child in a proceeding under this
27 chapter, or in any matter which may be consolidated with a proceeding
28 under this chapter. A "court-appointed special advocate" appointed by
29 the court to be the guardian ad litem for the child, or to perform
30 substantially the same duties and functions as a guardian ad litem,
31 shall be deemed to be guardian ad litem for all purposes and uses of
32 this chapter.

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

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

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

10 (a) Receiving one of the following types of public assistance:
11 Temporary assistance for needy families, aged, blind, or disabled
12 assistance benefits, medical care services under RCW 74.09.035,
13 pregnant women assistance benefits, poverty-related veterans'
14 benefits, food stamps or food stamp benefits transferred
15 electronically, refugee resettlement benefits, medicaid, or
16 supplemental security income; or

17 (b) Involuntarily committed to a public mental health facility;
18 or

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

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

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

28 (16) "Out-of-home care" means placement in a foster family home
29 or group care facility licensed pursuant to chapter 74.15 RCW or
30 placement in a home, other than that of the child's parent, guardian,
31 or legal custodian, not required to be licensed pursuant to chapter
32 74.15 RCW.

33 (17) "Parent" means the biological or adoptive parents of a
34 child, or an individual who has established a parent-child
35 relationship under RCW 26.26.101, unless the legal rights of that
36 person have been terminated by a judicial proceeding pursuant to this
37 chapter, chapter 26.33 RCW, or the equivalent laws of another state
38 or a federally recognized Indian tribe.

39 (18) "Preventive services" means preservation services, as
40 defined in chapter 74.14C RCW, and other reasonably available

1 services, including housing assistance, capable of preventing the
2 need for out-of-home placement while protecting the child.

3 (19) "Shelter care" means temporary physical care in a facility
4 licensed pursuant to RCW 74.15.030 or in a home not required to be
5 licensed pursuant to RCW 74.15.030.

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

10 (21) "Social study" means a written evaluation of matters
11 relevant to the disposition of the case and shall contain the
12 following information:

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

15 (b) A description of the specific services and activities, for
16 both the parents and child, that are needed in order to prevent
17 serious harm to the child; the reasons why such services and
18 activities are likely to be useful; the availability of any proposed
19 services; and the agency's overall plan for ensuring that the
20 services will be delivered. The description shall identify the
21 services chosen and approved by the parent;

22 (c) If removal is recommended, a full description of the reasons
23 why the child cannot be protected adequately in the home, including a
24 description of any previous efforts to work with the parents and the
25 child in the home; the in-home treatment programs that have been
26 considered and rejected; the preventive services, including housing
27 assistance, that have been offered or provided and have failed to
28 prevent the need for out-of-home placement, unless the health,
29 safety, and welfare of the child cannot be protected adequately in
30 the home; and the parents' attitude toward placement of the child;

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

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

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

1 (22) "Supervised independent living" includes, but is not limited
2 to, apartment living, room and board arrangements, college or
3 university dormitories, and shared roommate settings. Supervised
4 independent living settings must be approved by the children's
5 administration or the court.

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

12 (24) "Voluntary placement agreement" means, for the purposes of
13 extended foster care services, a written voluntary agreement between
14 a nonminor dependent who agrees to submit to the care and authority
15 of the department for the purposes of participating in the extended
16 foster care program.

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

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

24 (2) At all stages of a proceeding in which a child is alleged to
25 be dependent, the child's parent, guardian, or legal custodian has
26 the right to be represented by counsel, and if indigent, to have
27 counsel appointed for him or her by the court. Unless waived in
28 court, counsel shall be provided to the child's parent, guardian, or
29 legal custodian, if such person (a) has appeared in the proceeding or
30 requested the court to appoint counsel and (b) is financially unable
31 to obtain counsel because of indigency.

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

35 (4) Copies of department (~~(of social and health services)~~) or
36 supervising agency records to which parents have legal access
37 pursuant to chapter 13.50 RCW shall be given to the child's parent,
38 guardian, legal custodian, or his or her legal counsel, prior to any
39 shelter care hearing and within fifteen days after the department or

1 supervising agency receives a written request for such records from
2 the parent, guardian, legal custodian, or his or her legal counsel.
3 These records shall be provided to the child's parents, guardian,
4 legal custodian, or legal counsel a reasonable period of time prior
5 to the shelter care hearing in order to allow an opportunity to
6 review the records prior to the hearing. These records shall be
7 legible and shall be provided at no expense to the parents, guardian,
8 legal custodian, or his or her counsel. When the records are served
9 on legal counsel, legal counsel shall have the opportunity to review
10 the records with the parents and shall review the records with the
11 parents prior to the shelter care hearing.

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

14 (1) The department or supervising agency shall provide the
15 child's foster parents, preadoptive parents, or other caregivers with
16 timely and adequate notice of their right to be heard prior to each
17 proceeding held with respect to the child in juvenile court under
18 this chapter. For purposes of this section, "timely and adequate
19 notice" means notice at the time the department would be required to
20 give notice to parties to the case and by any means reasonably
21 certain of notifying the foster parents, preadoptive parents, or
22 other caregivers, including but not limited to written, telephone, or
23 in person oral notification. For emergency hearings, the department
24 shall give notice to foster parents, preadoptive parents, or other
25 caregivers as soon as is practicable. For six-month review and annual
26 permanency hearings, the department shall give notice to foster
27 parents upon placement or as soon as practicable.

28 (2) The court shall establish and include in the court record
29 after every hearing for which the department or supervising agency is
30 required to provide notice to the child's foster parents, preadoptive
31 parents, and caregivers whether the department provided adequate and
32 timely notice, whether a caregiver's report was received by the
33 court, and whether the court provided the child's foster parents,
34 preadoptive parents, or caregivers with an opportunity to be heard in
35 court. For purposes of this section, "caregiver's report" means a
36 form provided by the department (~~of social and health services~~) to
37 a child's foster parents, preadoptive parents, or caregivers that
38 provides an opportunity for those individuals to share information
39 about the child with the court before a court hearing. A caregiver's

1 report shall not include information related to a child's biological
2 parent that is not directly related to the child's well-being.

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

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

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

14 (1) The court shall hold a fact-finding hearing on the petition
15 and, unless the court dismisses the petition, shall make written
16 findings of fact, stating the reasons therefor. The rules of evidence
17 shall apply at the fact-finding hearing and the parent, guardian, or
18 legal custodian of the child shall have all of the rights provided in
19 RCW 13.34.090(1). The petitioner shall have the burden of
20 establishing by a preponderance of the evidence that the child is
21 dependent within the meaning of RCW 13.34.030.

22 (2) The court in a fact-finding hearing may consider the history
23 of past involvement of child protective services or law enforcement
24 agencies with the family for the purpose of establishing a pattern of
25 conduct, behavior, or inaction with regard to the health, safety, or
26 welfare of the child on the part of the child's parent, guardian, or
27 legal custodian, or for the purpose of establishing that reasonable
28 efforts have been made by the department to prevent or eliminate the
29 need for removal of the child from the child's home. No report of
30 child abuse or neglect that has been destroyed or expunged under RCW
31 26.44.031 may be used for such purposes.

32 (3)(a) The parent, guardian, or legal custodian of the child may
33 waive his or her right to a fact-finding hearing by stipulating or
34 agreeing to the entry of an order of dependency establishing that the
35 child is dependent within the meaning of RCW 13.34.030. The parent,
36 guardian, or legal custodian may also stipulate or agree to an order
37 of disposition pursuant to RCW 13.34.130 at the same time. Any
38 stipulated or agreed order of dependency or disposition must be
39 signed by the parent, guardian, or legal custodian and his or her

1 attorney, unless the parent, guardian, or legal custodian has waived
2 his or her right to an attorney in open court, and by the petitioner
3 and the attorney, guardian ad litem, or court-appointed special
4 advocate for the child, if any. If the department (~~of social and~~
5 ~~health services~~) is not the petitioner and is required by the order
6 to supervise the placement of the child or provide services to any
7 party, the department must also agree to and sign the order.

8 (b) Entry of any stipulated or agreed order of dependency or
9 disposition is subject to approval by the court. The court shall
10 receive and review a social study before entering a stipulated or
11 agreed order and shall consider whether the order is consistent with
12 the allegations of the dependency petition and the problems that
13 necessitated the child's placement in out-of-home care. No social
14 file or social study may be considered by the court in connection
15 with the fact-finding hearing or prior to factual determination,
16 except as otherwise admissible under the rules of evidence.

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

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

25 (ii) The parent, guardian, or legal custodian understands that
26 entry of the order starts a process that could result in the filing
27 of a petition to terminate his or her relationship with the child
28 within the time frames required by state and federal law if he or she
29 fails to comply with the terms of the dependency or disposition
30 orders or fails to substantially remedy the problems that
31 necessitated the child's placement in out-of-home care;

32 (iii) The parent, guardian, or legal custodian understands that
33 the entry of the stipulated or agreed order of dependency is an
34 admission that the child is dependent within the meaning of RCW
35 13.34.030 and shall have the same legal effect as a finding by the
36 court that the child is dependent by at least a preponderance of the
37 evidence, and that the parent, guardian, or legal custodian shall not
38 have the right in any subsequent proceeding for termination of
39 parental rights or dependency guardianship pursuant to this chapter

1 or nonparental custody pursuant to chapter 26.10 RCW to challenge or
2 dispute the fact that the child was found to be dependent; and

3 (iv) The parent, guardian, or legal custodian knowingly and
4 willingly stipulated and agreed to and signed the order or orders,
5 without duress, and without misrepresentation or fraud by any other
6 party.

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

22 (4) Immediately after the entry of the findings of fact, the
23 court shall hold a disposition hearing, unless there is good cause
24 for continuing the matter for up to fourteen days. If good cause is
25 shown, the case may be continued for longer than fourteen days.
26 Notice of the time and place of the continued hearing may be given in
27 open court. If notice in open court is not given to a party, that
28 party shall be notified by certified mail of the time and place of
29 any continued hearing. Unless there is reasonable cause to believe
30 the health, safety, or welfare of the child would be jeopardized or
31 efforts to reunite the parent and child would be hindered, the court
32 shall direct the department to notify those adult persons who: (a)
33 Are related by blood or marriage to the child in the following
34 degrees: Parent, grandparent, brother, sister, stepparent,
35 stepbrother, stepsister, uncle, or aunt; (b) are known to the
36 department as having been in contact with the family or child within
37 the past twelve months; and (c) would be an appropriate placement for
38 the child. Reasonable cause to dispense with notification to a parent
39 under this section must be proved by clear, cogent, and convincing
40 evidence.

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

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

6 (1) Whenever a child is ordered removed from the home, a
7 permanency plan shall be developed no later than sixty days from the
8 time the supervising agency assumes responsibility for providing
9 services, including placing the child, or at the time of a hearing
10 under RCW 13.34.130, whichever occurs first. The permanency planning
11 process continues until a permanency planning goal is achieved or
12 dependency is dismissed. The planning process shall include
13 reasonable efforts to return the child to the parent's home.

14 (2) The agency supervising the dependency shall submit a written
15 permanency plan to all parties and the court not less than fourteen
16 days prior to the scheduled hearing. Responsive reports of parties
17 not in agreement with the department's or supervising agency's
18 proposed permanency plan must be provided to the department or
19 supervising agency, all other parties, and the court at least seven
20 days prior to the hearing.

21 The permanency plan shall include:

22 (a) A permanency plan of care that shall identify one of the
23 following outcomes as a primary goal and may identify additional
24 outcomes as alternative goals: Return of the child to the home of the
25 child's parent, guardian, or legal custodian; adoption, including a
26 tribal customary adoption as defined in RCW 13.38.040; guardianship;
27 permanent legal custody; long-term relative or foster care, if the
28 child is between ages sixteen and eighteen, with a written agreement
29 between the parties and the care provider; successful completion of a
30 responsible living skills program; or independent living, if
31 appropriate and if the child is age sixteen or older. Although a
32 permanency plan of care may only identify long-term relative or
33 foster care for children between ages sixteen and eighteen, children
34 under sixteen may remain placed with relatives or in foster care. The
35 department or supervising agency shall not discharge a child to an
36 independent living situation before the child is eighteen years of
37 age unless the child becomes emancipated pursuant to chapter 13.64
38 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
2 that a termination petition be filed, a specific plan as to where the
3 child will be placed, what steps will be taken to return the child
4 home, what steps the supervising agency or the department will take
5 to promote existing appropriate sibling relationships and/or
6 facilitate placement together or contact in accordance with the best
7 interests of each child, and what actions the department or
8 supervising agency will take to maintain parent-child ties. All
9 aspects of the plan shall include the goal of achieving permanence
10 for the child.

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

15 (A) If the parent is incarcerated, the plan must address how the
16 parent will participate in the case conference and permanency
17 planning meetings and, where possible, must include treatment that
18 reflects the resources available at the facility where the parent is
19 confined. The plan must provide for visitation opportunities, unless
20 visitation is not in the best interests of the child.

21 (B) If a parent has a developmental disability according to the
22 definition provided in RCW 71A.10.020, and that individual is
23 eligible for services provided by the department of social and health
24 services developmental disabilities administration, the department
25 shall make reasonable efforts to consult with the department of
26 social and health services developmental disabilities administration
27 to create an appropriate plan for services. For individuals who meet
28 the definition of developmental disability provided in RCW 71A.10.020
29 and who are eligible for services through the developmental
30 disabilities administration, the plan for services must be tailored
31 to correct the parental deficiency taking into consideration the
32 parent's disability and the department shall also determine an
33 appropriate method to offer those services based on the parent's
34 disability.

35 (ii)(A) Visitation is the right of the family, including the
36 child and the parent, in cases in which visitation is in the best
37 interest of the child. Early, consistent, and frequent visitation is
38 crucial for maintaining parent-child relationships and making it
39 possible for parents and children to safely reunify. The supervising
40 agency or department shall encourage the maximum parent and child and

1 sibling contact possible, when it is in the best interest of the
2 child, including regular visitation and participation by the parents
3 in the care of the child while the child is in placement.

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

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

28 (D) The court and the department or supervising agency should
29 rely upon community resources, relatives, foster parents, and other
30 appropriate persons to provide transportation and supervision for
31 visitation to the extent that such resources are available, and
32 appropriate, and the child's safety would not be compromised.

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

37 (B) Any exceptions, limitation, or denial of contacts or
38 visitation must be approved by the supervisor of the department
39 caseworker and documented. The child, parent, department, guardian ad

1 litem, or court-appointed special advocate may challenge the denial
2 of visits in court.

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

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

10 (vi) Unless it is not in the best interests of the child,
11 whenever practical, the plan should ensure the child remains enrolled
12 in the school the child was attending at the time the child entered
13 foster care.

14 (vii) The supervising agency or department shall provide all
15 reasonable services that are available within the department or
16 supervising agency, or within the community, or those services which
17 the department has existing contracts to purchase. It shall report to
18 the court if it is unable to provide such services; and

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

32 (3) Permanency planning goals should be achieved at the earliest
33 possible date. If the child has been in out-of-home care for fifteen
34 of the most recent twenty-two months, and the court has not made a
35 good cause exception, the court shall require the department or
36 supervising agency to file a petition seeking termination of parental
37 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
38 parental rights have been terminated, the child is legally free for
39 adoption, and adoption has been identified as the primary permanency

1 planning goal, it shall be a goal to complete the adoption within six
2 months following entry of the termination order.

3 (4) If the court determines that the continuation of reasonable
4 efforts to prevent or eliminate the need to remove the child from his
5 or her home or to safely return the child home should not be part of
6 the permanency plan of care for the child, reasonable efforts shall
7 be made to place the child in a timely manner and to complete
8 whatever steps are necessary to finalize the permanent placement of
9 the child.

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

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

34 (7) For purposes related to permanency planning:

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

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

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

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

6 (1) After entry of a dispositional order pursuant to RCW
7 13.34.130 ordering placement of a child in out-of-home care, the
8 department shall continue to encourage the parent, guardian, or
9 custodian of the child to engage in services and maintain contact
10 with the child, which shall be accomplished by attaching a standard
11 notice to the services and safety plan to be provided in advance of
12 hearings conducted pursuant to RCW 13.34.138.

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

16 "NOTICE

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

22 1. The department of (~~social and health services~~) children,
23 youth, and families (or other supervising agency) and the court have
24 created a permanency plan for your child, including a primary
25 placement plan and a secondary placement plan, and recommending
26 services needed before your child can be placed in the primary or
27 secondary placement. If you want the court to order that your child
28 be reunified with you, you should notify your lawyer and the
29 department, and you should carefully comply with court orders for
30 services and participate regularly in visitation with your child.
31 Failure to promptly engage in services or to maintain contact with
32 your child may lead to the filing of a petition to terminate your
33 rights as a parent.

34 2. Primary and secondary permanency plans are intended to run at
35 the same time so that your child will have a permanent home as
36 quickly as possible. Even if you want another parent or person to be
37 the primary placement choice for your child, you should tell your
38 lawyer, the department, and the court if you want to be the secondary

1 placement option, and you should comply with any court orders for
2 services and participate in visitation with your child. Early and
3 consistent involvement in your child's case plan is important for the
4 well-being of your child.

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

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

11 (1) A petition seeking termination of a parent and child
12 relationship may be filed in juvenile court by any party, including
13 the supervising agency, to the dependency proceedings concerning that
14 child. Such petition shall conform to the requirements of RCW
15 13.34.040, shall be served upon the parties as provided in RCW
16 13.34.070(8), and shall allege all of the following unless subsection
17 (3) or (4) of this section applies:

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

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

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

24 (d) That the services ordered under RCW 13.34.136 have been
25 expressly and understandably offered or provided and all necessary
26 services, reasonably available, capable of correcting the parental
27 deficiencies within the foreseeable future have been expressly and
28 understandably offered or provided;

29 (e) That there is little likelihood that conditions will be
30 remedied so that the child can be returned to the parent in the near
31 future. A parent's failure to substantially improve parental
32 deficiencies within twelve months following entry of the
33 dispositional order shall give rise to a rebuttable presumption that
34 there is little likelihood that conditions will be remedied so that
35 the child can be returned to the parent in the near future. The
36 presumption shall not arise unless the petitioner makes a showing
37 that all necessary services reasonably capable of correcting the
38 parental deficiencies within the foreseeable future have been clearly
39 offered or provided. In determining whether the conditions will be

1 remedied the court may consider, but is not limited to, the following
2 factors:

3 (i) Use of intoxicating or controlled substances so as to render
4 the parent incapable of providing proper care for the child for
5 extended periods of time or for periods of time that present a risk
6 of imminent harm to the child, and documented unwillingness of the
7 parent to receive and complete treatment or documented multiple
8 failed treatment attempts;

9 (ii) Psychological incapacity or mental deficiency of the parent
10 that is so severe and chronic as to render the parent incapable of
11 providing proper care for the child for extended periods of time or
12 for periods of time that present a risk of imminent harm to the
13 child, and documented unwillingness of the parent to receive and
14 complete treatment or documentation that there is no treatment that
15 can render the parent capable of providing proper care for the child
16 in the near future; or

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

27 (f) That continuation of the parent and child relationship
28 clearly diminishes the child's prospects for early integration into a
29 stable and permanent home. If the parent is incarcerated, the court
30 shall consider whether a parent maintains a meaningful role in his or
31 her child's life based on factors identified in RCW 13.34.145(5)(b);
32 whether the department or supervising agency made reasonable efforts
33 as defined in this chapter; and whether particular barriers existed
34 as described in RCW 13.34.145(5)(b) including, but not limited to,
35 delays or barriers experienced in keeping the agency apprised of his
36 or her location and in accessing visitation or other meaningful
37 contact with the child.

38 (2) As evidence of rebuttal to any presumption established
39 pursuant to subsection (1)(e) of this section, the court may consider
40 the particular constraints of a parent's current or prior

1 incarceration. Such evidence may include, but is not limited to,
2 delays or barriers a parent may experience in keeping the agency
3 apprised of his or her location and in accessing visitation or other
4 meaningful contact with the child.

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

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

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

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

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

21 (d) Assault in the first or second degree, as defined in chapter
22 9A.36 RCW, against the surviving child or another child of the
23 parent.

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

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

34 "NOTICE

35 A petition for termination of parental rights has been filed
36 against you. You have important legal rights and you must
37 take steps to protect your interests. This petition could
38 result in permanent loss of your parental rights.

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

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

12 3. At the hearing, you have the right to speak on your
13 own behalf, to introduce evidence, to examine witnesses, and
14 to receive a decision based solely on the evidence presented
15 to the judge.

16 You should be present at this hearing.

17 You may call (insert agency) for more information
18 about your child. The agency's name and telephone number are
19 (insert name and telephone number)."

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

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

27 (2) The administrative office of the courts shall submit the
28 annual report required by this section to appropriate committees of
29 the legislature by December 1st of each year, beginning on December
30 1, 2007. The administrative office of the courts shall also submit
31 the annual report to a representative of the foster parent
32 association of Washington state.

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

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

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

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

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

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

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

14 (5) "Relative" means a person related to the child in the
15 following ways: (a) Any blood relative, including those of half-
16 blood, and including first cousins, second cousins, nephews or
17 nieces, and persons of preceding generations as denoted by prefixes
18 of grand, great, or great-great; (b) stepfather, stepmother,
19 stepbrother, and stepsister; (c) a person who legally adopts a child
20 or the child's parent as well as the natural and other legally
21 adopted children of such persons, and other relatives of the adoptive
22 parents in accordance with state law; (d) spouses of any persons
23 named in (a), (b), or (c) of this subsection, even after the marriage
24 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
25 this subsection, of any half sibling of the child; or (f) extended
26 family members, as defined by the law or custom of the Indian child's
27 tribe or, in the absence of such law or custom, a person who has
28 reached the age of eighteen and who is the Indian child's
29 grandparent, aunt or uncle, brother or sister, brother-in-law or
30 sister-in-law, niece or nephew, first or second cousin, or stepparent
31 who provides care in the family abode on a twenty-four hour basis to
32 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

38 (7) "Supervising agency" means an agency licensed by the state
39 under RCW 74.15.090, or licensed by a federally recognized Indian
40 tribe located in this state under RCW 74.15.190, that has entered

1 into a performance-based contract with the department to provide case
2 management for the delivery and documentation of child welfare
3 services as defined in RCW 74.13.020.

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

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

9 (a) In any foster care placement or termination of parental
10 rights proceeding of an Indian child under chapter 13.34 RCW and this
11 chapter where the department or a supervising agency as defined in
12 RCW 74.13.020 has a statutory or contractual duty to provide services
13 to, or procure services for, the parent or parents or Indian
14 custodian, or is providing services to a parent or parents or Indian
15 custodian pursuant to a disposition order entered pursuant to RCW
16 13.34.130, the department or supervising agency shall make timely and
17 diligent efforts to provide or procure such services, including
18 engaging the parent or parents or Indian custodian in reasonably
19 available and culturally appropriate preventive, remedial, or
20 rehabilitative services. This shall include those services offered by
21 tribes and Indian organizations whenever possible. At a minimum
22 "active efforts" shall include:

23 (i) In any dependency proceeding under chapter 13.34 RCW seeking
24 out-of-home placement of an Indian child in which the department or
25 supervising agency provided voluntary services to the parent,
26 parents, or Indian custodian prior to filing the dependency petition,
27 a showing to the court that the department or supervising agency
28 social workers actively worked with the parent, parents, or Indian
29 custodian to engage them in remedial services and rehabilitation
30 programs to prevent the breakup of the family beyond simply providing
31 referrals to such services.

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

1 (iii) In any termination of parental rights proceeding regarding
2 an Indian child under chapter 13.34 RCW in which the department or
3 supervising agency provided services to the parent, parents, or
4 Indian custodian, a showing to the court that the department or
5 supervising agency social workers actively worked with the parent,
6 parents, or Indian custodian to engage them in remedial services and
7 rehabilitation programs ordered by the court or identified in the
8 department or supervising agency's individual service and safety plan
9 beyond simply providing referrals to such services.

10 (b) In any foster care placement or termination of parental
11 rights proceeding in which the petitioner does not otherwise have a
12 statutory or contractual duty to directly provide services to, or
13 procure services for, the parent or Indian custodian, "active
14 efforts" means a documented, concerted, and good faith effort to
15 facilitate the parent's or Indian custodian's receipt of and
16 engagement in services capable of meeting the criteria set out in (a)
17 of this subsection.

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

33 (3) "Child custody proceeding" includes:

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

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

3 (c) "Preadoptive placement" which means the temporary placement
4 of an Indian child in a foster home or institution after the
5 termination of parental rights but before or in lieu of adoptive
6 placement; and

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

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

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

19 (5) "Department" means the department of (~~social and health~~
20 ~~services~~) children, youth, and families and any of its divisions.
21 "Department" also includes supervising agencies as defined in RCW
22 74.13.020(~~(+12)~~) with which the department entered into a contract
23 to provide services, care, placement, case management, contract
24 monitoring, or supervision to children subject to a petition filed
25 under chapter 13.34 or 26.33 RCW.

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

29 (7) "Indian child" means an unmarried and unemancipated Indian
30 person who is under eighteen years of age and is either: (a) A member
31 of an Indian tribe; or (b) eligible for membership in an Indian tribe
32 and is the biological child of a member of an Indian tribe.

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

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

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

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

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

15 (13) "Parent" means a biological parent or parents of an Indian
16 child or a person who has lawfully adopted an Indian child, including
17 adoptions made under tribal law or custom. "Parent" does not include
18 an unwed father whose paternity has not been acknowledged or
19 established under chapter 26.26 RCW or the applicable laws of other
20 states.

21 (14) "Secretary of the interior" means the secretary of the
22 United States department of the interior.

23 (15) "Tribal court" means a court or body vested by an Indian
24 tribe with jurisdiction over child custody proceedings, including but
25 not limited to a federal court of Indian offenses, a court
26 established and operated under the code or custom of an Indian tribe,
27 or an administrative body of an Indian tribe vested with authority
28 over child custody proceedings.

29 (16) "Tribal customary adoption" means adoption or other process
30 through the tribal custom, traditions, or laws of an Indian child's
31 tribe by which the Indian child is permanently placed with a
32 nonparent and through which the nonparent is vested with the rights,
33 privileges, and obligations of a legal parent. Termination of the
34 parent-child relationship between the Indian child and the biological
35 parent is not required to effect or recognize a tribal customary
36 adoption.

37 **Sec. 312.** RCW 13.50.010 and 2017 c 277 s 1 are each amended to
38 read as follows:

39 (1) For purposes of this chapter:

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

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

18 (c) "Official juvenile court file" means the legal file of the
19 juvenile court containing the petition or information, motions,
20 memorandums, briefs, notices of hearing or appearance, service
21 documents, witness and exhibit lists, findings of the court and court
22 orders, agreements, judgments, decrees, notices of appeal, as well as
23 documents prepared by the clerk, including court minutes, letters,
24 warrants, waivers, affidavits, declarations, invoices, and the index
25 to clerk papers;

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

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

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

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

37 (a) The agency may never knowingly record inaccurate information.
38 Any information in records maintained by the department of social and
39 health services relating to a petition filed pursuant to chapter

1 13.34 RCW that is found by the court to be false or inaccurate shall
2 be corrected or expunged from such records by the agency;

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

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

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

11 (5) Any person who has reasonable cause to believe information
12 concerning that person is included in the records of a juvenile
13 justice or care agency and who has been denied access to those
14 records by the agency may make a motion to the court for an order
15 authorizing that person to inspect the juvenile justice or care
16 agency record concerning that person. The court shall grant the
17 motion to examine records unless it finds that in the interests of
18 justice or in the best interests of the juvenile the records or parts
19 of them should remain confidential.

20 (6) A juvenile, or his or her parents, or any person who has
21 reasonable cause to believe information concerning that person is
22 included in the records of a juvenile justice or care agency may make
23 a motion to the court challenging the accuracy of any information
24 concerning the moving party in the record or challenging the
25 continued possession of the record by the agency. If the court grants
26 the motion, it shall order the record or information to be corrected
27 or destroyed.

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

32 (8) The court may permit inspection of records by, or release of
33 information to, any clinic, hospital, or agency which has the subject
34 person under care or treatment. The court may also permit inspection
35 by or release to individuals or agencies, including juvenile justice
36 advisory committees of county law and justice councils, engaged in
37 legitimate research for educational, scientific, or public purposes.
38 Each person granted permission to inspect juvenile justice or care
39 agency records for research purposes shall present a notarized

1 statement to the court stating that the names of juveniles and
2 parents will remain confidential.

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

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

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

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

31 (13) The court shall release to the Washington state office of
32 public defense records needed to implement the agency's oversight,
33 technical assistance, and other functions as required by RCW
34 2.70.020. Access to the records used as a basis for oversight,
35 technical assistance, or other agency functions is restricted to the
36 Washington state office of public defense. The Washington state
37 office of public defense shall maintain the confidentiality of all
38 confidential information included in the records.

39 (14) The court shall release to the Washington state office of
40 civil legal aid records needed to implement the agency's oversight,

1 technical assistance, and other functions as required by RCW
2 2.53.045. 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 civil legal aid. The Washington state
5 office of civil legal aid shall maintain the confidentiality of all
6 confidential information included in the records, and shall, as soon
7 as possible, destroy any retained notes or records obtained under
8 this section that are not necessary for its functions related to RCW
9 2.53.045.

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

20 (16) For the purpose of ensuring the safety and welfare of the
21 youth who are in foster care, the department of (~~social and health~~
22 ~~services~~) children, youth, and families may disclose to the
23 department of commerce and its contracted providers responsible under
24 state law or contract for providing services to youth, only those
25 confidential child welfare records that pertain to ensuring the
26 safety and welfare of the youth who are in foster care who are
27 admitted to crisis residential centers or HOPE centers under contract
28 with the office of homeless youth prevention and protection. Records
29 disclosed under this subsection retain their confidentiality pursuant
30 to this chapter and federal law and may not be further disclosed
31 except as permitted by this chapter and federal law.

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

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

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

14 (1) This section governs records not covered by RCW 13.50.050,
15 13.50.260, and 13.50.270.

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

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

36 (4) Subject to (a) of this subsection, the department of (~~social~~
37 ~~and health services~~) children, youth, and families may release
38 information retained in the course of conducting child protective

1 services investigations to a family or juvenile court hearing a
2 petition for custody under chapter 26.10 RCW.

3 (a) Information that may be released shall be limited to
4 information regarding investigations in which: (i) The juvenile was
5 an alleged victim of abandonment or abuse or neglect; or (ii) the
6 petitioner for custody of the juvenile, or any individual aged
7 sixteen or older residing in the petitioner's household, is the
8 subject of a founded or currently pending child protective services
9 investigation made by the department of social and health services or
10 the department of children, youth, and families subsequent to October
11 1, 1998.

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

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

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

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

39 (a) If it is determined by the agency that release of this
40 information is likely to cause severe psychological or physical harm

1 to the juvenile or his or her parents the agency may withhold the
2 information subject to other order of the court: PROVIDED, That if
3 the court determines that limited release of the information is
4 appropriate, the court may specify terms and conditions for the
5 release of the information; or

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

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

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

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

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

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

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

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

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

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

34 (2) For the purposes of this chapter:

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

37 (b) "Missing endangered person" means a person who is believed to
38 be in danger because of age, health, mental or physical disability,

1 in combination with environmental or weather conditions, or is
2 believed to be unable to return to safety without assistance and who
3 is:

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

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

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

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

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

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

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

29 The petitioner shall serve a copy of the filed petition and
30 notice of hearing on the petitioner's parent or parents, guardian, or
31 custodian at least fifteen days before the emancipation hearing. No
32 summons shall be required. Service shall be waived if proof is made
33 to the court that the address of the parent or parents, guardian, or
34 custodian is unavailable or unascertainable. The petitioner shall
35 also serve notice of the hearing on the department of children,
36 youth, and families if the petitioner is subject to dependency
37 disposition order under RCW 13.34.130. The hearing shall be held no
38 later than sixty days after the date on which the petition is filed.

1 **Sec. 318.** RCW 13.64.050 and 1993 c 294 s 5 are each amended to
2 read as follows:

3 (1) The court shall grant the petition for emancipation, except
4 as provided in subsection (2) of this section, if the petitioner
5 proves the following facts by clear and convincing evidence: (a) That
6 the petitioner is sixteen years of age or older; (b) that the
7 petitioner is a resident of the state; (c) that the petitioner has
8 the ability to manage his or her financial affairs; and (d) that the
9 petitioner has the ability to manage his or her personal, social,
10 educational, and nonfinancial affairs.

11 (2) A parent, guardian, custodian, or in the case of a dependent
12 minor, the department of children, youth, and families, may oppose
13 the petition for emancipation. The court shall deny the petition
14 unless it finds, by clear and convincing evidence, that denial of the
15 grant of emancipation would be detrimental to the interests of the
16 minor.

17 (3) Upon entry of a decree of emancipation by the court the
18 petitioner shall be given a certified copy of the decree. The decree
19 shall instruct the petitioner to obtain a Washington driver's license
20 or a Washington identification card and direct the department of
21 licensing make a notation of the emancipated status on the license or
22 identification card.

23 **Sec. 319.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Alleged father" means a person whose parent-child
28 relationship has not been terminated, who is not a presumed father
29 under chapter 26.26 RCW, and who alleges himself or whom a party
30 alleges to be the father of the child. It includes a person whose
31 marriage to the mother was terminated more than three hundred days
32 before the birth of the child or who was separated from the mother
33 more than three hundred days before the birth of the child.

34 (2) "Child" means a person under eighteen years of age.

35 (3) "Adoptee" means a person who is to be adopted or who has been
36 adopted.

37 (4) "Adoptive parent" means the person or persons who seek to
38 adopt or have adopted an adoptee.

39 (5) "Court" means the superior court.

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

3 (7) "Agency" means any public or private association,
4 corporation, or individual licensed or certified by the department as
5 a child-placing agency under chapter 74.15 RCW or as an adoption
6 agency.

7 (8) "Parent" means the natural or adoptive mother or father of a
8 child, including a presumed father under chapter 26.26 RCW. It does
9 not include any person whose parent-child relationship has been
10 terminated by a court of competent jurisdiction.

11 (9) "Legal guardian" means the department, an agency, or a
12 person, other than a parent or stepparent, appointed by the court to
13 promote the child's general welfare, with the authority and duty to
14 make decisions affecting the child's development.

15 (10) "Guardian ad litem" means a person, not related to a party
16 to the action, appointed by the court to represent the best interests
17 of a party who is under a legal disability.

18 (11) "Relinquish or relinquishment" means the voluntary surrender
19 of custody of a child to the department, an agency, or prospective
20 adoptive parents.

21 (12) "Individual approved by the court" or "qualified salaried
22 court employee" means a person who has a master's degree in social
23 work or a related field and one year of experience in social work, or
24 a bachelor's degree and two years of experience in social work, and
25 includes a person not having such qualifications only if the court
26 makes specific findings of fact that are entered of record
27 establishing that the person has reasonably equivalent experience.

28 (13) "Birth parent" means the biological mother or biological or
29 alleged father of a child, including a presumed father under chapter
30 26.26 RCW, whether or not any such person's parent-child relationship
31 has been terminated by a court of competent jurisdiction. "Birth
32 parent" does not include a biological mother or biological or alleged
33 father, including a presumed father under chapter 26.26 RCW, if the
34 parent-child relationship was terminated because of an act for which
35 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

36 (14) "Nonidentifying information" includes, but is not limited
37 to, the following information about the birth parents, adoptive
38 parents, and adoptee:

39 (a) Age in years at the time of adoption;

40 (b) Heritage, including nationality, ethnic background, and race;

- 1 (c) Education, including number of years of school completed at
2 the time of adoption, but not name or location of school;
- 3 (d) General physical appearance, including height, weight, color
4 of hair, eyes, and skin, or other information of a similar nature;
- 5 (e) Religion;
- 6 (f) Occupation, but not specific titles or places of employment;
- 7 (g) Talents, hobbies, and special interests;
- 8 (h) Circumstances leading to the adoption;
- 9 (i) Medical and genetic history of birth parents;
- 10 (j) First names;
- 11 (k) Other children of birth parents by age, sex, and medical
12 history;
- 13 (l) Extended family of birth parents by age, sex, and medical
14 history;
- 15 (m) The fact of the death, and age and cause, if known;
- 16 (n) Photographs;
- 17 (o) Name of agency or individual that facilitated the adoption.

18 **Sec. 320.** RCW 26.33.345 and 2013 c 321 s 1 are each amended to
19 read as follows:

20 (1) The department (~~of social and health services~~), adoption
21 agencies, and independent adoption facilitators shall release the
22 name and location of the court where a relinquishment of parental
23 rights or finalization of an adoption took place to an adult adoptee,
24 a birth parent of an adult adoptee, an adoptive parent, a birth or
25 adoptive grandparent of an adult adoptee, or an adult sibling of an
26 adult adoptee, or the legal guardian of any of these.

27 (2) The department of health shall make available a noncertified
28 copy of the original birth certificate of a child to the child's
29 birth parents upon request.

30 (3)(a) For adoptions finalized after October 1, 1993, the
31 department of health shall provide a noncertified copy of the
32 original birth certificate to an adoptee eighteen years of age or
33 older upon request, unless the birth parent has filed an affidavit of
34 nondisclosure before July 28, 2013, or a contact preference form that
35 indicates he or she does not want the original birth certificate
36 released: PROVIDED, That the affidavit of nondisclosure, the contact
37 preference form, or both have not expired.

38 (b) For adoptions finalized on or before October 1, 1993, the
39 department of health may not provide a noncertified copy of the

1 original birth certificate to the adoptee until after June 30, 2014.
2 After June 30, 2014, the department of health shall provide a
3 noncertified copy of the original birth certificate to an adoptee
4 eighteen years of age or older upon request, unless the birth parent
5 has filed a contact preference form that indicates he or she does not
6 want the original birth certificate released: PROVIDED, That the
7 contact preference form has not expired.

8 (c) An affidavit of nondisclosure expires upon the death of the
9 birth parent.

10 (4)(a) Regardless of whether a birth parent has filed an
11 affidavit of nondisclosure or when the adoption was finalized, a
12 birth parent may at any time complete a contact preference form
13 stating his or her preference about personal contact with the
14 adoptee, which, if available, must accompany an original birth
15 certificate provided to an adoptee under subsection (3) of this
16 section.

17 (b) The contact preference form must include the following
18 options:

19 (i) I would like to be contacted. I give the department of health
20 consent to provide the adoptee with a noncertified copy of his or her
21 original birth certificate;

22 (ii) I would like to be contacted only through a confidential
23 intermediary as described in RCW 26.33.343. I give the department of
24 health consent to provide the adoptee with a noncertified copy of his
25 or her original birth certificate;

26 (iii) I prefer not to be contacted and have completed the birth
27 parent updated medical history form. I give the department of health
28 consent to provide the adoptee with a noncertified copy of his or her
29 original birth certificate; and

30 (iv) I prefer not to be contacted and have completed the birth
31 parent updated medical history form. I do not want a noncertified
32 copy of the original birth certificate released to the adoptee.

33 (c) If the birth parent indicates he or she prefers not to be
34 contacted, personally identifying information on the contact
35 preference form must be kept confidential and may not be released.

36 (d) Nothing in this section precludes a birth parent from
37 subsequently filing another contact preference form to rescind the
38 previous contact preference form and state a different preference.

39 (e) A contact preference form expires upon the death of the birth
40 parent.

1 (5) If a birth parent files a contact preference form, the birth
2 parent must also file an updated medical history form with the
3 department of health. Upon request of the adoptee, the department of
4 health must provide the adoptee with the updated medical history form
5 filed by the adoptee's birth parent.

6 (6) Both a completed contact preference form and birth parent
7 updated medical history form are confidential and must be placed in
8 the adoptee's sealed file.

9 (7) If a birth parent files a contact preference form within six
10 months after the first time an adoptee requests a copy of his or her
11 original birth certificate as provided in subsection (3) of this
12 section, the department of health must forward the contact preference
13 form and the birth parent updated medical history form to the address
14 of the adoptee.

15 (8) The department of health may charge a fee not to exceed
16 twenty dollars for providing a noncertified copy of a birth
17 certificate to an adoptee.

18 (9) The department of health must create the contact preference
19 form and an updated medical history form. The contact preference form
20 must provide a method to ensure personally identifying information
21 can be kept confidential. The updated medical history form may not
22 require the birth parent to disclose any identifying information
23 about the birth parent.

24 (10) If the department of health does not provide an adoptee with
25 a noncertified copy of the original birth certificate because a valid
26 affidavit of nondisclosure or contact preference form has been filed,
27 the adoptee may request, no more than once per year, that the
28 department of health attempt to determine if the birth parent is
29 deceased. Upon request of the adoptee, the department of health must
30 make a reasonable effort to search public records that are accessible
31 and already available to the department of health to determine if the
32 birth parent is deceased. The department of health may charge the
33 adoptee a reasonable fee to cover the cost of conducting a search.

34 **Sec. 321.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
35 read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
39 or injury of a child by any person under circumstances which cause

1 harm to the child's health, welfare, or safety, excluding conduct
2 permitted under RCW 9A.16.100; or the negligent treatment or
3 maltreatment of a child by a person responsible for or providing care
4 to the child. An abused child is a child who has been subjected to
5 child abuse or neglect as defined in this section.

6 (2) "Child" or "children" means any person under the age of
7 eighteen years of age.

8 (3) "Child protective services" means those services provided by
9 the department designed to protect children from child abuse and
10 neglect and safeguard such children from future abuse and neglect,
11 and conduct investigations of child abuse and neglect reports.
12 Investigations may be conducted regardless of the location of the
13 alleged abuse or neglect. Child protective services includes referral
14 to services to ameliorate conditions that endanger the welfare of
15 children, the coordination of necessary programs and services
16 relevant to the prevention, intervention, and treatment of child
17 abuse and neglect, and services to children to ensure that each child
18 has a permanent home. In determining whether protective services
19 should be provided, the department shall not decline to provide such
20 services solely because of the child's unwillingness or developmental
21 inability to describe the nature and severity of the abuse or
22 neglect.

23 (4) "Child protective services section" means the child
24 protective services section of the department.

25 (5) "Children's advocacy center" means a child-focused facility
26 in good standing with the state chapter for children's advocacy
27 centers and that coordinates a multidisciplinary process for the
28 investigation, prosecution, and treatment of sexual and other types
29 of child abuse. Children's advocacy centers provide a location for
30 forensic interviews and coordinate access to services such as, but
31 not limited to, medical evaluations, advocacy, therapy, and case
32 review by multidisciplinary teams within the context of county
33 protocols as defined in RCW 26.44.180 and 26.44.185.

34 (6) "Clergy" means any regularly licensed or ordained minister,
35 priest, or rabbi of any church or religious denomination, whether
36 acting in an individual capacity or as an employee or agent of any
37 public or private organization or institution.

38 (7) "Court" means the superior court of the state of Washington,
39 juvenile department.

1 (8) "Department" means the ((state)) department of ((~~social and~~
2 ~~health services~~)) children, youth, and families.

3 (9) "Family assessment" means a comprehensive assessment of child
4 safety, risk of subsequent child abuse or neglect, and family
5 strengths and needs that is applied to a child abuse or neglect
6 report. Family assessment does not include a determination as to
7 whether child abuse or neglect occurred, but does determine the need
8 for services to address the safety of the child and the risk of
9 subsequent maltreatment.

10 (10) "Family assessment response" means a way of responding to
11 certain reports of child abuse or neglect made under this chapter
12 using a differential response approach to child protective services.
13 The family assessment response shall focus on the safety of the
14 child, the integrity and preservation of the family, and shall assess
15 the status of the child and the family in terms of risk of abuse and
16 neglect including the parent's or guardian's or other caretaker's
17 capacity and willingness to protect the child and, if necessary, plan
18 and arrange the provision of services to reduce the risk and
19 otherwise support the family. No one is named as a perpetrator, and
20 no investigative finding is entered in the record as a result of a
21 family assessment.

22 (11) "Founded" means the determination following an investigation
23 by the department that, based on available information, it is more
24 likely than not that child abuse or neglect did occur.

25 (12) "Inconclusive" means the determination following an
26 investigation by the department of social and health services, prior
27 to October 1, 2008, that based on available information a decision
28 cannot be made that more likely than not, child abuse or neglect did
29 or did not occur.

30 (13) "Institution" means a private or public hospital or any
31 other facility providing medical diagnosis, treatment, or care.

32 (14) "Law enforcement agency" means the police department, the
33 prosecuting attorney, the state patrol, the director of public
34 safety, or the office of the sheriff.

35 (15) "Malice" or "maliciously" means an intent, wish, or design
36 to intimidate, annoy, or injure another person. Such malice may be
37 inferred from an act done in willful disregard of the rights of
38 another, or an act wrongfully done without just cause or excuse, or
39 an act or omission of duty betraying a willful disregard of social
40 duty.

1 (16) "Negligent treatment or maltreatment" means an act or a
2 failure to act, or the cumulative effects of a pattern of conduct,
3 behavior, or inaction, that evidences a serious disregard of
4 consequences of such magnitude as to constitute a clear and present
5 danger to a child's health, welfare, or safety, including but not
6 limited to conduct prohibited under RCW 9A.42.100. When considering
7 whether a clear and present danger exists, evidence of a parent's
8 substance abuse as a contributing factor to negligent treatment or
9 maltreatment shall be given great weight. The fact that siblings
10 share a bedroom is not, in and of itself, negligent treatment or
11 maltreatment. Poverty, homelessness, or exposure to domestic violence
12 as defined in RCW 26.50.010 that is perpetrated against someone other
13 than the child does not constitute negligent treatment or
14 maltreatment in and of itself.

15 (17) "Pharmacist" means any registered pharmacist under chapter
16 18.64 RCW, whether acting in an individual capacity or as an employee
17 or agent of any public or private organization or institution.

18 (18) "Practitioner of the healing arts" or "practitioner" means a
19 person licensed by this state to practice podiatric medicine and
20 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
21 medicine and surgery, or medicine and surgery or to provide other
22 health services. The term "practitioner" includes a duly accredited
23 Christian Science practitioner. A person who is being furnished
24 Christian Science treatment by a duly accredited Christian Science
25 practitioner will not be considered, for that reason alone, a
26 neglected person for the purposes of this chapter.

27 (19) "Professional school personnel" include, but are not limited
28 to, teachers, counselors, administrators, child care facility
29 personnel, and school nurses.

30 (20) "Psychologist" means any person licensed to practice
31 psychology under chapter 18.83 RCW, whether acting in an individual
32 capacity or as an employee or agent of any public or private
33 organization or institution.

34 (21) "Screened-out report" means a report of alleged child abuse
35 or neglect that the department has determined does not rise to the
36 level of a credible report of abuse or neglect and is not referred
37 for investigation.

38 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
39 encouraging a child to engage in prostitution by any person; or (b)
40 allowing, permitting, encouraging, or engaging in the obscene or

1 pornographic photographing, filming, or depicting of a child by any
2 person.

3 (23) "Sexually aggressive youth" means a child who is defined in
4 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

5 (24) "Social service counselor" means anyone engaged in a
6 professional capacity during the regular course of employment in
7 encouraging or promoting the health, welfare, support, or education
8 of children, or providing social services to adults or families,
9 including mental health, drug and alcohol treatment, and domestic
10 violence programs, whether in an individual capacity, or as an
11 employee or agent of any public or private organization or
12 institution.

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

17 (26) "Unfounded" means the determination following an
18 investigation by the department that available information indicates
19 that, more likely than not, child abuse or neglect did not occur, or
20 that there is insufficient evidence for the department to determine
21 whether the alleged child abuse did or did not occur.

22 **Sec. 322.** RCW 26.44.030 and 2017 c 118 s 1 are each amended to
23 read as follows:

24 (1)(a) When any practitioner, county coroner or medical examiner,
25 law enforcement officer, professional school personnel, registered or
26 licensed nurse, social service counselor, psychologist, pharmacist,
27 employee of the department of (~~early learning~~) children, youth, and
28 families, licensed or certified child care providers or their
29 employees, employee of the department of social and health services,
30 juvenile probation officer, placement and liaison specialist,
31 responsible living skills program staff, HOPE center staff, state
32 family and children's ombuds or any volunteer in the ombuds's office,
33 or host home program has reasonable cause to believe that a child has
34 suffered abuse or neglect, he or she shall report such incident, or
35 cause a report to be made, to the proper law enforcement agency or to
36 the department as provided in RCW 26.44.040.

37 (b) When any person, in his or her official supervisory capacity
38 with a nonprofit or for-profit organization, has reasonable cause to
39 believe that a child has suffered abuse or neglect caused by a person

1 over whom he or she regularly exercises supervisory authority, he or
2 she shall report such incident, or cause a report to be made, to the
3 proper law enforcement agency, provided that the person alleged to
4 have caused the abuse or neglect is employed by, contracted by, or
5 volunteers with the organization and coaches, trains, educates, or
6 counsels a child or children or regularly has unsupervised access to
7 a child or children as part of the employment, contract, or voluntary
8 service. No one shall be required to report under this section when
9 he or she obtains the information solely as a result of a privileged
10 communication as provided in RCW 5.60.060.

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

13 For the purposes of this subsection, the following definitions
14 apply:

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

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

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

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

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

35 (c) The reporting requirement also applies to department of
36 corrections personnel who, in the course of their employment, observe
37 offenders or the children with whom the offenders are in contact. If,
38 as a result of observations or information received in the course of
39 his or her employment, any department of corrections personnel has
40 reasonable cause to believe that a child has suffered abuse or

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

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

15 (e) The reporting requirement also applies to guardians ad litem,
16 including court-appointed special advocates, appointed under Titles
17 11 and 13 RCW and this title, who in the course of their
18 representation of children in these actions have reasonable cause to
19 believe a child has been abused or neglected.

20 (f) The reporting requirement in (a) of this subsection also
21 applies to administrative and academic or athletic department
22 employees, including student employees, of institutions of higher
23 education, as defined in RCW 28B.10.016, and of private institutions
24 of higher education.

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

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

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

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

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

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

35 (7) The department may conduct ongoing case planning and
36 consultation with those persons or agencies required to report under
37 this section, with consultants designated by the department, and with
38 designated representatives of Washington Indian tribes if the client
39 information exchanged is pertinent to cases currently receiving child
40 protective services. Upon request, the department shall conduct such

1 planning and consultation with those persons required to report under
2 this section if the department determines it is in the best interests
3 of the child. Information considered privileged by statute and not
4 directly related to reports required by this section must not be
5 divulged without a valid written waiver of the privilege.

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

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

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

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

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

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

39 (11)(a) Upon receiving a report of alleged abuse or neglect, the
40 department shall use one of the following discrete responses to

1 reports of child abuse or neglect that are screened in and accepted
2 for departmental response:

- 3 (i) Investigation; or
- 4 (ii) Family assessment.

5 (b) In making the response in (a) of this subsection the
6 department shall:

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

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

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

18 (iv) Provide a full investigation if a family refuses the initial
19 family assessment;

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

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

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

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

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

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

1 (E) The child is an adjudicated dependent child as defined in RCW
2 13.34.030, or the child is in a facility that is licensed, operated,
3 or certified for care of children by the department under chapter
4 74.15 RCW(~~(, or by the department of early learning)~~)).

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

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

20 (b) If a court in a civil or criminal proceeding, considering the
21 same facts or circumstances as are contained in the report being
22 investigated by the department, makes a judicial finding by a
23 preponderance of the evidence or higher that the subject of the
24 pending investigation has abused or neglected the child, the
25 department shall adopt the finding in its investigation.

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

28 (a) Provide the family with a written explanation of the
29 procedure for assessment of the child and the family and its
30 purposes;

31 (b) Collaborate with the family to identify family strengths,
32 resources, and service needs, and develop a service plan with the
33 goal of reducing risk of harm to the child and improving or restoring
34 family well-being;

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

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

1 (e) Implement the family assessment response in a consistent and
2 cooperative manner;

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

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

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

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

31 (b) The Washington state school directors' association shall
32 adopt a model policy addressing protocols when an interview, as
33 authorized by this subsection, is conducted on school premises. In
34 formulating its policy, the association shall consult with the
35 department and the Washington association of sheriffs and police
36 chiefs.

37 (15) If a report of alleged abuse or neglect is founded and
38 constitutes the third founded report received by the department
39 within the last twelve months involving the same child or family, the
40 department shall promptly notify the office of the family and

1 children's ombuds of the contents of the report. The department shall
2 also notify the ombuds of the disposition of the report.

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

6 (17)(a) The department shall maintain investigation records and
7 conduct timely and periodic reviews of all founded cases of abuse and
8 neglect. The department shall maintain a log of screened-out
9 nonabusive cases.

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

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

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

23 (20) Upon receiving a report of alleged abuse or neglect
24 involving a child under the court's jurisdiction under chapter 13.34
25 RCW, the department shall promptly notify the child's guardian ad
26 litem of the report's contents. The department shall also notify the
27 guardian ad litem of the disposition of the report. For purposes of
28 this subsection, "guardian ad litem" has the meaning provided in RCW
29 13.34.030.

30 (21) The department shall make efforts as soon as practicable to
31 determine the military status of parents whose children are subject
32 to abuse or neglect allegations. If the department determines that a
33 parent or guardian is in the military, the department shall notify a
34 department of defense family advocacy program that there is an
35 allegation of abuse and neglect that is screened in and open for
36 investigation that relates to that military parent or guardian.

37 (22) The department shall make available on its public web site a
38 downloadable and printable poster that includes the reporting
39 requirements included in this section. The poster must be no smaller
40 than eight and one-half by eleven inches with all information on one

1 side. The poster must be made available in both the English and
2 Spanish languages. Organizations that include employees or volunteers
3 subject to the reporting requirements of this section must clearly
4 display this poster in a common area. At a minimum, this poster must
5 include the following:

- 6 (a) Who is required to report child abuse and neglect;
- 7 (b) The standard of knowledge to justify a report;
- 8 (c) The definition of reportable crimes;
- 9 (d) Where to report suspected child abuse and neglect; and
- 10 (e) What should be included in a report and the appropriate
11 timing.

12 **Sec. 323.** RCW 26.44.040 and 1999 c 176 s 32 are each amended to
13 read as follows:

14 An immediate oral report must be made by telephone or otherwise
15 to the proper law enforcement agency or the department (~~of social~~
16 ~~and health services~~) and, upon request, must be followed by a report
17 in writing. Such reports must contain the following information, if
18 known:

- 19 (1) The name, address, and age of the child;
- 20 (2) The name and address of the child's parents, stepparents,
21 guardians, or other persons having custody of the child;
- 22 (3) The nature and extent of the alleged injury or injuries;
- 23 (4) The nature and extent of the alleged neglect;
- 24 (5) The nature and extent of the alleged sexual abuse;
- 25 (6) Any evidence of previous injuries, including their nature and
26 extent; and
- 27 (7) Any other information that may be helpful in establishing the
28 cause of the child's death, injury, or injuries and the identity of
29 the alleged perpetrator or perpetrators.

30 **Sec. 324.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to
31 read as follows:

32 Except as provided in RCW 26.44.030(11), upon the receipt of a
33 report concerning the possible occurrence of abuse or neglect, the
34 law enforcement agency or the department (~~of social and health~~
35 ~~services~~) must investigate and provide the protective services
36 section with a report in accordance with chapter 74.13 RCW, and where
37 necessary to refer such report to the court.

1 A law enforcement officer may take, or cause to be taken, a child
2 into custody without a court order if there is probable cause to
3 believe that the child is abused or neglected and that the child
4 would be injured or could not be taken into custody if it were
5 necessary to first obtain a court order pursuant to RCW 13.34.050.
6 The law enforcement agency or the department (~~of social and health~~
7 ~~services~~) investigating such a report is hereby authorized to
8 photograph such a child for the purpose of providing documentary
9 evidence of the physical condition of the child.

10 **Sec. 325.** RCW 26.44.063 and 2008 c 267 s 4 are each amended to
11 read as follows:

12 (1) It is the intent of the legislature to minimize trauma to a
13 child involved in an allegation of sexual or physical abuse. The
14 legislature declares that removing the child from the home or the
15 care of a parent, guardian, or legal custodian often has the effect
16 of further traumatizing the child. It is, therefore, the
17 legislature's intent that the alleged abuser, rather than the child,
18 shall be removed or restrained from the child's residence and that
19 this should be done at the earliest possible point of intervention in
20 accordance with RCW 10.31.100, chapter 13.34 RCW, this section, and
21 RCW 26.44.130.

22 (2) In any judicial proceeding in which it is alleged that a
23 child has been subjected to sexual or physical abuse, if the court
24 finds reasonable grounds to believe that an incident of sexual or
25 physical abuse has occurred, the court may, on its own motion, or the
26 motion of the guardian ad litem or other parties, issue a temporary
27 restraining order or preliminary injunction restraining or enjoining
28 the person accused of committing the abuse from:

29 (a) Molesting or disturbing the peace of the alleged victim;

30 (b) Entering the family home of the alleged victim except as
31 specifically authorized by the court;

32 (c) Having any contact with the alleged victim, except as
33 specifically authorized by the court;

34 (d) Knowingly coming within, or knowingly remaining within, a
35 specified distance of a specified location.

36 (3) If the caretaker is willing, and does comply with the duties
37 prescribed in subsection (8) of this section, uncertainty by the
38 caretaker that the alleged abuser has in fact abused the alleged

1 victim shall not, alone, be a basis to remove the alleged victim from
2 the caretaker, nor shall it be considered neglect.

3 (4) In issuing a temporary restraining order or preliminary
4 injunction, the court may impose any additional restrictions that the
5 court in its discretion determines are necessary to protect the child
6 from further abuse or emotional trauma pending final resolution of
7 the abuse allegations.

8 (5) The court shall issue a temporary restraining order
9 prohibiting a person from entering the family home if the court finds
10 that the order would eliminate the need for an out-of-home placement
11 to protect the child's right to nurturance, health, and safety and is
12 sufficient to protect the child from further sexual or physical abuse
13 or coercion.

14 (6) The court may issue a temporary restraining order without
15 requiring notice to the party to be restrained or other parties only
16 if it finds on the basis of the moving affidavit or other evidence
17 that irreparable injury could result if an order is not issued until
18 the time for responding has elapsed.

19 (7) A temporary restraining order or preliminary injunction:

20 (a) Does not prejudice the rights of a party or any child which
21 are to be adjudicated at subsequent hearings in the proceeding; and

22 (b) May be revoked or modified.

23 (8) The person having physical custody of the child shall have an
24 affirmative duty to assist in the enforcement of the restraining
25 order including but not limited to a duty to notify the court as soon
26 as practicable of any violation of the order, a duty to request the
27 assistance of law enforcement officers to enforce the order, and a
28 duty to notify the department (~~of social and health services~~) of
29 any violation of the order as soon as practicable if the department
30 is a party to the action. Failure by the custodial party to discharge
31 these affirmative duties shall be subject to contempt proceedings.

32 (9) Willful violation of a court order entered under this section
33 is a misdemeanor. A written order shall contain the court's directive
34 and shall bear the legend: "Violation of this order with actual
35 notice of its terms is a criminal offense under chapter 26.44 RCW, is
36 also subject to contempt proceedings, and will subject a violator to
37 arrest."

38 (10) If a restraining order issued under this section is modified
39 or terminated, the clerk of the court shall notify the law
40 enforcement agency specified in the order on or before the next

1 judicial day. Upon receipt of notice that an order has been
2 terminated, the law enforcement agency shall remove the order from
3 any computer-based criminal intelligence system.

4 **Sec. 326.** RCW 26.44.105 and 1985 c 183 s 2 are each amended to
5 read as follows:

6 Whenever a dependency petition is filed by the department (~~of~~
7 ~~social and health services~~), it shall advise the parents, and any
8 child over the age of twelve who is subject to the dependency action,
9 of their respective rights under RCW 13.34.090. The parents and the
10 child shall be provided a copy of the dependency petition and a copy
11 of any court orders which have been issued. This advice of rights
12 under RCW 13.34.090 shall be in writing. The department caseworker
13 shall also make reasonable efforts to advise the parent and child of
14 these same rights orally.

15 **Sec. 327.** RCW 26.44.140 and 1997 c 344 s 1 are each amended to
16 read as follows:

17 The court shall require that an individual who, while acting in a
18 parental role, has physically or sexually abused a child and has been
19 removed from the home pursuant to a court order issued in a
20 proceeding under chapter 13.34 RCW, prior to being permitted to
21 reside in the home where the child resides, complete the treatment
22 and education requirements necessary to protect the child from future
23 abuse. The court may require the individual to continue treatment as
24 a condition for remaining in the home where the child resides. Unless
25 a parent, custodian, or guardian has been convicted of the crime for
26 the acts of abuse determined in a fact-finding hearing under chapter
27 13.34 RCW, such person shall not be required to admit guilt in order
28 to begin to fulfill any necessary treatment and education
29 requirements under this section.

30 The department (~~of social and health services~~) or supervising
31 agency shall be responsible for advising the court as to appropriate
32 treatment and education requirements, providing referrals to the
33 individual, monitoring and assessing the individual's progress,
34 informing the court of such progress, and providing recommendations
35 to the court.

36 The person removed from the home shall pay for these services
37 unless the person is otherwise eligible to receive financial
38 assistance in paying for such services. Nothing in this section shall

1 be construed to create in any person an entitlement to services or
2 financial assistance in paying for services.

3 **Sec. 328.** RCW 43.20A.360 and 2001 c 291 s 101 are each amended
4 to read as follows:

5 (1) The secretary is hereby authorized to appoint such advisory
6 committees or councils as may be required by any federal legislation
7 as a condition to the receipt of federal funds by the department. The
8 secretary may appoint statewide committees or councils in the
9 following subject areas: (a) Health facilities; (b) ~~((children and
10 youth services; (c)))~~ blind services; ~~((d))~~ (c) medical and health
11 care; ~~((e))~~ (d) drug abuse and alcoholism; ~~((f))~~ (e) social
12 services; ~~((g))~~ (f) economic services; ~~((h))~~ (g) vocational
13 services; ~~((i))~~ (h) rehabilitative services; and (i) on such other
14 subject matters as are or come within the department's
15 responsibilities. The statewide councils shall have representation
16 from both major political parties and shall have substantial consumer
17 representation. Such committees or councils shall be constituted as
18 required by federal law or as the secretary in his or her discretion
19 may determine. The members of the committees or councils shall hold
20 office for three years except in the case of a vacancy, in which
21 event appointment shall be only for the remainder of the unexpired
22 term for which the vacancy occurs. No member shall serve more than
23 two consecutive terms.

24 (2) Members of such state advisory committees or councils may be
25 paid their travel expenses in accordance with RCW 43.03.050 and
26 43.03.060 as now existing or hereafter amended.

27 **Sec. 329.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to
28 read as follows:

29 (1)(a) The secretary of social and health services and the
30 secretary of the department of children, youth, and families shall
31 review current department policies and assess the adequacy and
32 availability of programs targeted at persons who receive services
33 through the department who are the children and families of a person
34 who is incarcerated in a department of corrections facility. Great
35 attention shall be focused on programs and policies affecting foster
36 youth who have a parent who is incarcerated.

37 (b) The secretary of social and health services and the secretary
38 of the department of children, youth, and families shall adopt

1 policies that encourage familial contact and engagement between
2 inmates of the department of corrections facilities and their
3 children with the goal of facilitating normal child development,
4 while reducing recidivism and intergenerational incarceration.
5 Programs and policies should take into consideration the children's
6 need to maintain contact with his or her parent, the inmate's ability
7 to develop plans to financially support their children, assist in
8 reunification when appropriate, and encourage the improvement of
9 parenting skills where needed. The programs and policies should also
10 meet the needs of the child while the parent is incarcerated.

11 (2) The secretary of social and health services and the secretary
12 of the department of children, youth, and families shall conduct the
13 following activities to assist in implementing the requirements of
14 subsection (1) of this section:

15 (a) Gather information and data on the recipients of public
16 assistance, or children in the care of the state under chapter 13.34
17 RCW, who are the children and families of inmates incarcerated in
18 department of corrections facilities; and

19 (b) Participate in the children of incarcerated parents advisory
20 committee and report information obtained under this section to the
21 advisory committee.

22 **Sec. 330.** RCW 26.34.030 and 1971 ex.s. c 168 s 3 are each
23 amended to read as follows:

24 The "appropriate public authorities" as used in Article III of
25 the Interstate Compact on the Placement of Children shall, with
26 reference to this state, mean the department of (~~social and health~~
27 ~~services~~) children, youth, and families, and said agency shall
28 receive and act with reference to notices required by said Article
29 III.

30 **Sec. 331.** RCW 26.34.040 and 1971 ex.s. c 168 s 4 are each
31 amended to read as follows:

32 As used in paragraph (a) of Article V of the Interstate Compact
33 on the Placement of Children, the phrase "appropriate authority in
34 the receiving state" with reference to this state shall mean the
35 department of (~~social and health services~~) children, youth, and
36 families.

1 **Sec. 332.** RCW 70.02.220 and 2017 c 298 s 4 are each amended to
2 read as follows:

3 (1) No person may disclose or be compelled to disclose the
4 identity of any person who has investigated, considered, or requested
5 a test or treatment for a sexually transmitted disease, except as
6 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

7 (2) No person may disclose or be compelled to disclose
8 information and records related to sexually transmitted diseases,
9 except as authorized by this section, RCW 70.02.210, 70.02.---
10 (section 1, chapter 298, Laws of 2017), or chapter 70.24 RCW. A
11 person may disclose information related to sexually transmitted
12 diseases about a patient without the patient's authorization, to the
13 extent a recipient needs to know the information, if the disclosure
14 is to:

15 (a) The subject of the test or the subject's legal representative
16 for health care decisions in accordance with RCW 7.70.065, with the
17 exception of such a representative of a minor fourteen years of age
18 or over and otherwise competent;

19 (b) The state public health officer as defined in RCW 70.24.017,
20 a local public health officer, or the centers for disease control of
21 the United States public health service in accordance with reporting
22 requirements for a diagnosed case of a sexually transmitted disease;

23 (c) A health facility or health care provider that procures,
24 processes, distributes, or uses: (i) A human body part, tissue, or
25 blood from a deceased person with respect to medical information
26 regarding that person; (ii) semen, including that was provided prior
27 to March 23, 1988, for the purpose of artificial insemination; or
28 (iii) blood specimens;

29 (d) Any state or local public health officer conducting an
30 investigation pursuant to RCW 70.24.024, so long as the record was
31 obtained by means of court-ordered HIV testing pursuant to RCW
32 70.24.340 or 70.24.024;

33 (e) A person allowed access to the record by a court order
34 granted after application showing good cause therefor. In assessing
35 good cause, the court shall weigh the public interest and the need
36 for disclosure against the injury to the patient, to the physician-
37 patient relationship, and to the treatment services. Upon the
38 granting of the order, the court, in determining the extent to which
39 any disclosure of all or any part of the record of any such test is
40 necessary, shall impose appropriate safeguards against unauthorized

1 disclosure. An order authorizing disclosure must: (i) Limit
2 disclosure to those parts of the patient's record deemed essential to
3 fulfill the objective for which the order was granted; (ii) limit
4 disclosure to those persons whose need for information is the basis
5 for the order; and (iii) include any other appropriate measures to
6 keep disclosure to a minimum for the protection of the patient, the
7 physician-patient relationship, and the treatment services;

8 (f) Persons who, because of their behavioral interaction with the
9 infected individual, have been placed at risk for acquisition of a
10 sexually transmitted disease, as provided in RCW 70.24.022, if the
11 health officer or authorized representative believes that the exposed
12 person was unaware that a risk of disease exposure existed and that
13 the disclosure of the identity of the infected person is necessary;

14 (g) A law enforcement officer, firefighter, health care provider,
15 health care facility staff person, department of correction's staff
16 person, jail staff person, or other persons as defined by the board
17 of health in rule pursuant to RCW 70.24.340(4), who has requested a
18 test of a person whose bodily fluids he or she has been substantially
19 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
20 health officer performs the test;

21 (h) Claims management personnel employed by or associated with an
22 insurer, health care service contractor, health maintenance
23 organization, self-funded health plan, state administered health care
24 claims payer, or any other payer of health care claims where such
25 disclosure is to be used solely for the prompt and accurate
26 evaluation and payment of medical or related claims. Information
27 released under this subsection must be confidential and may not be
28 released or available to persons who are not involved in handling or
29 determining medical claims payment; and

30 (i) A department of (~~social and health services~~) children,
31 youth, and families worker, a child placing agency worker, or a
32 guardian ad litem who is responsible for making or reviewing
33 placement or case-planning decisions or recommendations to the court
34 regarding a child, who is less than fourteen years of age, has a
35 sexually transmitted disease, and is in the custody of the department
36 of (~~social and health services~~) children, youth, and families or a
37 licensed child placing agency. This information may also be received
38 by a person responsible for providing residential care for such a
39 child when the department of social and health services, the
40 department of children, youth, and families, or a licensed child

1 placing agency determines that it is necessary for the provision of
2 child care services.

3 (3) No person to whom the results of a test for a sexually
4 transmitted disease have been disclosed pursuant to subsection (2) of
5 this section may disclose the test results to another person except
6 as authorized by that subsection.

7 (4) The release of sexually transmitted disease information
8 regarding an offender or detained person, except as provided in
9 subsection (2)(d) of this section, is governed as follows:

10 (a) The sexually transmitted disease status of a department of
11 corrections offender who has had a mandatory test conducted pursuant
12 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
13 by department of corrections health care providers and local public
14 health officers to the department of corrections health care
15 administrator or infection control coordinator of the facility in
16 which the offender is housed. The information made available to the
17 health care administrator or the infection control coordinator under
18 this subsection (4)(a) may be used only for disease prevention or
19 control and for protection of the safety and security of the staff,
20 offenders, and the public. The information may be submitted to
21 transporting officers and receiving facilities, including facilities
22 that are not under the department of corrections' jurisdiction
23 according to the provisions of (d) and (e) of this subsection.

24 (b) The sexually transmitted disease status of a person detained
25 in a jail who has had a mandatory test conducted pursuant to RCW
26 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
27 local public health officer to a jail health care administrator or
28 infection control coordinator. The information made available to a
29 health care administrator under this subsection (4)(b) may be used
30 only for disease prevention or control and for protection of the
31 safety and security of the staff, offenders, detainees, and the
32 public. The information may be submitted to transporting officers and
33 receiving facilities according to the provisions of (d) and (e) of
34 this subsection.

35 (c) Information regarding the sexually transmitted disease status
36 of an offender or detained person is confidential and may be
37 disclosed by a correctional health care administrator or infection
38 control coordinator or local jail health care administrator or
39 infection control coordinator only as necessary for disease
40 prevention or control and for protection of the safety and security

1 of the staff, offenders, and the public. Unauthorized disclosure of
2 this information to any person may result in disciplinary action, in
3 addition to the penalties prescribed in RCW 70.24.080 or any other
4 penalties as may be prescribed by law.

5 (d) Notwithstanding the limitations on disclosure contained in
6 (a), (b), and (c) of this subsection, whenever any member of a jail
7 staff or department of corrections staff has been substantially
8 exposed to the bodily fluids of an offender or detained person, then
9 the results of any tests conducted pursuant to RCW 70.24.340(1),
10 70.24.360, or 70.24.370, must be immediately disclosed to the staff
11 person in accordance with the Washington Administrative Code rules
12 governing employees' occupational exposure to blood-borne pathogens.
13 Disclosure must be accompanied by appropriate counseling for the
14 staff member, including information regarding follow-up testing and
15 treatment. Disclosure must also include notice that subsequent
16 disclosure of the information in violation of this chapter or use of
17 the information to harass or discriminate against the offender or
18 detainee may result in disciplinary action, in addition to the
19 penalties prescribed in RCW 70.24.080, and imposition of other
20 penalties prescribed by law.

21 (e) The staff member must also be informed whether the offender
22 or detained person had any other communicable disease, as defined in
23 RCW 72.09.251(3), when the staff person was substantially exposed to
24 the offender's or detainee's bodily fluids.

25 (f) The test results of voluntary and anonymous HIV testing or
26 HIV-related condition, as defined in RCW 70.24.017, may not be
27 disclosed to a staff person except as provided in this section and
28 RCW 70.02.050(1)(d) and 70.24.340(4). A health care administrator or
29 infection control coordinator may provide the staff member with
30 information about how to obtain the offender's or detainee's test
31 results under this section and RCW 70.02.050(1)(d) and 70.24.340(4).

32 (5) The requirements of this section do not apply to the
33 customary methods utilized for the exchange of medical information
34 among health care providers in order to provide health care services
35 to the patient, nor do they apply within health care facilities where
36 there is a need for access to confidential medical information to
37 fulfill professional duties.

38 (6) Upon request of the victim, disclosure of test results under
39 this section to victims of sexual offenses under chapter 9A.44 RCW
40 must be made if the result is negative or positive. The county

1 prosecuting attorney shall notify the victim of the right to such
2 disclosure. The disclosure must be accompanied by appropriate
3 counseling, including information regarding follow-up testing.

4 (7) A person, including a health care facility or health care
5 provider, shall disclose the identity of any person who has
6 investigated, considered, or requested a test or treatment for a
7 sexually transmitted disease and information and records related to
8 sexually transmitted diseases to federal, state, or local public
9 health authorities, to the extent the health care provider is
10 required by law to report health care information; when needed to
11 determine compliance with state or federal certification or
12 registration rules or laws; or when needed to protect the public
13 health. Any health care information obtained under this subsection is
14 exempt from public inspection and copying pursuant to chapter 42.56
15 RCW.

16 **Sec. 333.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to
17 read as follows:

18 (1) Before granting any order regarding the custody of a child
19 under this chapter, the court shall consult the judicial information
20 system, if available, to determine the existence of any information
21 and proceedings that are relevant to the placement of the child.

22 (2) Before entering a final order, the court shall:

23 (a) Direct the department of (~~social and health services~~)
24 children, youth, and families to release information as provided
25 under RCW 13.50.100; and

26 (b) Require the petitioner to provide the results of an
27 examination of state and national criminal identification data
28 provided by the Washington state patrol criminal identification
29 system as described in chapter 43.43 RCW for the petitioner and adult
30 members of the petitioner's household.

31 **Sec. 334.** RCW 26.50.150 and 2010 c 274 s 501 are each amended to
32 read as follows:

33 Any program that provides domestic violence treatment to
34 perpetrators of domestic violence must be certified by the department
35 of (~~social and health services~~) children, youth, and families and
36 meet minimum standards for domestic violence treatment purposes. The
37 department of (~~social and health services~~) children, youth, and
38 families shall adopt rules for standards of approval of domestic

1 violence perpetrator programs. The treatment must meet the following
2 minimum qualifications:

3 (1) All treatment must be based upon a full, complete clinical
4 intake including but not limited to: Current and past violence
5 history; a lethality risk assessment; history of treatment from past
6 domestic violence perpetrator treatment programs; a complete
7 diagnostic evaluation; a substance abuse assessment; criminal
8 history; assessment of cultural issues, learning disabilities,
9 literacy, and special language needs; and a treatment plan that
10 adequately and appropriately addresses the treatment needs of the
11 individual.

12 (2) To facilitate communication necessary for periodic safety
13 checks and case monitoring, the program must require the perpetrator
14 to sign the following releases:

15 (a) A release for the program to inform the victim and victim's
16 community and legal advocates that the perpetrator is in treatment
17 with the program, and to provide information, for safety purposes, to
18 the victim and victim's community and legal advocates;

19 (b) A release to prior and current treatment agencies to provide
20 information on the perpetrator to the program; and

21 (c) A release for the program to provide information on the
22 perpetrator to relevant legal entities including: Lawyers, courts,
23 parole, probation, child protective services, and child welfare
24 services.

25 (3) Treatment must be for a minimum treatment period defined by
26 the secretary of the department of children, youth, and families by
27 rule. The weekly treatment sessions must be in a group unless there
28 is a documented, clinical reason for another modality. Any other
29 therapies, such as individual, marital, or family therapy, substance
30 abuse evaluations or therapy, medication reviews, or psychiatric
31 interviews, may be concomitant with the weekly group treatment
32 sessions described in this section but not a substitute for it.

33 (4) The treatment must focus primarily on ending the violence,
34 holding the perpetrator accountable for his or her violence, and
35 changing his or her behavior. The treatment must be based on
36 nonvictim-blaming strategies and philosophies and shall include
37 education about the individual, family, and cultural dynamics of
38 domestic violence. If the perpetrator or the victim has a minor
39 child, treatment must specifically include education regarding the
40 effects of domestic violence on children, such as the emotional

1 impacts of domestic violence on children and the long-term
2 consequences that exposure to incidents of domestic violence may have
3 on children.

4 (5) Satisfactory completion of treatment must be contingent upon
5 the perpetrator meeting specific criteria, defined by rule by the
6 secretary of the department of children, youth, and families, and not
7 just upon the end of a certain period of time or a certain number of
8 sessions.

9 (6) The program must have policies and procedures for dealing
10 with reoffenses and noncompliance.

11 (7) All evaluation and treatment services must be provided by, or
12 under the supervision of, qualified personnel.

13 (8) The secretary of the department of children, youth, and
14 families may adopt rules and establish fees as necessary to implement
15 this section.

16 (9) The department of children, youth, and families may conduct
17 on-site monitoring visits as part of its plan for certifying domestic
18 violence perpetrator programs and monitoring implementation of the
19 rules adopted by the secretary of the department of children, youth,
20 and families to determine compliance with the minimum qualifications
21 for domestic violence perpetrator programs. The applicant or
22 certified domestic violence perpetrator program shall cooperate fully
23 with the department of children, youth, and families in the
24 monitoring visit and provide all program and management records
25 requested by the department of children, youth, and families to
26 determine the program's compliance with the minimum certification
27 qualifications and rules adopted by the department of children,
28 youth, and families.

29 **Sec. 335.** RCW 26.50.160 and 2006 c 138 s 26 are each amended to
30 read as follows:

31 To prevent the issuance of competing protection orders in
32 different courts and to give courts needed information for issuance
33 of orders, the judicial information system shall be available in each
34 district, municipal, and superior court by July 1, 1997, and shall
35 include a database containing the following information:

36 (1) The names of the parties and the cause number for every order
37 of protection issued under this title, every sexual assault
38 protection order issued under chapter 7.90 RCW, every criminal no-
39 contact order issued under chapters 9A.46 and 10.99 RCW, every

1 antiharassment order issued under chapter 10.14 RCW, every
2 dissolution action under chapter 26.09 RCW, every third-party custody
3 action under chapter 26.10 RCW, every parentage action under chapter
4 26.26 RCW, every restraining order issued on behalf of an abused
5 child or adult dependent person under chapter 26.44 RCW, every
6 foreign protection order filed under chapter 26.52 RCW, and every
7 order for protection of a vulnerable adult under chapter 74.34 RCW.
8 When a guardian or the department of social and health services or
9 department of children, youth, and families has petitioned for relief
10 on behalf of an abused child, adult dependent person, or vulnerable
11 adult, the name of the person on whose behalf relief was sought shall
12 be included in the database as a party rather than the guardian or
13 appropriate department;

14 (2) A criminal history of the parties; and

15 (3) Other relevant information necessary to assist courts in
16 issuing orders under this chapter as determined by the judicial
17 information system committee.

18 **Sec. 336.** RCW 28A.150.510 and 2012 c 163 s 9 are each amended to
19 read as follows:

20 (1) In order to effectively serve students who are dependent
21 pursuant to chapter 13.34 RCW, education records shall be transmitted
22 to the department of (~~social and health services~~) children, youth,
23 and families within two school days after receiving the request from
24 the department provided that the department certifies that it will
25 not disclose to any other party the education records without prior
26 written consent of the parent or student unless authorized to
27 disclose the records under state law. The department of (~~social and~~
28 ~~health services~~) children, youth, and families is authorized to
29 disclose education records it obtains pursuant to this section to a
30 foster parent, guardian, or other entity authorized by the department
31 to provide residential care to the student. The department is also
32 authorized to disclose educational records it obtains pursuant to
33 this section to those entities with which it has contracted, or with
34 which it is formally collaborating, having responsibility for
35 educational support services and educational outcomes of students who
36 are dependent pursuant to chapter 13.34 RCW. The department is
37 encouraged to put in place data-sharing agreements to assure
38 accountability.

1 (2)(a) The K-12 data governance group established under RCW
2 28A.300.507 shall create a comprehensive needs requirement document
3 detailing the specific information, technical capacity, and any
4 federal and state statutory and regulatory changes needed by school
5 districts, the office of the superintendent of public instruction,
6 the department of (~~social and health services~~) children, youth, and
7 families, or the higher education coordinating board or its
8 successor, to enable the provision, on at least a quarterly basis,
9 of:

10 (i) Current education records of students who are dependent
11 pursuant to chapter 13.34 RCW to the department of (~~social and~~
12 ~~health services~~) children, youth, and families and, from the
13 department, to those entities with which the department has
14 contracted, or with which it is formally collaborating, having
15 responsibility for educational support services and educational
16 outcomes; and

17 (ii) The names and contact information of students who are
18 dependent pursuant to chapter 13.34 RCW and are thirteen years or
19 older to the higher education coordinating board or its successor and
20 the private agency with which it has contracted to perform outreach
21 for the passport to college promise program under chapter 28B.117 RCW
22 or the college bound scholarship program under chapter 28B.118 RCW.

23 (b) In complying with (a) of this subsection, the K-12 data
24 governance group shall consult with: Educational support service
25 organizations, with which the department of (~~social and health~~
26 ~~services~~) children, youth, and families contracts or collaborates,
27 having responsibility for educational support services and
28 educational outcomes of dependent students; the passport to college
29 advisory committee; the education support service organizations under
30 contract to perform outreach for the passport to college promise
31 program under chapter 28B.117 RCW; the department of (~~social and~~
32 ~~health services~~) children, youth, and families; the office of the
33 attorney general; the higher education coordinating board or its
34 successor; and the office of the administrator for the courts.

35 (~~(c) By December 1, 2012, the superintendent of public~~
36 ~~instruction shall submit a report to the governor and the appropriate~~
37 ~~committees of the legislature regarding: The analysis of needs by the~~
38 ~~K-12 data governance group; a timeline for addressing those needs for~~
39 ~~which no statutory changes are necessary and that can be implemented~~
40 ~~within existing resources; and recommended options for addressing~~

1 ~~identified needs for which statutory changes, additional funding, or~~
2 ~~both, are necessary.))~~

3 **Sec. 337.** RCW 74.09.510 and 2013 2nd sp.s. c 10 s 6 are each
4 amended to read as follows:

5 Medical assistance may be provided in accordance with eligibility
6 requirements established by the authority, as defined in the social
7 security Title XIX state plan for mandatory categorically needy
8 persons and:

9 (1) Individuals who would be eligible for cash assistance except
10 for their institutional status;

11 (2) Individuals who are under twenty-one years of age, who would
12 be eligible for medicaid, but do not qualify as dependent children
13 and who are in (a) foster care, (b) subsidized adoption, (c) a
14 nursing facility or an intermediate care facility for persons with
15 intellectual disabilities, or (d) inpatient psychiatric facilities;

16 (3) Individuals who:

17 (a) Are under twenty-one years of age;

18 (b) On or after July 22, 2007, were in foster care under the
19 legal responsibility of the department of social and health services,
20 the department of children, youth, and families, or a federally
21 recognized tribe located within the state; and

22 (c) On their eighteenth birthday, were in foster care under the
23 legal responsibility of the department of children, youth, and
24 families or a federally recognized tribe located within the state;

25 (4) Persons who are aged, blind, or disabled who: (a) Receive
26 only a state supplement, or (b) would not be eligible for cash
27 assistance if they were not institutionalized;

28 (5) Categorically eligible individuals who meet the income and
29 resource requirements of the cash assistance programs;

30 (6) Individuals who are enrolled in managed health care systems,
31 who have otherwise lost eligibility for medical assistance, but who
32 have not completed a current six-month enrollment in a managed health
33 care system, and who are eligible for federal financial participation
34 under Title XIX of the social security act;

35 (7) Children and pregnant women allowed by federal statute for
36 whom funding is appropriated;

37 (8) Working individuals with disabilities authorized under
38 section 1902(a)(10)(A)(ii) of the social security act for whom
39 funding is appropriated;

1 (9) Other individuals eligible for medical services under RCW
2 74.09.700 for whom federal financial participation is available under
3 Title XIX of the social security act;

4 (10) Persons allowed by section 1931 of the social security act
5 for whom funding is appropriated; and

6 (11) Women who: (a) Are under sixty-five years of age; (b) have
7 been screened for breast and cervical cancer under the national
8 breast and cervical cancer early detection program administered by
9 the department of health or tribal entity and have been identified as
10 needing treatment for breast or cervical cancer; and (c) are not
11 otherwise covered by health insurance. Medical assistance provided
12 under this subsection is limited to the period during which the woman
13 requires treatment for breast or cervical cancer, and is subject to
14 any conditions or limitations specified in the omnibus appropriations
15 act.

16 **PART IV**

17 **TRANSFER OF CHILD WELFARE SERVICES**

18 **Sec. 401.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to
19 read as follows:

20 ~~((For purposes of this chapter:))~~ The definitions in this section
21 apply throughout this chapter unless the context clearly requires
22 otherwise.

23 (1) "Case management" means convening family meetings,
24 developing, revising, and monitoring implementation of any case plan
25 or individual service and safety plan, coordinating and monitoring
26 services needed by the child and family, caseworker-child visits,
27 family visits, and the assumption of court-related duties, excluding
28 legal representation, including preparing court reports, attending
29 judicial hearings and permanency hearings, and ensuring that the
30 child is progressing toward permanency within state and federal
31 mandates, including the Indian child welfare act.

32 (2) "Child" means:

33 (a) A person less than eighteen years of age; or

34 (b) A person age eighteen to twenty-one years who is eligible to
35 receive the extended foster care services authorized under RCW
36 74.13.031.

37 (3) "Child protective services" has the same meaning as in RCW
38 26.44.020.

1 (4) "Child welfare services" means social services including
2 voluntary and in-home services, out-of-home care, case management,
3 and adoption services which strengthen, supplement, or substitute
4 for, parental care and supervision for the purpose of:

5 (a) Preventing or remedying, or assisting in the solution of
6 problems which may result in families in conflict, or the neglect,
7 abuse, exploitation, or criminal behavior of children;

8 (b) Protecting and caring for dependent, abused, or neglected
9 children;

10 (c) Assisting children who are in conflict with their parents,
11 and assisting parents who are in conflict with their children, with
12 services designed to resolve such conflicts;

13 (d) Protecting and promoting the welfare of children, including
14 the strengthening of their own homes where possible, or, where
15 needed;

16 (e) Providing adequate care of children away from their homes in
17 foster family homes or day care or other child care agencies or
18 facilities.

19 "Child welfare services" does not include child protection
20 services.

21 (5) "Committee" means the child welfare transformation design
22 committee.

23 (6) "Department" means the department of (~~social and health~~
24 ~~services~~) children, youth, and families.

25 (7) "Extended foster care services" means residential and other
26 support services the department is authorized to provide to foster
27 children. These services include, but are not limited to, placement
28 in licensed, relative, or otherwise approved care, or supervised
29 independent living settings; assistance in meeting basic needs;
30 independent living services; medical assistance; and counseling or
31 treatment.

32 (8) "Family assessment" means a comprehensive assessment of child
33 safety, risk of subsequent child abuse or neglect, and family
34 strengths and needs that is applied to a child abuse or neglect
35 report. Family assessment does not include a determination as to
36 whether child abuse or neglect occurred, but does determine the need
37 for services to address the safety of the child and the risk of
38 subsequent maltreatment.

39 (9) "Measurable effects" means a statistically significant change
40 which occurs as a result of the service or services a supervising

1 agency is assigned in a performance-based contract, in time periods
2 established in the contract.

3 (10) "Medical condition" means, for the purposes of qualifying
4 for extended foster care services, a physical or mental health
5 condition as documented by any licensed health care provider
6 regulated by a disciplining authority under RCW 18.130.040.

7 (11) "Nonminor dependent" means any individual age eighteen to
8 twenty-one years who is participating in extended foster care
9 services authorized under RCW 74.13.031.

10 (12) "Out-of-home care services" means services provided after
11 the shelter care hearing to or for children in out-of-home care, as
12 that term is defined in RCW 13.34.030, and their families, including
13 the recruitment, training, and management of foster parents, the
14 recruitment of adoptive families, and the facilitation of the
15 adoption process, family reunification, independent living, emergency
16 shelter, residential group care, and foster care, including relative
17 placement.

18 (13) "Performance-based contracting" means the structuring of all
19 aspects of the procurement of services around the purpose of the work
20 to be performed and the desired results with the contract
21 requirements set forth in clear, specific, and objective terms with
22 measurable outcomes. Contracts shall also include provisions that
23 link the performance of the contractor to the level and timing of
24 reimbursement.

25 (14) "Permanency services" means long-term services provided to
26 secure a child's safety, permanency, and well-being, including foster
27 care services, family reunification services, adoption services, and
28 preparation for independent living services.

29 (15) "Primary prevention services" means services which are
30 designed and delivered for the primary purpose of enhancing child and
31 family well-being and are shown, by analysis of outcomes, to reduce
32 the risk to the likelihood of the initial need for child welfare
33 services.

34 (16) "Secretary" means the secretary of the department.

35 (17) "Supervised independent living" includes, but is not limited
36 to, apartment living, room and board arrangements, college or
37 university dormitories, and shared roommate settings. Supervised
38 independent living settings must be approved by the children's
39 administration or the court.

1 (~~(17)~~) (18) "Supervising agency" means an agency licensed by
2 the state under RCW 74.15.090, or licensed by a federally recognized
3 Indian tribe located in this state under RCW 74.15.190, that has
4 entered into a performance-based contract with the department to
5 provide case management for the delivery and documentation of child
6 welfare services, as defined in this section. This definition is
7 applicable on or after December 30, 2015.

8 (~~(18)~~) (19) "Unsupervised" has the same meaning as in RCW
9 43.43.830.

10 (~~(19)~~) (20) "Voluntary placement agreement" means, for the
11 purposes of extended foster care services, a written voluntary
12 agreement between a nonminor dependent who agrees to submit to the
13 care and authority of the department for the purposes of
14 participating in the extended foster care program.

15 **Sec. 402.** RCW 74.13.025 and 1998 c 296 s 1 are each amended to
16 read as follows:

17 Any county or group of counties may make application to the
18 department (~~(of social and health services)~~) in the manner and form
19 prescribed by the department to administer and provide the services
20 established under RCW 13.32A.197. Any such application must include a
21 plan or plans for providing such services to at-risk youth.

22 **Sec. 403.** RCW 74.13.039 and 1994 sp.s. c 7 s 501 are each
23 amended to read as follows:

24 The department (~~(of social and health services)~~) shall maintain a
25 toll-free hot line to assist parents of runaway children. The hot
26 line shall provide parents with a complete description of their
27 rights when dealing with their runaway child.

28 **Sec. 404.** RCW 74.13.062 and 2010 c 272 s 12 are each amended to
29 read as follows:

30 (1) The department shall adopt rules consistent with federal
31 regulations for the receipt and expenditure of federal funds and
32 implement a subsidy program for eligible relatives appointed by the
33 court as a guardian under RCW 13.36.050.

34 (2) For the purpose of licensing a relative seeking to be
35 appointed as a guardian and eligible for a guardianship subsidy under
36 this section, the department shall, on a case-by-case basis, and when
37 determined to be in the best interests of the child:

1 (a) Waive nonsafety licensing standards; and
2 (b) Apply the list of disqualifying crimes in the adoption and
3 safe families act, (~~rather than the secretary's list of~~
4 ~~disqualifying crimes,~~) unless doing so would compromise the child's
5 safety, or would adversely affect the state's ability to continue to
6 obtain federal funding for child welfare related functions.
7 (3) Relative guardianship subsidy agreements shall be designed to
8 promote long-term permanency for the child, and may include
9 provisions for periodic review of the subsidy amount and the needs of
10 the child.

11 **Sec. 405.** RCW 74.13.1051 and 2016 c 71 s 6 are each amended to
12 read as follows:

13 (1) In order to proactively support foster youth to complete high
14 school, enroll and complete postsecondary education, and successfully
15 implement their own plans for their futures, the department, the
16 student achievement council, and the office of the superintendent of
17 public instruction shall enter into, or revise existing, memoranda of
18 understanding that:

19 (a) Facilitate student referral, data and information exchange,
20 agency roles and responsibilities, and cooperation and collaboration
21 among state agencies and nongovernmental entities; and

22 (b) Effectuate the transfer of responsibilities from the
23 department (~~of social and health services~~) to the office of the
24 superintendent of public instruction with respect to the programs in
25 RCW 28A.300.592, and from the department (~~of social and health~~
26 ~~services~~) to the student achievement council with respect to the
27 program in RCW 28B.77.250 in a smooth, expedient, and coordinated
28 fashion.

29 (2) The student achievement council and the office of the
30 superintendent of public instruction shall establish a set of
31 indicators relating to the outcomes provided in RCW 28A.300.590 and
32 28A.300.592 to provide consistent services for youth, facilitate
33 transitions among contractors, and support outcome-driven contracts.
34 The student achievement council and the superintendent of public
35 instruction shall collaborate with nongovernmental contractors and
36 the department to develop a list of the most critical indicators,
37 establishing a common set of indicators to be used in the outcome-
38 driven contracts in RCW 28A.300.590 and 28A.300.592. A list of these

1 indicators must be included in the report provided in subsection (3)
2 of this section.

3 (3) By November 1, 2017, and biannually thereafter, the
4 department, the student achievement council, and the office of the
5 superintendent of public instruction, in consultation with the
6 nongovernmental entities engaged in public-private partnerships shall
7 submit a joint report to the governor and the appropriate education
8 and human services committees of the legislature regarding each of
9 these programs, individually, as well as the collective progress the
10 state has made toward the following goals:

11 (a) To make Washington number one in the nation for foster care
12 graduation rates;

13 (b) To make Washington number one in the nation for foster care
14 enrollment in postsecondary education; and

15 (c) To make Washington number one in the nation for foster care
16 postsecondary completion.

17 (4) The department, the student achievement council, and the
18 office of the superintendent of public instruction, in consultation
19 with the nongovernmental entities engaged in public-private
20 partnerships, shall also submit one report by November 1, 2018, to
21 the governor and the appropriate education and human service
22 committees of the legislature regarding the transfer of
23 responsibilities from the department (~~(of social and health~~
24 ~~services))~~) to the office of the superintendent of public instruction
25 with respect to the programs in RCW 28A.300.592, and from the
26 department (~~(of social and health services))~~) to the student
27 achievement council with respect to the program in RCW 28B.77.250 and
28 whether these transfers have resulted in better coordinated services
29 for youth.

30 **Sec. 406.** RCW 74.13.107 and 2013 c 332 s 12 are each amended to
31 read as follows:

32 (1) The child and family reinvestment account is created in the
33 state treasury. Moneys in the account may be spent only after
34 appropriation. Moneys in the account may be expended solely for
35 improving outcomes related to: (a) Safely reducing entry into the
36 foster care system and preventing reentry; (b) safely increasing
37 reunifications; (c) achieving permanency for children unable to be
38 reunified; and (d) improving outcomes for youth who will age out of

1 the foster care system. Moneys may be expended for shared savings
2 under performance-based contracts.

3 (2) Revenues to the child and family reinvestment account consist
4 of: (a) Savings to the state general fund resulting from reductions
5 in foster care caseloads and per capita costs, as calculated and
6 transferred into the account under this section; and (b) any other
7 public or private funds appropriated to or deposited in the account.

8 (3)(a) The department of (~~social and health services~~) children,
9 youth, and families, in collaboration with the office of financial
10 management and the caseload forecast council, shall develop a
11 methodology for calculating the savings under this section. The
12 methodology must be used for the 2013-2015 fiscal biennium, and for
13 each biennium thereafter. The methodology must establish a baseline
14 for calculating savings. (~~In developing the methodology, the~~
15 ~~department of social and health services shall incorporate the~~
16 ~~relevant requirements of any demonstration waiver granted to the~~
17 ~~state under P.L. 112-34.)) The savings must be based on actual
18 caseload and per capita expenditures.~~

19 (b) The caseload and the per capita expenditures for youth in
20 extended foster care pursuant to RCW 74.13.031 and as determined
21 under RCW 43.88C.010(9) shall not be included in the following:

22 (i) The calculation of savings transferred to the account; or

23 (ii) The capped allocation of the demonstration waiver granted to
24 the state under P.L. 112-34.

25 (c) (~~By December 1, 2012, the department of social and health~~
26 ~~services shall submit the proposed methodology to the governor and~~
27 ~~the appropriate committees of the legislature. The methodology is~~
28 ~~deemed approved unless the legislature enacts legislation to modify~~
29 ~~or reject the methodology.~~

30 (~~d~~)) The department (~~of social and health services~~) shall use
31 the methodology established in (a) of this subsection to calculate
32 savings to the state general fund for transfer into the child and
33 family reinvestment account in fiscal year 2014 and each fiscal year
34 thereafter. Savings calculated by the department under this section
35 are not subject to RCW 43.79.460. The department shall report the
36 amount of the state general fund savings achieved to the office of
37 financial management and the fiscal committees of the legislature at
38 the end of each fiscal year. The office of financial management shall
39 provide notice to the state treasurer of the amount of state general
40 fund savings, as calculated by the department (~~of social and health~~

1 ~~services~~)), for transfer into the child and family reinvestment
2 account.

3 ((~~e~~)) (d) Nothing in this section prohibits (i) the caseload
4 forecast council from forecasting the foster care caseload under RCW
5 43.88C.010 or (ii) the department from including maintenance funding
6 in its budget submittal for caseload costs that exceed the baseline
7 established in (a) of this subsection.

8 **Sec. 407.** RCW 74.13.335 and 1999 c 338 s 2 are each amended to
9 read as follows:

10 Within available funds and subject to such conditions and
11 limitations as may be established by the department or by the
12 legislature in the omnibus appropriations act, the department (~~of~~
13 ~~social and health services~~)) shall reimburse foster parents for
14 property damaged or destroyed by foster children placed in their
15 care. The department shall establish by rule a maximum amount that
16 may be reimbursed for each occurrence. The department shall reimburse
17 the foster parent for the replacement value of any property covered
18 by this section. If the damaged or destroyed property is covered and
19 reimbursed under an insurance policy, the department shall reimburse
20 foster parents for the amount of the deductible associated with the
21 insurance claim, up to the limit per occurrence as established by the
22 department.

23 **Sec. 408.** RCW 74.15.020 and 2017 c 39 s 11 are each amended to
24 read as follows:

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

27 (1) "Agency" means any person, firm, partnership, association,
28 corporation, or facility which receives children, expectant mothers,
29 or persons with developmental disabilities for control, care, or
30 maintenance outside their own homes, or which places, arranges the
31 placement of, or assists in the placement of children, expectant
32 mothers, or persons with developmental disabilities for foster care
33 or placement of children for adoption, and shall include the
34 following irrespective of whether there is compensation to the agency
35 or to the children, expectant mothers, or persons with developmental
36 disabilities for services rendered:

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

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

6 (c) "Crisis residential center" means an agency which is a
7 temporary protective residential facility operated to perform the
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW
9 43.185C.295 through 43.185C.310;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (h) Licensed physicians or lawyers;

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

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

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

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

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

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

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

12 (o) A host home program, and host home, operated by a tax exempt
13 organization for youth not in the care of or receiving services from
14 the department, if that program: (i) Recruits and screens potential
15 homes in the program, including performing background checks on
16 individuals over the age of eighteen residing in the home through the
17 Washington state patrol or equivalent law enforcement agency and
18 performing physical inspections of the home; (ii) screens and
19 provides case management services to youth in the program; (iii)
20 obtains a notarized permission slip or limited power of attorney from
21 the parent or legal guardian of the youth authorizing the youth to
22 participate in the program and the authorization is updated every six
23 months when a youth remains in a host home longer than six months;
24 (iv) obtains insurance for the program through an insurance provider
25 authorized under Title 48 RCW; (v) provides mandatory reporter and
26 confidentiality training; and (vi) registers with the secretary of
27 state as provided in RCW 24.03.550. A host home is a private home
28 that volunteers to host youth in need of temporary placement that is
29 associated with a host home program. Any host home program that
30 receives local, state, or government funding shall report the
31 following information to the office of homeless youth prevention and
32 protection programs annually by December 1st of each year: The number
33 of children the program served, why the child was placed with a host
34 home, and where the child went after leaving the host home, including
35 but not limited to returning to the parents, running away, reaching
36 the age of majority, or becoming a dependent of the state. A host
37 home program shall not receive more than one hundred thousand dollars
38 per year of public funding, including local, state, and federal
39 funding. A host home shall not receive any local, state, or
40 government funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **Sec. 409.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to
9 read as follows:

10 The secretary shall have the power and it shall be the
11 secretary's duty:

12 (1) In consultation with the children's services advisory
13 committee, and with the advice and assistance of persons
14 representative of the various type agencies to be licensed, to
15 designate categories of facilities for which separate or different
16 requirements shall be developed as may be appropriate whether because
17 of variations in the ages, sex and other characteristics of persons
18 served, variations in the purposes and services offered or size or
19 structure of the agencies to be licensed hereunder, or because of any
20 other factor relevant thereto;

21 (2) In consultation with the children's services advisory
22 committee, and with the advice and assistance of persons
23 representative of the various type agencies to be licensed, to adopt
24 and publish minimum requirements for licensing applicable to each of
25 the various categories of agencies to be licensed.

26 The minimum requirements shall be limited to:

27 (a) The size and suitability of a facility and the plan of
28 operation for carrying out the purpose for which an applicant seeks a
29 license;

30 (b) Obtaining background information and any out-of-state
31 equivalent, to determine whether the applicant or service provider is
32 disqualified and to determine the character, competence, and
33 suitability of an agency, the agency's employees, volunteers, and
34 other persons associated with an agency;

35 (c) Conducting background checks for those who will or may have
36 unsupervised access to children((~~τ~~)) or expectant mothers((~~τ—~~or~~~~
37 ~~individuals with a developmental disability~~)); however, a background
38 check is not required if a caregiver approves an activity pursuant to
39 the prudent parent standard contained in RCW 74.13.710;

1 (d) Obtaining child protective services information or records
2 maintained in the department case management information system. No
3 unfounded allegation of child abuse or neglect as defined in RCW
4 26.44.020 may be disclosed to a child-placing agency, private
5 adoption agency, or any other provider licensed under this chapter;

6 (e) Submitting a fingerprint-based background check through the
7 Washington state patrol under chapter 10.97 RCW and through the
8 federal bureau of investigation for:

9 (i) Agencies and their staff, volunteers, students, and interns
10 when the agency is seeking license or relicense;

11 (ii) Foster care and adoption placements; and

12 (iii) Any adult living in a home where a child may be placed;

13 (f) If any adult living in the home has not resided in the state
14 of Washington for the preceding five years, the department shall
15 review any child abuse and neglect registries maintained by any state
16 where the adult has resided over the preceding five years;

17 (g) The cost of fingerprint background check fees will be paid as
18 required in RCW 43.43.837;

19 (h) National and state background information must be used solely
20 for the purpose of determining eligibility for a license and for
21 determining the character, suitability, and competence of those
22 persons or agencies, excluding parents, not required to be licensed
23 who are authorized to care for children or expectant mothers;

24 (i) The number of qualified persons required to render the type
25 of care and treatment for which an agency seeks a license;

26 (j) The safety, cleanliness, and general adequacy of the premises
27 to provide for the comfort, care and well-being of children((~~τ~~)) or
28 expectant mothers ((~~or developmentally disabled persons~~));

29 (k) The provision of necessary care, including food, clothing,
30 supervision and discipline; physical, mental and social well-being;
31 and educational, recreational and spiritual opportunities for those
32 served;

33 (l) The financial ability of an agency to comply with minimum
34 requirements established pursuant to this chapter ((~~74.15-RCW~~)) and
35 RCW 74.13.031; and

36 (m) The maintenance of records pertaining to the admission,
37 progress, health and discharge of persons served;

38 (3) To investigate any person, including relatives by blood or
39 marriage except for parents, for character, suitability, and
40 competence in the care and treatment of children((~~τ~~)) or expectant

1 mothers(~~(, and developmentally disabled persons)~~) prior to
2 authorizing that person to care for children(~~(τ)~~) or expectant
3 mothers(~~(, and developmentally disabled persons)~~). However, if a
4 child is placed with a relative under RCW 13.34.065 or 13.34.130, and
5 if such relative appears otherwise suitable and competent to provide
6 care and treatment the criminal history background check required by
7 this section need not be completed before placement, but shall be
8 completed as soon as possible after placement;

9 (4) On reports of alleged child abuse and neglect, to investigate
10 agencies in accordance with chapter 26.44 RCW, including child day-
11 care centers and family day-care homes, to determine whether the
12 alleged abuse or neglect has occurred, and whether child protective
13 services or referral to a law enforcement agency is appropriate;

14 (5) To issue, revoke, or deny licenses to agencies pursuant to
15 this chapter (~~(74.15 RCW)~~) and RCW 74.13.031. Licenses shall specify
16 the category of care which an agency is authorized to render and the
17 ages, sex and number of persons to be served;

18 (6) To prescribe the procedures and the form and contents of
19 reports necessary for the administration of this chapter (~~(74.15~~
20 ~~RCW)~~) and RCW 74.13.031 and to require regular reports from each
21 licensee;

22 (7) To inspect agencies periodically to determine whether or not
23 there is compliance with this chapter (~~(74.15 RCW)~~) and RCW 74.13.031
24 and the requirements adopted hereunder;

25 (8) To review requirements adopted hereunder at least every two
26 years and to adopt appropriate changes after consultation with
27 affected groups for child day-care requirements and with the
28 children's services advisory committee for requirements for other
29 agencies; and

30 (9) To consult with public and private agencies in order to help
31 them improve their methods and facilities for the care of
32 children(~~(τ)~~) or expectant mothers (~~(and developmentally disabled~~
33 ~~persons)~~).

34 **Sec. 410.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to
35 read as follows:

36 The secretary of health shall have the power and it shall be his
37 or her duty:

38 In consultation with the children's services advisory committee
39 and with the advice and assistance of persons representative of the

1 various type agencies to be licensed, to develop minimum requirements
2 pertaining to each category of agency established pursuant to chapter
3 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
4 persons residing therein.

5 The secretary of health or the city, county, or district health
6 department designated by the secretary shall have the power and the
7 duty:

8 (1) To make or cause to be made such inspections and
9 investigations of agencies as may be deemed necessary; and

10 (2) To issue to applicants for licenses hereunder who comply with
11 the requirements adopted hereunder, a certificate of compliance, a
12 copy of which shall be presented to the department (~~(of social and~~
13 ~~health services)~~) before a license shall be issued, except that (~~a~~
14 ~~provisional~~) an initial license may be issued as provided in RCW
15 74.15.120.

16 **Sec. 411.** RCW 74.15.070 and 1979 c 141 s 358 are each amended to
17 read as follows:

18 A copy of the articles of incorporation of any agency or
19 amendments to the articles of existing corporation agencies shall be
20 sent by the secretary of state to the department (~~(of social and~~
21 ~~health services)~~) at the time such articles or amendments are filed.

22 **Sec. 412.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to
23 read as follows:

24 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
25 accord the department (~~(of social and health services)~~), the
26 secretary of health, the chief of the Washington state patrol, and
27 the director of fire protection, or their designees, the right of
28 entrance and the privilege of access to and inspection of records for
29 the purpose of determining whether or not there is compliance with
30 the provisions of chapter 74.15 RCW and RCW 74.13.031 and the
31 requirements adopted thereunder.

32 **Sec. 413.** RCW 74.15.120 and 1995 c 311 s 22 are each amended to
33 read as follows:

34 The secretary (~~(of social and health services)~~) may, at his or
35 her discretion, issue an initial license instead of a full license,
36 to an agency or facility for a period not to exceed six months,
37 renewable for a period not to exceed two years, to allow such agency

1 or facility reasonable time to become eligible for full license. An
2 initial license shall not be granted to any foster-family home except
3 as specified in this section. An initial license may be granted to a
4 foster-family home only if the following three conditions are met:
5 (1) The license is limited so that the licensee is authorized to
6 provide care only to a specific child or specific children; (2) the
7 department has determined that the licensee has a relationship with
8 the child, and the child is comfortable with the licensee, or that it
9 would otherwise be in the child's best interest to remain or be
10 placed in the licensee's home; and (3) the initial license is issued
11 for a period not to exceed ninety days.

12 **Sec. 414.** RCW 74.15.134 and 1997 c 58 s 858 are each amended to
13 read as follows:

14 The secretary shall immediately suspend the license or
15 certificate of a person who has been certified pursuant to RCW
16 74.20A.320 by the department (~~of social and health services~~) as a
17 person who is not in compliance with a support order (~~or a~~
18 ~~residential or visitation order~~). If the person has continued to
19 meet all other requirements for reinstatement during the suspension,
20 reissuance of the license or certificate shall be automatic upon the
21 secretary's receipt of a release issued by the department (~~of social~~
22 ~~and health services~~) stating that the licensee is in compliance with
23 the order.

24 **Sec. 415.** RCW 74.15.200 and 1987 c 489 s 5 are each amended to
25 read as follows:

26 The department (~~of social and health services~~) shall have
27 primary responsibility for providing child abuse and neglect
28 prevention training to parents and licensed child day care providers
29 of preschool age children participating in day care programs meeting
30 the requirements of chapter 74.15 RCW. The department may limit
31 training under this section to trainers' workshops and curriculum
32 development using existing resources.

33 **Sec. 416.** RCW 74.15.901 and 1999 c 267 s 23 are each amended to
34 read as follows:

35 (1) The department of social and health services shall seek any
36 necessary federal waivers for federal funding of the programs created
37 under sections 10 through 26, chapter 267, Laws of 1999. The

1 department shall pursue federal funding sources for the programs
2 created under sections 10 through 26, chapter 267, Laws of 1999, and
3 report to the legislature any statutory barriers to federal funding.

4 (2) The department of children, youth, and families shall seek
5 any necessary federal waivers for federal funding of the programs
6 created under sections 10 through 26, chapter 267, Laws of 1999. The
7 department shall pursue federal funding sources for the programs
8 created under sections 10 through 26, chapter 267, Laws of 1999, and
9 report to the legislature any statutory barriers to federal funding.

10 **Sec. 417.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to
11 read as follows:

12 As used in this chapter the following terms have the meanings
13 indicated unless the context clearly requires otherwise:

14 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
15 exploitation, negligent treatment, or maltreatment of a child by any
16 person under circumstances that indicate the child's health, welfare,
17 and safety is harmed, excluding conduct permitted under RCW
18 9A.16.100. An abused child is a child who has been subjected to child
19 abuse or neglect as defined in this section.

20 (2) "Administrator" means the individual who has the daily
21 administrative responsibility of a crisis residential center, or his
22 or her designee.

23 (3) "At-risk youth" means a juvenile:

24 (a) Who is absent from home for at least seventy-two consecutive
25 hours without consent of his or her parent;

26 (b) Who is beyond the control of his or her parent such that the
27 child's behavior endangers the health, safety, or welfare of the
28 child or any other person; or

29 (c) Who has a substance abuse problem for which there are no
30 pending criminal charges related to the substance abuse.

31 (4) "Child," "juvenile," "youth," and "minor" mean any
32 unemancipated individual who is under the chronological age of
33 eighteen years.

34 (5) "Child in need of services" means a juvenile:

35 (a) Who is beyond the control of his or her parent such that the
36 child's behavior endangers the health, safety, or welfare of the
37 child or any other person;

38 (b) Who has been reported to law enforcement as absent without
39 consent for at least twenty-four consecutive hours on two or more

1 separate occasions from the home of either parent, a crisis
2 residential center, an out-of-home placement, or a court-ordered
3 placement; and

4 (i) Has exhibited a serious substance abuse problem; or
5 (ii) Has exhibited behaviors that create a serious risk of harm
6 to the health, safety, or welfare of the child or any other person;

7 (c)(i) Who is in need of: (A) Necessary services, including food,
8 shelter, health care, clothing, or education; or (B) services
9 designed to maintain or reunite the family;

10 (ii) Who lacks access to, or has declined to use, these services;
11 and

12 (iii) Whose parents have evidenced continuing but unsuccessful
13 efforts to maintain the family structure or are unable or unwilling
14 to continue efforts to maintain the family structure; or

15 (d) Who is a "sexually exploited child."

16 (6) "Child in need of services petition" means a petition filed
17 in juvenile court by a parent, child, or the department seeking
18 adjudication of placement of the child.

19 (7) "Crisis residential center" means a secure or semi-secure
20 facility established pursuant to chapter 74.13 RCW.

21 (8) "Custodian" means the person or entity that has the legal
22 right to custody of the child.

23 (9) "Department" means the department of (~~social and health~~
24 ~~services~~) children, youth, and families.

25 (10) "Extended family member" means an adult who is a
26 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,
27 or first cousin with whom the child has a relationship and is
28 comfortable, and who is willing and available to care for the child.

29 (11) "Guardian" means the person or agency that (a) has been
30 appointed as the guardian of a child in a legal proceeding other than
31 a proceeding under chapter 13.34 RCW, and (b) has the legal right to
32 custody of the child pursuant to such appointment. The term
33 "guardian" does not include a "dependency guardian" appointed
34 pursuant to a proceeding under chapter 13.34 RCW.

35 (12) "Multidisciplinary team" means a group formed to provide
36 assistance and support to a child who is an at-risk youth or a child
37 in need of services and his or her parent. The team must include the
38 parent, a department caseworker, a local government representative
39 when authorized by the local government, and when appropriate,
40 members from the mental health and substance abuse disciplines. The

1 team may also include, but is not limited to, the following persons:
2 Educators, law enforcement personnel, probation officers, employers,
3 church persons, tribal members, therapists, medical personnel, social
4 service providers, placement providers, and extended family members.
5 The team members must be volunteers who do not receive compensation
6 while acting in a capacity as a team member, unless the member's
7 employer chooses to provide compensation or the member is a state
8 employee.

9 (13) "Out-of-home placement" means a placement in a foster family
10 home or group care facility licensed pursuant to chapter 74.15 RCW or
11 placement in a home, other than that of the child's parent, guardian,
12 or legal custodian, not required to be licensed pursuant to chapter
13 74.15 RCW.

14 (14) "Parent" means the parent or parents who have the legal
15 right to custody of the child. "Parent" includes custodian or
16 guardian.

17 (15) "Secure facility" means a crisis residential center, or
18 portion thereof, that has locking doors, locking windows, or a
19 secured perimeter, designed and operated to prevent a child from
20 leaving without permission of the facility staff.

21 (16) "Semi-secure facility" means any facility, including but not
22 limited to crisis residential centers or specialized foster family
23 homes, operated in a manner to reasonably assure that youth placed
24 there will not run away. Pursuant to rules established by the
25 department, the facility administrator shall establish reasonable
26 hours for residents to come and go from the facility such that no
27 residents are free to come and go at all hours of the day and night.
28 To prevent residents from taking unreasonable actions, the facility
29 administrator, where appropriate, may condition a resident's leaving
30 the facility upon the resident being accompanied by the administrator
31 or the administrator's designee and the resident may be required to
32 notify the administrator or the administrator's designee of any
33 intent to leave, his or her intended destination, and the probable
34 time of his or her return to the center.

35 (17) "Sexually exploited child" means any person under the age of
36 eighteen who is a victim of the crime of commercial sex abuse of a
37 minor under RCW 9.68A.100, promoting commercial sexual abuse of a
38 minor under RCW 9.68A.101, or promoting travel for commercial sexual
39 abuse of a minor under RCW 9.68A.102.

1 (18) "Staff secure facility" means a structured group care
2 facility licensed under rules adopted by the department with a ratio
3 of at least one adult staff member to every two children.

4 (19) "Temporary out-of-home placement" means an out-of-home
5 placement of not more than fourteen days ordered by the court at a
6 fact-finding hearing on a child in need of services petition.

7 **Sec. 418.** RCW 13.32A.178 and 2001 c 332 s 8 are each amended to
8 read as follows:

9 The department (~~((of social and health services))~~) shall promulgate
10 rules that create good cause exceptions to the establishment and
11 enforcement of child support from parents of children in out-of-home
12 placement under chapter 13.34 or 13.32A RCW that do not violate
13 federal funding requirements. (~~((The department shall present the
14 rules and the department's plan for implementation of the rules to
15 the appropriate committees of the legislature prior to the 2002
16 legislative session.))~~)

17 **Sec. 419.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
18 and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

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

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

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

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

32 (5) "Relative" means a person related to the child in the
33 following ways: (a) Any blood relative, including those of half-
34 blood, and including first cousins, second cousins, nephews or
35 nieces, and persons of preceding generations as denoted by prefixes
36 of grand, great, or great-great; (b) stepfather, stepmother,
37 stepbrother, and stepsister; (c) a person who legally adopts a child
38 or the child's parent as well as the natural and other legally

1 adopted children of such persons, and other relatives of the adoptive
2 parents in accordance with state law; (d) spouses of any persons
3 named in (a), (b), or (c) of this subsection, even after the marriage
4 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
5 this subsection, of any half sibling of the child; or (f) extended
6 family members, as defined by the law or custom of the Indian child's
7 tribe or, in the absence of such law or custom, a person who has
8 reached the age of eighteen and who is the Indian child's
9 grandparent, aunt or uncle, brother or sister, brother-in-law or
10 sister-in-law, niece or nephew, first or second cousin, or stepparent
11 who provides care in the family abode on a twenty-four hour basis to
12 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

18 (7) "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 PART V

25 TRANSFER OF CHILDREN AND FAMILY SERVICES

26 **Sec. 501.** RCW 74.13A.075 and 2013 c 23 s 212 are each amended to
27 read as follows:

28 As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the
29 following definitions shall apply:

30 (1) (~~"Secretary"~~) "Department" means the (~~secretary of the~~)
31 department of (~~social and health services or his or her designee~~)
32 children, youth, and families.

33 (2) (~~"Department"~~) "Secretary" means the secretary of the
34 department (~~of social and health services~~).

35 **Sec. 502.** RCW 74.13A.060 and 1990 c 285 s 8 are each amended to
36 read as follows:

1 The secretary may authorize the payment, from the appropriations
2 available from the general fund, of all or part of the nonrecurring
3 adoption expenses incurred by a prospective parent. "Nonrecurring
4 adoption expenses" means those expenses incurred by a prospective
5 parent in connection with the adoption of a difficult to place child
6 including, but not limited to, attorneys' fees, court costs, and
7 agency fees. Payment shall be made in accordance with rules adopted
8 by the department.

9 ~~((This section shall have retroactive application to January 1,
10 1987. For purposes of retroactive application, the secretary may
11 provide reimbursement to any parent who adopted a difficult to place
12 child between January 1, 1987, and one year following June 7, 1990,
13 regardless of whether the parent had previously entered into an
14 adoption support agreement with the department.))~~

15 **Sec. 503.** RCW 74.13A.085 and 1997 c 131 s 1 are each amended to
16 read as follows:

17 (1) The department (~~of social and health services~~) shall
18 establish, within funds appropriated for the purpose, a
19 reconsideration program to provide medical and counseling services
20 through the adoption support program for children of families who
21 apply for services after the adoption is final. Families requesting
22 services through the program shall provide any information requested
23 by the department for the purpose of processing the family's
24 application for services.

25 (2) A child meeting the eligibility criteria for registration
26 with the program is one who:

27 (a) Was residing in a preadoptive placement funded by the
28 department or in foster care funded by the department immediately
29 prior to the adoptive placement;

30 (b) Had a physical or mental handicap or emotional disturbance
31 that existed and was documented prior to the adoption or was at high
32 risk of future physical or mental handicap or emotional disturbance
33 as a result of conditions exposed to prior to the adoption; and

34 (c) Resides in the state of Washington with an adoptive parent
35 who lacks the necessary financial means to care for the child's
36 special need.

37 (3) If a family is accepted for registration and meets the
38 criteria in subsection (2) of this section, the department may enter
39 into an agreement for services. Prior to entering into an agreement

1 for services through the program, the medical needs of the child must
2 be reviewed and approved by the department.

3 (4) Any services provided pursuant to an agreement between a
4 family and the department shall be met from the department's medical
5 program. Such services shall be limited to:

6 (a) Services provided after finalization of an agreement between
7 a family and the department pursuant to this section;

8 (b) Services not covered by the family's insurance or other
9 available assistance; and

10 (c) Services related to the eligible child's identified physical
11 or mental handicap or emotional disturbance that existed prior to the
12 adoption.

13 (5) Any payment by the department for services provided pursuant
14 to an agreement shall be made directly to the physician or provider
15 of services according to the department's established procedures.

16 (6) The total costs payable by the department for services
17 provided pursuant to an agreement shall not exceed twenty thousand
18 dollars per child.

19 **Sec. 504.** RCW 74.13B.005 and 2012 c 205 s 1 are each amended to
20 read as follows:

21 (1) The legislature finds that:

22 (a) The state of Washington and several Indian tribes in the
23 state of Washington assume legal responsibility for abused or
24 neglected children when their parents or caregivers are unable or
25 unwilling to adequately provide for their safety, health, and
26 welfare;

27 (b) Washington state has a strong history of partnership between
28 the department (~~of social and health services~~) and contracted
29 service providers who currently serve children and families in the
30 child welfare system. The department and its contracted service
31 providers have responsibility for providing services to address
32 parenting deficiencies resulting in child maltreatment, and the needs
33 of children impacted by maltreatment;

34 (c) Department caseworkers and contracted service providers each
35 play a critical and complementary role in the child welfare system;

36 (d) The current system of contracting for services needed by
37 children and families in the child welfare system is fragmented,
38 inflexible, and lacks incentives for improving outcomes for children
39 and families.

1 (2) The legislature intends:

2 (a) To reform the delivery of certain services to children and
3 families in the child welfare system by creating a flexible,
4 accountable community-based system of care that utilizes
5 performance-based contracting, maximizes the use of evidence-based,
6 research-based, and promising practices, and expands the capacity of
7 community-based agencies to leverage local funding and other
8 resources to benefit children and families served by the department;

9 (b) To achieve improved child safety, child permanency, including
10 reunification, and child well-being outcomes through the
11 collaborative efforts of the department and contracted service
12 providers and the prioritization of these goals in performance-based
13 contracting; and

14 (c) To implement performance-based contracting under chapter 205,
15 Laws of 2012 in a manner that supports and complies with the federal
16 and Washington state Indian child welfare act.

17 **Sec. 505.** RCW 74.13B.010 and 2012 c 205 s 2 are each amended to
18 read as follows:

19 For purposes of this chapter:

20 (1) "Case management" means convening family meetings,
21 developing, revising, and monitoring implementation of any case plan
22 or individual service and safety plan, coordinating and monitoring
23 services needed by the child and family, caseworker-child visits,
24 family visits, and the assumption of court-related duties, excluding
25 legal representation, including preparing court reports, attending
26 judicial hearings and permanency hearings, and ensuring that the
27 child is progressing toward permanency within state and federal
28 mandates, including the Indian child welfare act.

29 (2) "Child" means:

30 (a) A person less than eighteen years of age; or

31 (b) A person age eighteen to twenty-one years who is eligible to
32 receive the extended foster care services authorized under RCW
33 74.13.031.

34 (3) "Child-placing agency" has the same meaning as in RCW
35 74.15.020.

36 (4) "Child welfare services" means social services including
37 voluntary and in-home services, out-of-home care, case management,
38 and adoption services which strengthen, supplement, or substitute
39 for, parental care and supervision for the purpose of:

1 (a) Preventing or remedying, or assisting in the solution of
2 problems which may result in families in conflict, or the neglect,
3 abuse, exploitation, or criminal behavior of children;

4 (b) Protecting and caring for dependent, abused, or neglected
5 children;

6 (c) Assisting children who are in conflict with their parents,
7 and assisting parents who are in conflict with their children, with
8 services designed to resolve such conflicts;

9 (d) Protecting and promoting the welfare of children, including
10 the strengthening of their own homes where possible, or, where
11 needed;

12 (e) Providing adequate care of children away from their homes in
13 foster family homes or day care or other child care agencies or
14 facilities.

15 (5) "Department" means the department of (~~social and health~~
16 ~~services~~) children, youth, and families.

17 (6) "Evidence-based" means a program or practice that is cost-
18 effective and includes at least two randomized or statistically
19 controlled evaluations that have demonstrated improved outcomes for
20 its intended population.

21 (7) "Network administrator" means an entity that contracts with
22 the department to provide defined services to children and families
23 in the child welfare system through its provider network, as provided
24 in RCW 74.13B.020.

25 (8) "Performance-based contracting" means structuring all aspects
26 of the procurement of services around the purpose of the work to be
27 performed and the desired results with the contract requirements set
28 forth in clear, specific, and objective terms with measurable
29 outcomes and linking payment for services to contractor performance.

30 (9) "Promising practice" means a practice that presents, based
31 upon preliminary information, potential for becoming a research-based
32 or consensus-based practice.

33 (10) "Provider network" means those service providers who
34 contract with a network administrator to provide services to children
35 and families in the geographic area served by the network
36 administrator.

37 (11) "Research-based" means a program or practice that has some
38 research demonstrating effectiveness, but that does not yet meet the
39 standard of evidence-based practices.

1 **Sec. 506.** RCW 74.14B.010 and 2013 c 254 s 5 are each amended to
2 read as follows:

3 (1) Caseworkers employed in children services shall meet minimum
4 standards established by the department (~~of social and health~~
5 ~~services~~). Comprehensive training for caseworkers shall be completed
6 before such caseworkers are assigned to case-carrying
7 responsibilities without direct supervision. Intermittent, part-time,
8 and standby workers shall be subject to the same minimum standards
9 and training.

10 (2) Ongoing specialized training shall be provided for persons
11 responsible for investigating child sexual abuse. Training
12 participants shall have the opportunity to practice interview skills
13 and receive feedback from instructors.

14 (3) The department, the criminal justice training commission, the
15 Washington association of sheriffs and police chiefs, and the
16 Washington association of prosecuting attorneys shall design and
17 implement statewide training that contains consistent elements for
18 persons engaged in the interviewing of children, including law
19 enforcement, prosecution, and child protective services.

20 (4) The training shall: (a) Be based on research-based practices
21 and standards; (b) minimize the trauma of all persons who are
22 interviewed during abuse investigations; (c) provide methods of
23 reducing the number of investigative interviews necessary whenever
24 possible; (d) assure, to the extent possible, that investigative
25 interviews are thorough, objective, and complete; (e) recognize needs
26 of special populations, such as persons with developmental
27 disabilities; (f) recognize the nature and consequences of
28 victimization; (g) require investigative interviews to be conducted
29 in a manner most likely to permit the interviewed persons the maximum
30 emotional comfort under the circumstances; (h) address record
31 retention and retrieval; and (i) documentation of investigative
32 interviews.

33 (5) The identification of domestic violence is critical in
34 ensuring the safety of children in the child welfare system. As a
35 result, ongoing domestic violence training and consultation shall be
36 provided to caseworkers, including how to use the children's
37 administration's practice guide to domestic violence.

38 **Sec. 507.** RCW 74.14B.050 and 1987 c 503 s 14 are each amended to
39 read as follows:

1 The department (~~of social and health services~~) shall inform
2 victims of child abuse and neglect and their families of the
3 availability of state-supported counseling through the crime victims'
4 compensation program, community mental health centers, domestic
5 violence and sexual assault programs, and other related programs. The
6 department shall assist victims with referrals to these services.

7 **Sec. 508.** RCW 74.14B.070 and 1990 c 3 s 1403 are each amended to
8 read as follows:

9 The department (~~of social and health services through its
10 division of children and family services~~) shall, subject to
11 available funds, establish a system of early identification and
12 referral to treatment of child victims of sexual assault or sexual
13 abuse. The system shall include schools, physicians, sexual assault
14 centers, domestic violence centers, child protective services, and
15 foster parents. A mechanism shall be developed to identify
16 communities that have experienced success in this area and share
17 their expertise and methodology with other communities statewide.

18 **Sec. 509.** RCW 74.14B.080 and 1991 c 283 s 2 are each amended to
19 read as follows:

20 (1) Subject to subsection (2) of this section, the secretary (~~of
21 social and health services~~) shall provide liability insurance to
22 foster parents licensed under chapter 74.15 RCW. The coverage shall
23 be for personal injury and property damage caused by foster parents
24 or foster children that occurred while the children were in foster
25 care. Such insurance shall cover acts of ordinary negligence but
26 shall not cover illegal conduct or bad faith acts taken by foster
27 parents in providing foster care. Moneys paid from liability
28 insurance for any claim are limited to the amount by which the claim
29 exceeds the amount available to the claimant from any valid and
30 collectible liability insurance.

31 (2) The secretary (~~of social and health services~~) may purchase
32 the insurance required in subsection (1) of this section or may
33 choose a self-insurance method. The total moneys expended pursuant to
34 this authorization shall not exceed five hundred thousand dollars per
35 biennium. If the secretary elects a method of self-insurance, the
36 expenditure shall include all administrative and staff costs. If the
37 secretary elects a method of self-insurance, he or she may, by rule,
38 place a limit on the maximum amount to be paid on each claim.

1 (3) Nothing in this section or RCW 4.24.590 is intended to modify
2 the foster parent reimbursement plan in place on July 1, 1991.

3 (4) The liability insurance program shall be available by July 1,
4 1991.

5 **Sec. 510.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to
6 read as follows:

7 (1) The legislature believes that protecting the health and
8 safety of children is paramount. The legislature recognizes that the
9 number of children entering out-of-home care is increasing and that a
10 number of children receive long-term foster care protection.
11 Reasonable efforts by the department to shorten out-of-home placement
12 or avoid it altogether should be a major focus of the child welfare
13 system. It is intended that providing up-front services decrease the
14 number of children entering out-of-home care and have the effect of
15 eventually lowering foster care expenditures and strengthening the
16 family unit.

17 Within available funds, the legislature directs the department to
18 focus child welfare services on protecting the child, strengthening
19 families and, to the extent possible, providing necessary services in
20 the family setting, while drawing upon the strengths of the family.
21 The legislature intends services be locally based and offered as
22 early as possible to avoid disruption to the family, out-of-home
23 placement of the child, and entry into the dependency system. The
24 legislature also intends that these services be used for those
25 families whose children are returning to the home from out-of-home
26 care. These services are known as family preservation services and
27 intensive family preservation services and are characterized by the
28 following values, beliefs, and goals:

29 (a) Safety of the child is always the first concern;

30 (b) Children need their families and should be raised by their
31 own families whenever possible;

32 (c) Interventions should focus on family strengths and be
33 responsive to the individual family's cultural values and needs;

34 (d) Participation should be voluntary; and

35 (e) Improvement of family functioning is essential in order to
36 promote the child's health, safety, and welfare and thereby allow the
37 family to remain intact and allow children to remain at home.

38 (2) Subject to the availability of funds for such purposes, the
39 legislature intends for these services to be made available to all

1 eligible families on a statewide basis through a phased-in process.
2 Except as otherwise specified by statute, the department (~~of social~~
3 ~~and health services~~) shall have the authority and discretion to
4 implement and expand these services as provided in (~~this chapter~~)
5 RCW 74.14C.010 through 74.14C.100. The department shall consult with
6 the community public health and safety networks when assessing a
7 community's resources and need for services.

8 (3) It is the legislature's intent that, within available funds,
9 the department develop services in accordance with (~~this chapter~~)
10 RCW 74.14C.010 through 74.14C.100.

11 (4) Nothing in (~~this chapter~~) RCW 74.14C.010 through 74.14C.100
12 shall be construed to create an entitlement to services nor to create
13 judicial authority to order the provision of preservation services to
14 any person or family if the services are unavailable or unsuitable or
15 that the child or family are not eligible for such services.

16 **Sec. 511.** RCW 74.14C.010 and 1996 c 240 s 2 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Department" means the department of (~~social and health~~
21 ~~services~~) children, youth, and families.

22 (2) "Community support systems" means the support that may be
23 organized through extended family members, friends, neighbors,
24 religious organizations, community programs, cultural and ethnic
25 organizations, or other support groups or organizations.

26 (3) "Family preservation services" means in-home or community-
27 based services drawing on the strengths of the family and its
28 individual members while addressing family needs to strengthen and
29 keep the family together where possible and may include:

30 (a) Respite care of children to provide temporary relief for
31 parents and other caregivers;

32 (b) Services designed to improve parenting skills with respect to
33 such matters as child development, family budgeting, coping with
34 stress, health, safety, and nutrition; and

35 (c) Services designed to promote the well-being of children and
36 families, increase the strength and stability of families, increase
37 parents' confidence and competence in their parenting abilities,
38 promote a safe, stable, and supportive family environment for
39 children, and otherwise enhance children's development.

1 Family preservation services shall have the characteristics
2 delineated in RCW 74.14C.020 (2) and (3).

3 (4) "Imminent" means a decision has been made by the department
4 that, without intensive family preservation services, a petition
5 requesting the removal of a child from the family home will be
6 immediately filed under chapter 13.32A or 13.34 RCW, or that a
7 voluntary placement agreement will be immediately initiated.

8 (5) "Intensive family preservation services" means community-
9 based services that are delivered primarily in the home, that follow
10 intensive service models with demonstrated effectiveness in reducing
11 or avoiding the need for unnecessary imminent out-of-home placement,
12 and that have all of the characteristics delineated in RCW 74.14C.020
13 (1) and (3).

14 (6) "Out-of-home placement" means a placement in a foster family
15 home or group care facility licensed pursuant to chapter 74.15 RCW or
16 placement in a home, other than that of the child's parent, guardian,
17 or legal custodian, not required to be licensed pursuant to chapter
18 74.15 RCW.

19 (7) "Paraprofessional worker" means any individual who is trained
20 and qualified to provide assistance and community support systems
21 development to families and who acts under the supervision of a
22 preservation services therapist. The paraprofessional worker is not
23 intended to replace the role and responsibilities of the preservation
24 services therapist.

25 (8) "Preservation services" means family preservation services
26 and intensive family preservation services that consider the
27 individual family's cultural values and needs.

28 (9) "Secretary" means the secretary of the department.

29 **Sec. 512.** RCW 74.14C.070 and 2003 c 207 s 3 are each amended to
30 read as follows:

31 The secretary (~~(of social and health services)~~) or the
32 secretary's (~~(regional)~~) designee(~~(r)~~) may transfer funds
33 appropriated for foster care services to purchase preservation
34 services and other preventive services for children at imminent risk
35 of out-of-home placement or who face a substantial likelihood of out-
36 of-home placement. This transfer may be made in those regions that
37 lower foster care expenditures through efficient use of preservation
38 services and permanency planning efforts. The transfer shall be
39 equivalent to the amount of reduced foster care expenditures and

1 shall be made in accordance with the provisions of this chapter and
2 with the approval of the office of financial management. The
3 department shall present an annual report to the legislature
4 regarding any transfers under this section only if transfers occur.
5 The department shall include caseload, expenditure, cost avoidance,
6 identified improvements to the out-of-home care system, and outcome
7 data related to the transfer in the report. The department shall also
8 include in the report information regarding:

9 (1) The percent of cases where a child is placed in out-of-home
10 care after the provision of intensive family preservation services or
11 family preservation services;

12 (2) The average length of time before the child is placed out-of-
13 home;

14 (3) The average length of time the child is placed out-of-home;
15 and

16 (4) The number of families that refused the offer of either
17 family preservation services or intensive family preservation
18 services.

19 **Sec. 513.** RCW 74.14C.090 and 1995 c 311 s 8 are each amended to
20 read as follows:

21 Each department caseworker who refers a client for preservation
22 services shall file a report with his or her direct supervisor
23 stating the reasons for which the client was referred. The
24 caseworker's supervisor shall verify in writing his or her belief
25 that the family who is the subject of a referral for preservation
26 services meets the eligibility criteria for services as provided in
27 this chapter. The direct supervisor shall report monthly to the
28 regional administrator on the provision of these services. The
29 regional administrator shall report to the ~~((assistant))~~ secretary
30 quarterly on the provision of these services for the entire region.
31 The ~~((assistant))~~ secretary shall ~~((make))~~ post on the department's
32 web site a semiannual report ~~((to the secretary))~~ on the provision of
33 these services on a statewide basis.

34 **PART VI**

35 **TRANSFER OF JUVENILE JUSTICE**

36 **Sec. 601.** RCW 13.04.011 and 2017 c 276 s 1 are each amended to
37 read as follows:

1 For purposes of this title:

2 (1) "Adjudication" has the same meaning as "conviction" in RCW
3 9.94A.030, but only for the purposes of sentencing under chapter
4 9.94A RCW;

5 (2) Except as specifically provided in RCW 13.40.020 and chapters
6 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
7 individual who is under the chronological age of eighteen years;

8 (3) "Juvenile offender" and "juvenile offense" have the meaning
9 ascribed in RCW 13.40.020;

10 (4) "Court" when used without further qualification means the
11 juvenile court judge(s) or commissioner(s);

12 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
13 means that parent or parents who have the right of legal custody of
14 the child;

15 (6) "Custodian" means that person who has the legal right to
16 custody of the child;

17 (7) "Department" means the department of children, youth, and
18 families.

19 **Sec. 602.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1
20 are each reenacted and amended to read as follows:

21 (1) Except as provided in this section, the juvenile courts in
22 this state shall have exclusive original jurisdiction over all
23 proceedings:

24 (a) Under the interstate compact on placement of children as
25 provided in chapter 26.34 RCW;

26 (b) Relating to children alleged or found to be dependent as
27 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

28 (c) Relating to the termination of a parent and child
29 relationship as provided in RCW 13.34.180 through 13.34.210;

30 (d) To approve or disapprove out-of-home placement as provided in
31 RCW 13.32A.170;

32 (e) Relating to juveniles alleged or found to have committed
33 offenses, traffic or civil infractions, or violations as provided in
34 RCW 13.40.020 through 13.40.230, unless:

35 (i) The juvenile court transfers jurisdiction of a particular
36 juvenile to adult criminal court pursuant to RCW 13.40.110;

37 (ii) The statute of limitations applicable to adult prosecution
38 for the offense, traffic or civil infraction, or violation has
39 expired;

1 (iii) The alleged offense or infraction is a traffic, fish,
2 boating, or game offense, or traffic or civil infraction committed by
3 a juvenile sixteen years of age or older and would, if committed by
4 an adult, be tried or heard in a court of limited jurisdiction, in
5 which instance the appropriate court of limited jurisdiction shall
6 have jurisdiction over the alleged offense or infraction, and no
7 guardian ad litem is required in any such proceeding due to the
8 juvenile's age. If such an alleged offense or infraction and an
9 alleged offense or infraction subject to juvenile court jurisdiction
10 arise out of the same event or incident, the juvenile court may have
11 jurisdiction of both matters. The jurisdiction under this subsection
12 does not constitute "transfer" or a "decline" for purposes of RCW
13 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
14 jurisdiction which confine juveniles for an alleged offense or
15 infraction may place juveniles in juvenile detention facilities under
16 an agreement with the officials responsible for the administration of
17 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

18 (iv) The alleged offense is a traffic or civil infraction, a
19 violation of compulsory school attendance provisions under chapter
20 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
21 has assumed concurrent jurisdiction over those offenses as provided
22 in RCW 13.04.0301; or

23 (v) The juvenile is sixteen or seventeen years old on the date
24 the alleged offense is committed and the alleged offense is:

25 (A) A serious violent offense as defined in RCW 9.94A.030;

26 (B) A violent offense as defined in RCW 9.94A.030 and the
27 juvenile has a criminal history consisting of: (I) One or more prior
28 serious violent offenses; (II) two or more prior violent offenses; or
29 (III) three or more of any combination of the following offenses: Any
30 class A felony, any class B felony, vehicular assault, or
31 manslaughter in the second degree, all of which must have been
32 committed after the juvenile's thirteenth birthday and prosecuted
33 separately;

34 (C) Robbery in the first degree, rape of a child in the first
35 degree, or drive-by shooting, committed on or after July 1, 1997;

36 (D) Burglary in the first degree committed on or after July 1,
37 1997, and the juvenile has a criminal history consisting of one or
38 more prior felony or misdemeanor offenses; or

1 (E) Any violent offense as defined in RCW 9.94A.030 committed on
2 or after July 1, 1997, and the juvenile is alleged to have been armed
3 with a firearm.

4 (I) In such a case the adult criminal court shall have exclusive
5 original jurisdiction, except as provided in (e)(v)(E)(II) and (III)
6 of this subsection.

7 (II) The juvenile court shall have exclusive jurisdiction over
8 the disposition of any remaining charges in any case in which the
9 juvenile is found not guilty in the adult criminal court of the
10 charge or charges for which he or she was transferred, or is
11 convicted in the adult criminal court of a lesser included offense
12 that is not also an offense listed in (e)(v) of this subsection. The
13 juvenile court shall enter an order extending juvenile court
14 jurisdiction if the juvenile has turned eighteen years of age during
15 the adult criminal court proceedings pursuant to RCW 13.40.300.
16 However, once the case is returned to juvenile court, the court may
17 hold a decline hearing pursuant to RCW 13.40.110 to determine whether
18 to retain the case in juvenile court for the purpose of disposition
19 or return the case to adult criminal court for sentencing.

20 (III) The prosecutor and respondent may agree to juvenile court
21 jurisdiction and waive application of exclusive adult criminal
22 jurisdiction in (e)(v)(A) through (E) of this subsection and remove
23 the proceeding back to juvenile court with the court's approval.

24 If the juvenile challenges the state's determination of the
25 juvenile's criminal history under (e)(v) of this subsection, the
26 state may establish the offender's criminal history by a
27 preponderance of the evidence. If the criminal history consists of
28 adjudications entered upon a plea of guilty, the state shall not bear
29 a burden of establishing the knowing and voluntariness of the plea;

30 (f) Under the interstate compact on juveniles as provided in
31 chapter 13.24 RCW;

32 (g) Relating to termination of a diversion agreement under RCW
33 13.40.080, including a proceeding in which the divertee has attained
34 eighteen years of age;

35 (h) Relating to court validation of a voluntary consent to an
36 out-of-home placement under chapter 13.34 RCW, by the parent or
37 Indian custodian of an Indian child, except if the parent or Indian
38 custodian and child are residents of or domiciled within the
39 boundaries of a federally recognized Indian reservation over which
40 the tribe exercises exclusive jurisdiction;

1 (i) Relating to petitions to compel disclosure of information
2 filed by the department of social and health services pursuant to RCW
3 74.13.042; and

4 (j) Relating to judicial determinations and permanency planning
5 hearings involving developmentally disabled children who have been
6 placed in out-of-home care pursuant to a voluntary placement
7 agreement between the child's parent, guardian, or legal custodian
8 and the department of social and health services and the department
9 of children, youth, and families.

10 (2) The family court shall have concurrent original jurisdiction
11 with the juvenile court over all proceedings under this section if
12 the superior court judges of a county authorize concurrent
13 jurisdiction as provided in RCW 26.12.010.

14 (3) The juvenile court shall have concurrent original
15 jurisdiction with the family court over child custody proceedings
16 under chapter 26.10 RCW and parenting plans or residential schedules
17 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

18 (4) A juvenile subject to adult superior court jurisdiction under
19 subsection (1)(e)(i) through (v) of this section, who is detained
20 pending trial, may be detained in a detention facility as defined in
21 RCW 13.40.020 pending sentencing or a dismissal.

22 **Sec. 603.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to
23 read as follows:

24 (1) A juvenile shall not be confined in a jail or holding
25 facility for adults, except:

26 (a) For a period not exceeding twenty-four hours excluding
27 weekends and holidays and only for the purpose of an initial court
28 appearance in a county where no juvenile detention facility is
29 available, a juvenile may be held in an adult facility provided that
30 the confinement is separate from the sight and sound of adult
31 inmates; or

32 (b) For not more than six hours and pursuant to a lawful
33 detention in the course of an investigation, a juvenile may be held
34 in an adult facility provided that the confinement is separate from
35 the sight and sound of adult inmates.

36 (2) For purposes of this section a juvenile is an individual
37 under the chronological age of eighteen years who has not been
38 transferred previously to adult courts.

1 (3) The department (~~of social and health services~~) shall
2 monitor and enforce compliance with this section.

3 (4) This section shall not be construed to expand or limit the
4 authority to lawfully detain juveniles.

5 **Sec. 604.** RCW 13.04.145 and 2014 c 157 s 5 are each amended to
6 read as follows:

7 A program of education shall be provided for by the several
8 counties and school districts of the state for common school-age
9 persons confined in each of the detention facilities staffed and
10 maintained by the several counties of the state under this chapter
11 and chapters 13.16 and 13.20 RCW. The division of duties, authority,
12 and liabilities of the several counties and school districts of the
13 state respecting the educational programs is the same in all respects
14 as set forth in chapter 28A.190 RCW respecting programs of education
15 for state residential school residents. For the purposes of this
16 section, the terms "department of (~~social and health services~~)
17 children, youth, and families," "residential school" or "schools,"
18 and "superintendent or chief administrator of a residential school"
19 as used in chapter 28A.190 RCW shall be respectively construed to
20 mean "the several counties of the state," "detention facilities," and
21 "the administrator of juvenile court detention services." Nothing in
22 this section shall prohibit a school district from utilizing the
23 services of an educational service district subject to RCW
24 28A.310.180.

25 **Sec. 605.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1
26 are each reenacted and amended to read as follows:

27 For the purposes of this chapter:

28 (1) "Assessment" means an individualized examination of a child
29 to determine the child's psychosocial needs and problems, including
30 the type and extent of any mental health, substance abuse, or co-
31 occurring mental health and substance abuse disorders, and
32 recommendations for treatment. "Assessment" includes, but is not
33 limited to, drug and alcohol evaluations, psychological and
34 psychiatric evaluations, records review, clinical interview, and
35 administration of a formal test or instrument;

36 (2) "Community-based rehabilitation" means one or more of the
37 following: Employment; attendance of information classes; literacy
38 classes; counseling, outpatient substance abuse treatment programs,

1 outpatient mental health programs, anger management classes,
2 education or outpatient treatment programs to prevent animal cruelty,
3 or other services including, when appropriate, restorative justice
4 programs; or attendance at school or other educational programs
5 appropriate for the juvenile as determined by the school district.
6 Placement in community-based rehabilitation programs is subject to
7 available funds;

8 (3) "Community-based sanctions" may include one or more of the
9 following:

10 (a) A fine, not to exceed five hundred dollars;

11 (b) Community restitution not to exceed one hundred fifty hours
12 of community restitution;

13 (4) "Community restitution" means compulsory service, without
14 compensation, performed for the benefit of the community by the
15 offender as punishment for committing an offense. Community
16 restitution may be performed through public or private organizations
17 or through work crews;

18 (5) "Community supervision" means an order of disposition by the
19 court of an adjudicated youth not committed to the department or an
20 order granting a deferred disposition. A community supervision order
21 for a single offense may be for a period of up to two years for a sex
22 offense as defined by RCW 9.94A.030 and up to one year for other
23 offenses. As a mandatory condition of any term of community
24 supervision, the court shall order the juvenile to refrain from
25 committing new offenses. As a mandatory condition of community
26 supervision, the court shall order the juvenile to comply with the
27 mandatory school attendance provisions of chapter 28A.225 RCW and to
28 inform the school of the existence of this requirement. Community
29 supervision is an individualized program comprised of one or more of
30 the following:

31 (a) Community-based sanctions;

32 (b) Community-based rehabilitation;

33 (c) Monitoring and reporting requirements;

34 (d) Posting of a probation bond;

35 (e) Residential treatment, where substance abuse, mental health,
36 and/or co-occurring disorders have been identified in an assessment
37 by a qualified mental health professional, psychologist,
38 psychiatrist, or chemical dependency professional and a funded bed is
39 available. If a child agrees to voluntary placement in a state-funded
40 long-term evaluation and treatment facility, the case must follow the

1 existing placement procedure including consideration of less
2 restrictive treatment options and medical necessity.

3 (i) A court may order residential treatment after consideration
4 and findings regarding whether:

5 (A) The referral is necessary to rehabilitate the child;

6 (B) The referral is necessary to protect the public or the child;

7 (C) The referral is in the child's best interest;

8 (D) The child has been given the opportunity to engage in less
9 restrictive treatment and has been unable or unwilling to comply; and

10 (E) Inpatient treatment is the least restrictive action
11 consistent with the child's needs and circumstances.

12 (ii) In any case where a court orders a child to inpatient
13 treatment under this section, the court must hold a review hearing no
14 later than sixty days after the youth begins inpatient treatment, and
15 every thirty days thereafter, as long as the youth is in inpatient
16 treatment;

17 (6) "Confinement" means physical custody by the department of
18 (~~social and health services~~) children, youth, and families in a
19 facility operated by or pursuant to a contract with the state, or
20 physical custody in a detention facility operated by or pursuant to a
21 contract with any county. The county may operate or contract with
22 vendors to operate county detention facilities. The department may
23 operate or contract to operate detention facilities for juveniles
24 committed to the department. Pretrial confinement or confinement of
25 less than thirty-one days imposed as part of a disposition or
26 modification order may be served consecutively or intermittently, in
27 the discretion of the court;

28 (7) "Court," when used without further qualification, means the
29 juvenile court judge(s) or commissioner(s);

30 (8) "Criminal history" includes all criminal complaints against
31 the respondent for which, prior to the commission of a current
32 offense:

33 (a) The allegations were found correct by a court. If a
34 respondent is convicted of two or more charges arising out of the
35 same course of conduct, only the highest charge from among these
36 shall count as an offense for the purposes of this chapter; or

37 (b) The criminal complaint was diverted by a prosecutor pursuant
38 to the provisions of this chapter on agreement of the respondent and
39 after an advisement to the respondent that the criminal complaint
40 would be considered as part of the respondent's criminal history. A

1 successfully completed deferred adjudication that was entered before
2 July 1, 1998, or a deferred disposition shall not be considered part
3 of the respondent's criminal history;

4 (9) "Department" means the department of (~~social and health~~
5 ~~services~~) children, youth, and families;

6 (10) "Detention facility" means a county facility, paid for by
7 the county, for the physical confinement of a juvenile alleged to
8 have committed an offense or an adjudicated offender subject to a
9 disposition or modification order. "Detention facility" includes
10 county group homes, inpatient substance abuse programs, juvenile
11 basic training camps, and electronic monitoring;

12 (11) "Diversion unit" means any probation counselor who enters
13 into a diversion agreement with an alleged youthful offender, or any
14 other person, community accountability board, youth court under the
15 supervision of the juvenile court, or other entity except a law
16 enforcement official or entity, with whom the juvenile court
17 administrator has contracted to arrange and supervise such agreements
18 pursuant to RCW 13.40.080, or any person, community accountability
19 board, or other entity specially funded by the legislature to arrange
20 and supervise diversion agreements in accordance with the
21 requirements of this chapter. For purposes of this subsection,
22 "community accountability board" means a board comprised of members
23 of the local community in which the juvenile offender resides. The
24 superior court shall appoint the members. The boards shall consist of
25 at least three and not more than seven members. If possible, the
26 board should include a variety of representatives from the community,
27 such as a law enforcement officer, teacher or school administrator,
28 high school student, parent, and business owner, and should represent
29 the cultural diversity of the local community;

30 (12) "Foster care" means temporary physical care in a foster
31 family home or group care facility as defined in RCW 74.15.020 and
32 licensed by the department, or other legally authorized care;

33 (13) "Institution" means a juvenile facility established pursuant
34 to chapters 72.05 and 72.16 through 72.20 RCW;

35 (14) "Intensive supervision program" means a parole program that
36 requires intensive supervision and monitoring, offers an array of
37 individualized treatment and transitional services, and emphasizes
38 community involvement and support in order to reduce the likelihood a
39 juvenile offender will commit further offenses;

1 (15) "Juvenile," "youth," and "child" mean any individual who is
2 under the chronological age of eighteen years and who has not been
3 previously transferred to adult court pursuant to RCW 13.40.110,
4 unless the individual was convicted of a lesser charge or acquitted
5 of the charge for which he or she was previously transferred pursuant
6 to RCW 13.40.110 or who is not otherwise under adult court
7 jurisdiction;

8 (16) "Juvenile offender" means any juvenile who has been found by
9 the juvenile court to have committed an offense, including a person
10 eighteen years of age or older over whom jurisdiction has been
11 extended under RCW 13.40.300;

12 (17) "Labor" means the period of time before a birth during which
13 contractions are of sufficient frequency, intensity, and duration to
14 bring about effacement and progressive dilation of the cervix;

15 (18) "Local sanctions" means one or more of the following: (a)
16 0-30 days of confinement; (b) 0-12 months of community supervision;
17 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

18 (19) "Manifest injustice" means a disposition that would either
19 impose an excessive penalty on the juvenile or would impose a
20 serious, and clear danger to society in light of the purposes of this
21 chapter;

22 (20) "Monitoring and reporting requirements" means one or more of
23 the following: Curfews; requirements to remain at home, school, work,
24 or court-ordered treatment programs during specified hours;
25 restrictions from leaving or entering specified geographical areas;
26 requirements to report to the probation officer as directed and to
27 remain under the probation officer's supervision; and other
28 conditions or limitations as the court may require which may not
29 include confinement;

30 (21) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any
32 ordinance of any city or county of this state, under any federal law,
33 or under the law of another state if the act occurred in that state;

34 (22) "Physical restraint" means the use of any bodily force or
35 physical intervention to control a juvenile offender or limit a
36 juvenile offender's freedom of movement in a way that does not
37 involve a mechanical restraint. Physical restraint does not include
38 momentary periods of minimal physical restriction by direct person-
39 to-person contact, without the aid of mechanical restraint,
40 accomplished with limited force and designed to:

1 (a) Prevent a juvenile offender from completing an act that would
2 result in potential bodily harm to self or others or damage property;

3 (b) Remove a disruptive juvenile offender who is unwilling to
4 leave the area voluntarily; or

5 (c) Guide a juvenile offender from one location to another;

6 (23) "Postpartum recovery" means (a) the entire period a woman or
7 youth is in the hospital, birthing center, or clinic after giving
8 birth and (b) an additional time period, if any, a treating physician
9 determines is necessary for healing after the youth leaves the
10 hospital, birthing center, or clinic;

11 (24) "Probation bond" means a bond, posted with sufficient
12 security by a surety justified and approved by the court, to secure
13 the offender's appearance at required court proceedings and
14 compliance with court-ordered community supervision or conditions of
15 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
16 a deposit of cash or posting of other collateral in lieu of a bond if
17 approved by the court;

18 (25) "Respondent" means a juvenile who is alleged or proven to
19 have committed an offense;

20 (26) "Restitution" means financial reimbursement by the offender
21 to the victim, and shall be limited to easily ascertainable damages
22 for injury to or loss of property, actual expenses incurred for
23 medical treatment for physical injury to persons, lost wages
24 resulting from physical injury, and costs of the victim's counseling
25 reasonably related to the offense. Restitution shall not include
26 reimbursement for damages for mental anguish, pain and suffering, or
27 other intangible losses. Nothing in this chapter shall limit or
28 replace civil remedies or defenses available to the victim or
29 offender;

30 (27) "Restorative justice" means practices, policies, and
31 programs informed by and sensitive to the needs of crime victims that
32 are designed to encourage offenders to accept responsibility for
33 repairing the harm caused by their offense by providing safe and
34 supportive opportunities for voluntary participation and
35 communication between the victim, the offender, their families, and
36 relevant community members;

37 (28) "Restraints" means anything used to control the movement of
38 a person's body or limbs and includes:

39 (a) Physical restraint; or

1 (b) Mechanical device including but not limited to: Metal
2 handcuffs, plastic ties, ankle restraints, leather cuffs, other
3 hospital-type restraints, tasers, or batons;

4 (29) "Screening" means a process that is designed to identify a
5 child who is at risk of having mental health, substance abuse, or co-
6 occurring mental health and substance abuse disorders that warrant
7 immediate attention, intervention, or more comprehensive assessment.
8 A screening may be undertaken with or without the administration of a
9 formal instrument;

10 (30) "Secretary" means the secretary of the department (~~of~~
11 ~~social and health services. "Assistant secretary" means the assistant~~
12 ~~secretary for juvenile rehabilitation for the department~~));

13 (31) "Services" means services which provide alternatives to
14 incarceration for those juveniles who have pleaded or been
15 adjudicated guilty of an offense or have signed a diversion agreement
16 pursuant to this chapter;

17 (32) "Sex offense" means an offense defined as a sex offense in
18 RCW 9.94A.030;

19 (33) "Sexual motivation" means that one of the purposes for which
20 the respondent committed the offense was for the purpose of his or
21 her sexual gratification;

22 (34) "Surety" means an entity licensed under state insurance laws
23 or by the state department of licensing, to write corporate,
24 property, or probation bonds within the state, and justified and
25 approved by the superior court of the county having jurisdiction of
26 the case;

27 (35) "Transportation" means the conveying, by any means, of an
28 incarcerated pregnant youth from the institution or detention
29 facility to another location from the moment she leaves the
30 institution or detention facility to the time of arrival at the other
31 location, and includes the escorting of the pregnant incarcerated
32 youth from the institution or detention facility to a transport
33 vehicle and from the vehicle to the other location;

34 (36) "Violation" means an act or omission, which if committed by
35 an adult, must be proven beyond a reasonable doubt, and is punishable
36 by sanctions which do not include incarceration;

37 (37) "Violent offense" means a violent offense as defined in RCW
38 9.94A.030;

39 (38) "Youth court" means a diversion unit under the supervision
40 of the juvenile court.

1 **Sec. 606.** RCW 13.40.040 and 2002 c 171 s 2 are each amended to
2 read as follows:

3 (1) A juvenile may be taken into custody:

4 (a) Pursuant to a court order if a complaint is filed with the
5 court alleging, and the court finds probable cause to believe, that
6 the juvenile has committed an offense or has violated terms of a
7 disposition order or release order; or

8 (b) Without a court order, by a law enforcement officer if
9 grounds exist for the arrest of an adult in identical circumstances.
10 Admission to, and continued custody in, a court detention facility
11 shall be governed by subsection (2) of this section; or

12 (c) Pursuant to a court order that the juvenile be held as a
13 material witness; or

14 (d) Where the secretary or the secretary's designee has suspended
15 the parole of a juvenile offender.

16 (2) A juvenile may not be held in detention unless there is
17 probable cause to believe that:

18 (a) The juvenile has committed an offense or has violated the
19 terms of a disposition order; and

20 (i) The juvenile will likely fail to appear for further
21 proceedings; or

22 (ii) Detention is required to protect the juvenile from himself
23 or herself; or

24 (iii) The juvenile is a threat to community safety; or

25 (iv) The juvenile will intimidate witnesses or otherwise
26 unlawfully interfere with the administration of justice; or

27 (v) The juvenile has committed a crime while another case was
28 pending; or

29 (b) The juvenile is a fugitive from justice; or

30 (c) The juvenile's parole has been suspended or modified; or

31 (d) The juvenile is a material witness.

32 (3) Notwithstanding subsection (2) of this section, and within
33 available funds, a juvenile who has been found guilty of one of the
34 following offenses shall be detained pending disposition: Rape in the
35 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
36 child in the first degree (RCW 9A.44.073).

37 (4) Upon a finding that members of the community have threatened
38 the health of a juvenile taken into custody, at the juvenile's
39 request the court may order continued detention pending further order
40 of the court.

1 (5) Except as provided in RCW 9.41.280, a juvenile detained under
2 this section may be released upon posting a probation bond set by the
3 court. The juvenile's parent or guardian may sign for the probation
4 bond. A court authorizing such a release shall issue an order
5 containing a statement of conditions imposed upon the juvenile and
6 shall set the date of his or her next court appearance. The court
7 shall advise the juvenile of any conditions specified in the order
8 and may at any time amend such an order in order to impose additional
9 or different conditions of release upon the juvenile or to return the
10 juvenile to custody for failing to conform to the conditions imposed.
11 In addition to requiring the juvenile to appear at the next court
12 date, the court may condition the probation bond on the juvenile's
13 compliance with conditions of release. The juvenile's parent or
14 guardian may notify the court that the juvenile has failed to conform
15 to the conditions of release or the provisions in the probation bond.
16 If the parent notifies the court of the juvenile's failure to comply
17 with the probation bond, the court shall notify the surety. As
18 provided in the terms of the bond, the surety shall provide notice to
19 the court of the offender's noncompliance. A juvenile may be released
20 only to a responsible adult or the department of (~~social and health~~
21 ~~services~~) children, youth, and families. Failure to appear on the
22 date scheduled by the court pursuant to this section shall constitute
23 the crime of bail jumping.

24 **Sec. 607.** RCW 13.40.045 and 1997 c 338 s 14 are each amended to
25 read as follows:

26 The secretary(~~(, assistant secretary,)~~) or the secretary's
27 designee shall issue arrest warrants for juveniles who escape from
28 department residential custody. The secretary(~~(, assistant~~
29 ~~secretary,)~~) or the secretary's designee may issue arrest warrants
30 for juveniles who abscond from parole supervision or fail to meet
31 conditions of parole. These arrest warrants shall authorize any law
32 enforcement, probation and parole, or peace officer of this state, or
33 any other state where the juvenile is located, to arrest the juvenile
34 and to place the juvenile in physical custody pending the juvenile's
35 return to confinement in a state juvenile rehabilitation facility.

36 **Sec. 608.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each
37 amended to read as follows:

1 (1) Any term of confinement imposed for an offense which exceeds
2 thirty days shall be served under the supervision of the department.
3 If the period of confinement imposed for more than one offense
4 exceeds thirty days but the term imposed for each offense is less
5 than thirty days, the confinement may, in the discretion of the
6 court, be served in a juvenile facility operated by or pursuant to a
7 contract with the state or a county.

8 (2) Whenever a juvenile is confined in a detention facility or is
9 committed to the department, the court may not directly order a
10 juvenile into a particular county or state facility. The juvenile
11 court administrator and the secretary(~~(, assistant secretary,)~~) or
12 the secretary's designee, as appropriate, has the sole discretion to
13 determine in which facility a juvenile should be confined or
14 committed. The counties may operate a variety of detention facilities
15 as determined by the county legislative authority subject to
16 available funds.

17 **Sec. 609.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to
18 read as follows:

19 (1) The secretary shall set a release date for each juvenile
20 committed to its custody. The release date shall be within the
21 prescribed range to which a juvenile has been committed under RCW
22 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
23 concerning offenders the department determines are eligible for the
24 juvenile offender basic training camp program. Such dates shall be
25 determined prior to the expiration of sixty percent of a juvenile's
26 minimum term of confinement included within the prescribed range to
27 which the juvenile has been committed. The secretary shall release
28 any juvenile committed to the custody of the department within four
29 calendar days prior to the juvenile's release date or on the release
30 date set under this chapter. Days spent in the custody of the
31 department shall be tolled by any period of time during which a
32 juvenile has absented himself or herself from the department's
33 supervision without the prior approval of the secretary or the
34 secretary's designee.

35 (2) The secretary shall monitor the average daily population of
36 the state's juvenile residential facilities. When the secretary
37 concludes that in-residence population of residential facilities
38 exceeds one hundred five percent of the rated bed capacity specified
39 in statute, or in absence of such specification, as specified by the

1 department in rule, the secretary may recommend reductions to the
2 governor. On certification by the governor that the recommended
3 reductions are necessary, the secretary has authority to
4 administratively release a sufficient number of offenders to reduce
5 in-residence population to one hundred percent of rated bed capacity.
6 The secretary shall release those offenders who have served the
7 greatest proportion of their sentence. However, the secretary may
8 deny release in a particular case at the request of an offender, or
9 if the secretary finds that there is no responsible custodian, as
10 determined by the department, to whom to release the offender, or if
11 the release of the offender would pose a clear danger to society. The
12 department shall notify the committing court of the release at the
13 time of release if any such early releases have occurred as a result
14 of excessive in-residence population. In no event shall an offender
15 adjudicated of a violent offense be granted release under the
16 provisions of this subsection.

17 (3)(a) Following the release of any juvenile under subsection (1)
18 of this section, the secretary may require the juvenile to comply
19 with a program of parole to be administered by the department in his
20 or her community which shall last no longer than eighteen months,
21 except that in the case of a juvenile sentenced for rape in the first
22 or second degree, rape of a child in the first or second degree,
23 child molestation in the first degree, or indecent liberties with
24 forcible compulsion, the period of parole shall be twenty-four months
25 and, in the discretion of the secretary, may be up to thirty-six
26 months when the secretary finds that an additional period of parole
27 is necessary and appropriate in the interests of public safety or to
28 meet the ongoing needs of the juvenile. A parole program is mandatory
29 for offenders released under subsection (2) of this section and for
30 offenders who receive a juvenile residential commitment sentence for
31 theft of a motor vehicle, possession of a stolen motor vehicle, or
32 taking a motor vehicle without permission 1. A juvenile adjudicated
33 for unlawful possession of a firearm, possession of a stolen firearm,
34 theft of a firearm, or drive-by shooting may participate in
35 aggression replacement training, functional family therapy, or
36 functional family parole aftercare if the juvenile meets eligibility
37 requirements for these services. The decision to place an offender in
38 an evidence-based parole program shall be based on an assessment by
39 the department of the offender's risk for reoffending upon release
40 and an assessment of the ongoing treatment needs of the juvenile. The

1 department shall prioritize available parole resources to provide
2 supervision and services to offenders at moderate to high risk for
3 reoffending.

4 (b) The secretary shall, for the period of parole, facilitate the
5 juvenile's reintegration into his or her community and to further
6 this goal shall require the juvenile to refrain from possessing a
7 firearm or using a deadly weapon and refrain from committing new
8 offenses and may require the juvenile to: (i) Undergo available
9 medical, psychiatric, drug and alcohol, sex offender, mental health,
10 and other offense-related treatment services; (ii) report as directed
11 to a parole officer and/or designee; (iii) pursue a course of study,
12 vocational training, or employment; (iv) notify the parole officer of
13 the current address where he or she resides; (v) be present at a
14 particular address during specified hours; (vi) remain within
15 prescribed geographical boundaries; (vii) submit to electronic
16 monitoring; (viii) refrain from using illegal drugs and alcohol, and
17 submit to random urinalysis when requested by the assigned parole
18 officer; (ix) refrain from contact with specific individuals or a
19 specified class of individuals; (x) meet other conditions determined
20 by the parole officer to further enhance the juvenile's reintegration
21 into the community; (xi) pay any court-ordered fines or restitution;
22 and (xii) perform community restitution. Community restitution for
23 the purpose of this section means compulsory service, without
24 compensation, performed for the benefit of the community by the
25 offender. Community restitution may be performed through public or
26 private organizations or through work crews.

27 (c) The secretary may further require up to twenty-five percent
28 of the highest risk juvenile offenders who are placed on parole to
29 participate in an intensive supervision program. Offenders
30 participating in an intensive supervision program shall be required
31 to comply with all terms and conditions listed in (b) of this
32 subsection and shall also be required to comply with the following
33 additional terms and conditions: (i) Obey all laws and refrain from
34 any conduct that threatens public safety; (ii) report at least once a
35 week to an assigned community case manager; and (iii) meet all other
36 requirements imposed by the community case manager related to
37 participating in the intensive supervision program. As a part of the
38 intensive supervision program, the secretary may require day
39 reporting.

1 (d) After termination of the parole period, the juvenile shall be
2 discharged from the department's supervision.

3 (4)(a) The department may also modify parole for violation
4 thereof. If, after affording a juvenile all of the due process rights
5 to which he or she would be entitled if the juvenile were an adult,
6 the secretary finds that a juvenile has violated a condition of his
7 or her parole, the secretary shall order one of the following which
8 is reasonably likely to effectuate the purpose of the parole and to
9 protect the public: (i) Continued supervision under the same
10 conditions previously imposed; (ii) intensified supervision with
11 increased reporting requirements; (iii) additional conditions of
12 supervision authorized by this chapter; (iv) except as provided in
13 (a)(v) and (vi) of this subsection, imposition of a period of
14 confinement not to exceed thirty days in a facility operated by or
15 pursuant to a contract with the state of Washington or any city or
16 county for a portion of each day or for a certain number of days each
17 week with the balance of the days or weeks spent under supervision;
18 (v) the secretary may order any of the conditions or may return the
19 offender to confinement for the remainder of the sentence range if
20 the offense for which the offender was sentenced is rape in the first
21 or second degree, rape of a child in the first or second degree,
22 child molestation in the first degree, indecent liberties with
23 forcible compulsion, or a sex offense that is also a serious violent
24 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
25 any of the conditions or may return the offender to confinement for
26 the remainder of the sentence range if the youth has completed the
27 basic training camp program as described in RCW 13.40.320.

28 (b) The secretary may modify parole and order any of the
29 conditions or may return the offender to confinement for up to
30 twenty-four weeks if the offender was sentenced for a sex offense as
31 defined under RCW (~~9A.44.130~~) 9A.44.128 and is known to have
32 violated the terms of parole. Confinement beyond thirty days is
33 intended to only be used for a small and limited number of sex
34 offenders. It shall only be used when other graduated sanctions or
35 interventions have not been effective or the behavior is so egregious
36 it warrants the use of the higher level intervention and the
37 violation: (i) Is a known pattern of behavior consistent with a
38 previous sex offense that puts the youth at high risk for reoffending
39 sexually; (ii) consists of sexual behavior that is determined to be
40 predatory as defined in RCW 71.09.020; or (iii) requires a review

1 under chapter 71.09 RCW, due to a recent overt act. The total number
2 of days of confinement for violations of parole conditions during the
3 parole period shall not exceed the number of days provided by the
4 maximum sentence imposed by the disposition for the underlying
5 offense pursuant to RCW 13.40.0357. The department shall not
6 aggregate multiple parole violations that occur prior to the parole
7 revocation hearing and impose consecutive twenty-four week periods of
8 confinement for each parole violation. The department is authorized
9 to engage in rule making pursuant to chapter 34.05 RCW, to implement
10 this subsection, including narrowly defining the behaviors that could
11 lead to this higher level intervention.

12 (c) If the department finds that any juvenile in a program of
13 parole has possessed a firearm or used a deadly weapon during the
14 program of parole, the department shall modify the parole under (a)
15 of this subsection and confine the juvenile for at least thirty days.
16 Confinement shall be in a facility operated by or pursuant to a
17 contract with the state or any county.

18 (5) A parole officer of the department of (~~social and health~~
19 ~~services~~) children, youth, and families shall have the power to
20 arrest a juvenile under his or her supervision on the same grounds as
21 a law enforcement officer would be authorized to arrest the person.

22 (6) If so requested and approved under chapter 13.06 RCW, the
23 secretary shall permit a county or group of counties to perform
24 functions under subsections (3) through (5) of this section.

25 **Sec. 610.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to
26 read as follows:

27 (1) Whenever legal custody of a child is vested in someone other
28 than his or her parents, under this chapter, and not vested in the
29 department (~~of social and health services~~), after due notice to the
30 parents or other persons legally obligated to care for and support
31 the child, and after a hearing, the court may order and decree that
32 the parent or other legally obligated person shall pay in such a
33 manner as the court may direct a reasonable sum representing in whole
34 or in part the costs of support, treatment, and confinement of the
35 child after the decree is entered.

36 (2) If the parent or other legally obligated person willfully
37 fails or refuses to pay such sum, the court may proceed against such
38 person for contempt.

1 (3) Whenever legal custody of a child is vested in the department
2 under this chapter, the parents or other persons legally obligated to
3 care for and support the child shall be liable for the costs of
4 support, treatment, and confinement of the child, in accordance with
5 the department's reimbursement of cost schedule. The department shall
6 adopt a reimbursement of cost schedule based on the costs of
7 providing such services, and shall determine an obligation based on
8 the responsible parents' or other legally obligated person's ability
9 to pay. The department is authorized to adopt additional rules as
10 appropriate to enforce this section.

11 (4) To enforce subsection (3) of this section, the department
12 shall serve on the parents or other person legally obligated to care
13 for and support the child a notice and finding of financial
14 responsibility requiring the parents or other legally obligated
15 person to appear and show cause in an adjudicative proceeding why the
16 finding of responsibility and/or the amount thereof is incorrect and
17 should not be ordered. This notice and finding shall relate to the
18 costs of support, treatment, and confinement of the child in
19 accordance with the department's reimbursement of cost schedule
20 adopted under this section, including periodic payments to be made in
21 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
22 the administrative procedure act, and the rules of the department.

23 (5) The notice and finding of financial responsibility shall be
24 served in the same manner prescribed for the service of a summons in
25 a civil action or may be served on the parent or legally obligated
26 person by certified mail, return receipt requested. The receipt shall
27 be prima facie evidence of service.

28 (6) If the parents or other legally obligated person objects to
29 the notice and finding of financial responsibility, then an
30 application for an adjudicative hearing may be filed within twenty
31 days of the date of service of the notice. If an application for an
32 adjudicative proceeding is filed, the presiding or reviewing officer
33 shall determine the past liability and responsibility, if any, of the
34 parents or other legally obligated person and shall also determine
35 the amount of periodic payments to be made in the future. If the
36 parents or other legally responsible person fails to file an
37 application within twenty days, the notice and finding of financial
38 responsibility shall become a final administrative order.

39 (7) Debts determined pursuant to this section are subject to
40 collection action without further necessity of action by a presiding

1 or reviewing officer. The department may collect the debt in
2 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
3 74.20A.070. The department shall exempt from payment parents
4 receiving adoption support under RCW (~~(74.13.100 through 74.13.145)~~)
5 74.13A.005 through 74.13A.080, parents eligible to receive adoption
6 support under RCW (~~(74.13.150)~~) 74.13A.085, and a parent or other
7 legally obligated person when the parent or other legally obligated
8 person, or such person's child, spouse, or spouse's child, was the
9 victim of the offense for which the child was committed.

10 (8) An administrative order entered pursuant to this section
11 shall supersede any court order entered prior to June 13, 1994.

12 (9) The department shall be subrogated to the right of the child
13 and his or her parents or other legally responsible person to receive
14 support payments for the benefit of the child from any parent or
15 legally obligated person pursuant to a support order established by a
16 superior court or pursuant to RCW 74.20A.055. The department's right
17 of subrogation under this section is limited to the liability
18 established in accordance with its cost schedule for support,
19 treatment, and confinement, except as addressed in subsection (10) of
20 this section.

21 (10) Nothing in this section precludes the department from
22 recouping such additional support payments from the child's parents
23 or other legally obligated person as required to qualify for receipt
24 of federal funds. The department may adopt such rules dealing with
25 liability for recoupment of support, treatment, or confinement costs
26 as may become necessary to entitle the state to participate in
27 federal funds unless such rules would be expressly prohibited by law.
28 If any law dealing with liability for recoupment of support,
29 treatment, or confinement costs is ruled to be in conflict with
30 federal requirements which are a prescribed condition of the
31 allocation of federal funds, such conflicting law is declared to be
32 inoperative solely to the extent of the conflict.

33 **Sec. 611.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8
34 are each reenacted and amended to read as follows:

35 (1) The secretary of the department of children, youth, and
36 families, with the consent of the secretary of the department of
37 corrections, has the authority to transfer a juvenile presently or
38 hereafter committed to the department of (~~social and health~~
39 ~~services~~) children, youth, and families to the department of

1 corrections for appropriate institutional placement in accordance
2 with this section.

3 (2) The secretary of the department of (~~social and health~~
4 ~~services~~) children, youth, and families may, with the consent of the
5 secretary of the department of corrections, transfer a juvenile
6 offender to the department of corrections if it is established at a
7 hearing before a review board that continued placement of the
8 juvenile offender in an institution for juvenile offenders presents a
9 continuing and serious threat to the safety of others in the
10 institution. The department of (~~social and health services~~)
11 children, youth, and families shall establish rules for the conduct
12 of the hearing, including provision of counsel for the juvenile
13 offender.

14 (3) Assaults made against any staff member at a juvenile
15 corrections institution that are reported to a local law enforcement
16 agency shall require a hearing held by the department of (~~social and~~
17 ~~health services~~) children, youth, and families review board within
18 ten judicial working days. The board shall determine whether the
19 accused juvenile offender represents a continuing and serious threat
20 to the safety of others in the institution.

21 (4) Upon conviction in a court of law for custodial assault as
22 defined in RCW 9A.36.100, the department of (~~social and health~~
23 ~~services~~) children, youth, and families review board shall conduct a
24 second hearing, within five judicial working days, to recommend to
25 the secretary of the department of (~~social and health services~~)
26 children, youth, and families that the convicted juvenile be
27 transferred to an adult correctional facility if the review board has
28 determined the juvenile offender represents a continuing and serious
29 threat to the safety of others in the institution.

30 The juvenile has the burden to show cause why the transfer to an
31 adult correctional facility should not occur.

32 (5) A juvenile offender transferred to an institution operated by
33 the department of corrections shall not remain in such an institution
34 beyond the maximum term of confinement imposed by the juvenile court.

35 (6) A juvenile offender who has been transferred to the
36 department of corrections under this section may, in the discretion
37 of the secretary of the department of (~~social and health services~~)
38 children, youth, and families and with the consent of the secretary
39 of the department of corrections, be transferred from an institution

1 operated by the department of corrections to a facility for juvenile
2 offenders deemed appropriate by the secretary.

3 **Sec. 612.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to
4 read as follows:

5 A juvenile offender ordered to serve a term of confinement with
6 the department of (~~social and health services~~) children, youth, and
7 families who is subsequently sentenced to the department of
8 corrections may, with the consent of the department of corrections,
9 be transferred by the secretary of (~~social and health services~~)
10 children, youth, and families to the department of corrections to
11 serve the balance of the term of confinement ordered by the juvenile
12 court. The juvenile and adult sentences shall be served
13 consecutively. In no case shall the secretary credit time served as a
14 result of an adult conviction against the term of confinement ordered
15 by the juvenile court.

16 **Sec. 613.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
17 read as follows:

18 (1) In no case may a juvenile offender be committed by the
19 juvenile court to the department of (~~social and health services~~)
20 children, youth, and families for placement in a juvenile
21 correctional institution beyond the juvenile offender's twenty-first
22 birthday. A juvenile may be under the jurisdiction of the juvenile
23 court or the authority of the department of (~~social and health~~
24 ~~services~~) children, youth, and families beyond the juvenile's
25 eighteenth birthday only if prior to the juvenile's eighteenth
26 birthday:

27 (a) Proceedings are pending seeking the adjudication of a
28 juvenile offense and the court by written order setting forth its
29 reasons extends jurisdiction of juvenile court over the juvenile
30 beyond his or her eighteenth birthday;

31 (b) The juvenile has been found guilty after a fact finding or
32 after a plea of guilty and an automatic extension is necessary to
33 allow for the imposition of disposition;

34 (c) Disposition has been held and an automatic extension is
35 necessary to allow for the execution and enforcement of the court's
36 order of disposition. If an order of disposition imposes commitment
37 to the department, then jurisdiction is automatically extended to

1 include a period of up to twelve months of parole, in no case
2 extending beyond the offender's twenty-first birthday; or

3 (d) While proceedings are pending in a case in which jurisdiction
4 has been transferred to the adult criminal court pursuant to RCW
5 13.04.030, the juvenile turns eighteen years of age and is
6 subsequently found not guilty of the charge for which he or she was
7 transferred, or is convicted in the adult criminal court of a lesser
8 included offense, and an automatic extension is necessary to impose
9 the disposition as required by RCW 13.04.030(1)(e)(v)(E).

10 (2) If the juvenile court previously has extended jurisdiction
11 beyond the juvenile offender's eighteenth birthday and that period of
12 extension has not expired, the court may further extend jurisdiction
13 by written order setting forth its reasons.

14 (3) In no event may the juvenile court have authority to extend
15 jurisdiction over any juvenile offender beyond the juvenile
16 offender's twenty-first birthday except for the purpose of enforcing
17 an order of restitution or penalty assessment.

18 (4) Notwithstanding any extension of jurisdiction over a person
19 pursuant to this section, the juvenile court has no jurisdiction over
20 any offenses alleged to have been committed by a person eighteen
21 years of age or older.

22 **Sec. 614.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to
23 read as follows:

24 (1) The department (~~(of social and health services)~~) may contract
25 with a community-based nonprofit organization to establish a three-
26 step transitional treatment program for gang and drug-involved
27 juvenile offenders committed to the custody of the department under
28 this chapter (~~(13.40 RCW)~~). Any such program shall provide six to
29 twenty-four months of treatment. The program shall emphasize the
30 principles of self-determination, unity, collective work and
31 responsibility, cooperative economics, and creativity. The program
32 shall be culturally relevant and appropriate and shall include:

33 (a) A culturally relevant and appropriate institution-based
34 program that provides comprehensive drug and alcohol services,
35 individual and family counseling, and a wilderness experience of
36 constructive group living, rigorous physical exercise, and academic
37 studies;

38 (b) A culturally relevant and appropriate community-based
39 structured group living program that focuses on individual goals,

1 positive community involvement, coordinated drug and alcohol
2 treatment, coordinated individual and family counseling, academic and
3 vocational training, and employment in apprenticeship, internship,
4 and entrepreneurial programs; and

5 (c) A culturally relevant and appropriate transitional group
6 living program that provides support services, academic services, and
7 coordinated individual and family counseling.

8 (2) Participation in any such program shall be on a voluntary
9 basis.

10 (3) The department shall adopt rules as necessary to implement
11 any such program.

12 **Sec. 615.** RCW 13.40.320 and 2015 3rd sp.s. c 23 s 1 are each
13 amended to read as follows:

14 (1) The department (~~(of social and health services)~~) may
15 establish a medium security juvenile offender basic training camp
16 program. This program for juvenile offenders serving a term of
17 confinement under the supervision of the department is exempt from
18 the licensing requirements of chapter 74.15 RCW.

19 (2) The department may contract under this chapter with private
20 companies, the national guard, or other federal, state, or local
21 agencies to operate the juvenile offender basic training camp.

22 (3) The juvenile offender basic training camp shall be a
23 structured and regimented model emphasizing the building up of an
24 offender's self-esteem, confidence, and discipline. The juvenile
25 offender basic training camp program shall provide participants with
26 basic education, prevocational training, work-based learning, work
27 experience, work ethic skills, conflict resolution counseling,
28 substance abuse intervention, anger management counseling, and
29 structured intensive physical training. The juvenile offender basic
30 training camp program shall have a curriculum training and work
31 schedule that incorporates a balanced assignment of these or other
32 rehabilitation and training components for no less than sixteen hours
33 per day, six days a week.

34 The department shall develop standards for the safe and effective
35 operation of the juvenile offender basic training camp program, for
36 an offender's successful program completion, and for the continued
37 after-care supervision of offenders who have successfully completed
38 the program.

1 (4) Offenders eligible for the juvenile offender basic training
2 camp option shall be those with a disposition of not more than sixty-
3 five weeks. Violent and sex offenders shall not be eligible for the
4 juvenile offender basic training camp program.

5 (5) If the court determines that the offender is eligible for the
6 juvenile offender basic training camp option, the court may recommend
7 that the department place the offender in the program. The department
8 shall evaluate the offender and may place the offender in the
9 program. The evaluation shall include, at a minimum, a risk
10 assessment developed by the department and designed to determine the
11 offender's suitability for the program. No juvenile who is assessed
12 as a high risk offender or suffers from any mental or physical
13 problems that could endanger his or her health or drastically affect
14 his or her performance in the program shall be admitted to or
15 retained in the juvenile offender basic training camp program.

16 (6) All juvenile offenders eligible for the juvenile offender
17 basic training camp sentencing option shall spend one hundred twenty
18 days of their disposition in a juvenile offender basic training camp.
19 This period may be extended for up to forty days by the secretary if
20 a juvenile offender requires additional time to successfully complete
21 the basic training camp program. If the juvenile offender's
22 activities while in the juvenile offender basic training camp are so
23 disruptive to the juvenile offender basic training camp program, as
24 determined by the secretary according to standards developed by the
25 department, as to result in the removal of the juvenile offender from
26 the juvenile offender basic training camp program, or if the offender
27 cannot complete the juvenile offender basic training camp program due
28 to medical problems, the secretary shall require that the offender be
29 committed to a juvenile institution to serve the entire remainder of
30 his or her disposition, less the amount of time already served in the
31 juvenile offender basic training camp program.

32 (7) All offenders who successfully graduate from the juvenile
33 offender basic training camp program shall spend the remainder of
34 their disposition on parole in a department juvenile rehabilitation
35 (~~administration~~) intensive aftercare program in the local
36 community. Violation of the conditions of parole is subject to
37 sanctions specified in RCW 13.40.210(4). The program shall provide
38 for the needs of the offender based on his or her progress in the
39 aftercare program as indicated by ongoing assessment of those needs
40 and progress. The intensive aftercare program shall monitor

1 postprogram juvenile offenders and assist them to successfully
2 reintegrate into the community. In addition, the program shall
3 develop a process for closely monitoring and assessing public safety
4 risks. The intensive aftercare program shall be designed and funded
5 by the department (~~(of social and health services)~~).

6 (8) The department shall also develop and maintain a database to
7 measure recidivism rates specific to this incarceration program. The
8 database shall maintain data on all juvenile offenders who complete
9 the juvenile offender basic training camp program for a period of two
10 years after they have completed the program. The database shall also
11 maintain data on the criminal activity, educational progress, and
12 employment activities of all juvenile offenders who participated in
13 the program.

14 **Sec. 616.** RCW 13.40.460 and 2003 c 229 s 1 are each amended to
15 read as follows:

16 The secretary(~~(, assistant secretary,)~~) or the secretary's
17 designee shall manage and administer the department's juvenile
18 rehabilitation responsibilities, including but not limited to the
19 operation of all state institutions or facilities used for juvenile
20 rehabilitation.

21 The secretary or (~~(assistant secretary)~~) the secretary's designee
22 shall:

23 (1) Prepare a biennial budget request sufficient to meet the
24 confinement and rehabilitative needs of the juvenile rehabilitation
25 program, as forecast by the office of financial management;

26 (2) Create by rule a formal system for inmate classification.
27 This classification system shall consider:

28 (a) Public safety;

29 (b) Internal security and staff safety;

30 (c) Rehabilitative resources both within and outside the
31 department;

32 (d) An assessment of each offender's risk of sexually aggressive
33 behavior as provided in RCW 13.40.470; and

34 (e) An assessment of each offender's vulnerability to sexually
35 aggressive behavior as provided in RCW 13.40.470;

36 (3) Develop agreements with local jurisdictions to develop
37 regional facilities with a variety of custody levels;

38 (4) Adopt rules establishing effective disciplinary policies to
39 maintain order within institutions;

1 (5) Develop a comprehensive diagnostic evaluation process to be
2 used at intake, including but not limited to evaluation for substance
3 addiction or abuse, literacy, learning disabilities, fetal alcohol
4 syndrome or effect, attention deficit disorder, and mental health;

5 (6) Develop placement criteria:

6 (a) To avoid assigning youth who present a moderate or high risk
7 of sexually aggressive behavior to the same sleeping quarters as
8 youth assessed as vulnerable to sexual victimization under RCW
9 13.40.470(1)(c); and

10 (b) To avoid placing a juvenile offender on parole status who has
11 been assessed as a moderate to high risk for sexually aggressive
12 behavior in a department community residential program with another
13 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
14 youth or child in need of services under chapter 13.32A RCW; and (ii)
15 not also a juvenile offender on parole status;

16 (7) Develop a plan to implement, by July 1, 1995:

17 (a) Substance abuse treatment programs for all state juvenile
18 rehabilitation facilities and institutions;

19 (b) Vocational education and instruction programs at all state
20 juvenile rehabilitation facilities and institutions; and

21 (c) An educational program to establish self-worth and
22 responsibility in juvenile offenders. This educational program shall
23 emphasize instruction in character-building principles such as:
24 Respect for self, others, and authority; victim awareness;
25 accountability; work ethics; good citizenship; and life skills; and

26 (8)(a) The (~~juvenile rehabilitation administration~~) department
27 shall develop uniform policies related to custodial assaults
28 consistent with RCW 72.01.045 and 9A.36.100 that are to be followed
29 in all juvenile rehabilitation (~~administration~~) facilities; and

30 (b) The (~~juvenile rehabilitation administration~~) department
31 will report assaults in accordance with the policies developed in (a)
32 of this subsection.

33 **Sec. 617.** RCW 13.40.462 and 2011 1st sp.s. c 32 s 4 are each
34 amended to read as follows:

35 (1) The department (~~of social and health services juvenile~~
36 ~~rehabilitation administration~~) shall establish a reinvesting in
37 youth program that awards grants to counties for implementing
38 research-based early intervention services that target juvenile

1 justice-involved youth and reduce crime, subject to the availability
2 of amounts appropriated for this specific purpose.

3 (2) Effective July 1, 2007, any county or group of counties may
4 apply for participation in the reinvesting in youth program.

5 (3) Counties that participate in the reinvesting in youth program
6 shall have a portion of their costs of serving youth through the
7 research-based intervention service models paid for with moneys from
8 the reinvesting in youth account established pursuant to RCW
9 13.40.466.

10 (4) The department (~~(of social and health services juvenile~~
11 ~~rehabilitation administration))~~) shall review county applications for
12 funding through the reinvesting in youth program and shall select the
13 counties that will be awarded grants with funds appropriated to
14 implement this program. The department, in consultation with the
15 Washington state institute for public policy, shall develop
16 guidelines to determine which counties will be awarded funding in
17 accordance with the reinvesting in youth program. At a minimum,
18 counties must meet the following criteria in order to participate in
19 the reinvesting in youth program:

20 (a) Counties must match state moneys awarded for research-based
21 early intervention services with nonstate resources that are at least
22 proportional to the expected local government share of state and
23 local government cost avoidance that would result from the
24 implementation of such services;

25 (b) Counties must demonstrate that state funds allocated pursuant
26 to this section are used only for the intervention service models
27 authorized pursuant to RCW 13.40.464;

28 (c) Counties must participate fully in the state quality
29 assurance program established in RCW 13.40.468 to ensure fidelity of
30 program implementation. If no state quality assurance program is in
31 effect for a particular selected research-based service, the county
32 must submit a quality assurance plan for state approval with its
33 grant application. Failure to demonstrate continuing compliance with
34 quality assurance plans shall be grounds for termination of state
35 funding; and

36 (d) Counties that submit joint applications must submit for
37 approval by the department (~~(of social and health services juvenile~~
38 ~~rehabilitation administration))~~) multicounty plans for efficient
39 program delivery.

1 **Sec. 618.** RCW 13.40.464 and 2006 c 304 s 3 are each amended to
2 read as follows:

3 (1)(a) In order to receive funding through the reinvesting in
4 youth program established pursuant to RCW 13.40.462, intervention
5 service models must meet the following minimum criteria:

6 (i) There must be scientific evidence from at least one rigorous
7 evaluation study of the specific service model that measures
8 recidivism reduction;

9 (ii) There must be evidence that the specific service model's
10 results can be replicated outside of an academic research
11 environment;

12 (iii) The evaluation or evaluations of the service model must
13 permit dollar cost estimates of both benefits and costs so that the
14 benefit-cost ratio of the model can be calculated; and

15 (iv) The public taxpayer benefits to all levels of state and
16 local government must exceed the service model costs.

17 (b) In calendar year 2006, for use beginning in fiscal year 2008,
18 the Washington state institute for public policy shall publish a list
19 of service models that are eligible for reimbursement through the
20 investing in youth program. As authorized by the board of the
21 institute and to the extent necessary to respond to new research and
22 information, the institute shall periodically update the list of
23 service models. The institute shall use the technical advisory
24 committee established in RCW 13.40.462(5) to review and provide
25 comments on the list of service models that are eligible for
26 reimbursement.

27 (2) In calendar year 2006, for use beginning in fiscal year 2008,
28 the Washington state institute for public policy shall review and
29 update the methodology for calculating cost savings resulting from
30 implementation of this program. As authorized by the board of the
31 institute and to the extent necessary to respond to new research and
32 information, the institute shall periodically further review and
33 update the methodology. As authorized by the board of the institute,
34 when the institute reviews and updates the methodology for
35 calculating cost savings, the institute shall provide an estimate of
36 savings and avoided costs resulting from this program, along with a
37 projection of future savings and avoided costs, to the appropriate
38 committees of the legislature. The institute shall use the technical
39 advisory committee established in RCW 13.40.462(5) to review and
40 provide comments on its methodology and cost calculations.

1 (3) In calendar year 2006, for use beginning in fiscal year 2008,
2 the department (~~of social and health services' juvenile~~
3 ~~rehabilitation administration~~) shall establish a distribution
4 formula to provide funding to local governments that implement
5 research-based intervention services pursuant to this program. The
6 department shall periodically update the distribution formula. The
7 distribution formula shall require that the state allocation to local
8 governments be proportional to the expected state government share of
9 state and local government cost avoidance that would result from the
10 implementation of such services based on the methodology maintained
11 by the Washington state institute for public policy pursuant to
12 subsection (2) of this section. The department shall use the
13 technical advisory committee established in RCW 13.40.462(5) to
14 review and provide comments on its proposed distribution formula.

15 (~~(4) The department of social and health services juvenile~~
16 ~~rehabilitation administration shall provide a report to the~~
17 ~~legislature on the initial cost savings calculation methodology and~~
18 ~~distribution formula by October 1, 2006.~~)

19 **Sec. 619.** RCW 13.40.466 and 2013 2nd sp.s. c 4 s 953 are each
20 amended to read as follows:

21 (1) The reinvesting in youth account is created in the state
22 treasury. Moneys in the account shall be spent only after
23 appropriation. Expenditures from the account may be used to reimburse
24 local governments for the implementation of the reinvesting in youth
25 program established in RCW 13.40.462 and 13.40.464. During the
26 2013-2015 fiscal biennium, the legislature may appropriate moneys
27 from the reinvesting in youth account for juvenile rehabilitation
28 purposes.

29 (2) Revenues to the reinvesting in youth account consist of
30 revenues appropriated to or deposited in the account.

31 (3) The department (~~of social and health services juvenile~~
32 ~~rehabilitation administration~~) shall review and monitor the
33 expenditures made by any county or group of counties that is funded,
34 in whole or in part, with funds provided through the reinvesting in
35 youth account. Counties shall repay any funds that are not spent in
36 accordance with RCW 13.40.462 and 13.40.464.

37 **Sec. 620.** RCW 13.40.468 and 2006 c 304 s 6 are each amended to
38 read as follows:

1 The department (~~(of social and health services juvenile~~
2 ~~rehabilitation administration)~~) shall establish a state quality
3 assurance program. The (~~(juvenile rehabilitation administration)~~)
4 department shall monitor the implementation of intervention services
5 funded pursuant to RCW 13.40.466 and shall evaluate adherence to
6 service model design and service completion rate.

7 **Sec. 621.** RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each
8 amended to read as follows:

9 (1) In order to receive funds under RCW 13.40.500 through
10 13.40.540, local governments may, through their respective agencies
11 that administer funding for consolidated juvenile services, submit
12 proposals that establish community juvenile accountability programs
13 within their communities. These proposals must be submitted to the
14 (~~(juvenile rehabilitation administration of the)~~) department (~~(of~~
15 ~~social and health services)~~) for certification.

16 (2) The proposals must:

17 (a) Demonstrate that the proposals were developed with the input
18 of the local law and justice councils established under RCW
19 72.09.300;

20 (b) Describe how local community groups or members are involved
21 in the implementation of the programs funded under RCW 13.40.500
22 through 13.40.540;

23 (c) Include a description of how the grant funds will contribute
24 to the expected outcomes of the program and the reduction of youth
25 violence and juvenile crime in their community. Data approaches are
26 not required to be replicated if the networks have information that
27 addresses risks in the community for juvenile offenders.

28 (3) A local government receiving a grant under this section shall
29 agree that any funds received must be used efficiently to encourage
30 the use of community-based programs that reduce the reliance on
31 secure confinement as the sole means of holding juvenile offenders
32 accountable for their crimes. The local government shall also agree
33 to account for the expenditure of all funds received under the grant
34 and to submit to audits for compliance with the grant criteria
35 developed under RCW 13.40.520.

36 (4) The (~~(juvenile rehabilitation administration)~~) department, in
37 consultation with the Washington association of juvenile court
38 administrators and the state law and justice advisory council, shall

1 establish guidelines for programs that may be funded under RCW
2 13.40.500 through 13.40.540. The guidelines must:

3 (a) Target diverted and adjudicated juvenile offenders;

4 (b) Include assessment methods to determine services, programs,
5 and intervention strategies most likely to change behaviors and norms
6 of juvenile offenders;

7 (c) Provide maximum structured supervision in the community.
8 Programs should use natural surveillance and community guardians such
9 as employers, relatives, teachers, clergy, and community mentors to
10 the greatest extent possible;

11 (d) Promote good work ethic values and educational skills and
12 competencies necessary for the juvenile offender to function
13 effectively and positively in the community;

14 (e) Maximize the efficient delivery of treatment services aimed
15 at reducing risk factors associated with the commission of juvenile
16 offenses;

17 (f) Maximize the reintegration of the juvenile offender into the
18 community upon release from confinement;

19 (g) Maximize the juvenile offender's opportunities to make full
20 restitution to the victims and amends to the community;

21 (h) Support and encourage increased court discretion in imposing
22 community-based intervention strategies;

23 (i) Be compatible with research that shows which prevention and
24 early intervention strategies work with juvenile offenders;

25 (j) Be outcome-based in that it describes what outcomes will be
26 achieved or what outcomes have already been achieved;

27 (k) Include an evaluation component; and

28 (l) Recognize the diversity of local needs.

29 (5) The state law and justice advisory council may provide
30 support and technical assistance to local governments for training
31 and education regarding community-based prevention and intervention
32 strategies.

33 **Sec. 622.** RCW 13.40.520 and 1997 c 338 s 62 are each amended to
34 read as follows:

35 (1) The state may make grants to local governments for the
36 provision of community-based programs for juvenile offenders. The
37 grants must be made under a grant formula developed by the ((juvenile
38 rehabilitation administration)) department, in consultation with the
39 Washington association of juvenile court administrators.

1 (2) Upon certification by the (~~juvenile—rehabilitation~~
2 ~~administration~~) department that a proposal satisfies the application
3 and selection criteria, grant funds will be distributed to the local
4 government agency that administers funding for consolidated juvenile
5 services.

6 **Sec. 623.** RCW 13.40.540 and 1997 c 338 s 64 are each amended to
7 read as follows:

8 (1) Each community juvenile accountability program approved and
9 funded under RCW 13.40.500 through 13.40.540 shall comply with the
10 information collection requirements in subsection (2) of this section
11 and the reporting requirements in subsection (3) of this section.

12 (2) The information collected by each community juvenile
13 accountability program must include, at a minimum for each juvenile
14 participant: (a) The name, date of birth, gender, social security
15 number, and, when available, the juvenile information system (JUVIS)
16 control number; (b) an initial intake assessment of each juvenile
17 participating in the program; (c) a list of all juveniles who
18 completed the program; and (d) an assessment upon completion or
19 termination of each juvenile, including outcomes and, where
20 applicable, reasons for termination.

21 (3) The (~~juvenile—rehabilitation—administration~~) department
22 shall annually compile the data and report to the legislature on: (a)
23 The programs funded under RCW 13.40.500 through 13.40.540; (b) the
24 total cost for each funded program and cost per juvenile; and (c) the
25 essential elements of the program.

26 **Sec. 624.** RCW 13.40.560 and 1999 c 182 s 1 are each amended to
27 read as follows:

28 The juvenile accountability incentive account is created in the
29 custody of the state treasurer. Federal awards for juvenile
30 accountability incentives received by the secretary of the department
31 (~~of social and health services~~) shall be deposited into the
32 account. Interest earned from the inception of the trust account
33 shall be deposited in the account. Expenditures from the account may
34 be used only for the purposes specified in the federal award or
35 awards. Moneys in the account may be spent only after appropriation.

36 **Sec. 625.** RCW 74.14A.030 and 1983 c 192 s 3 are each amended to
37 read as follows:

1 The department of children, youth, and families shall address the
2 needs of juvenile offenders whose standard range sentences do not
3 include commitment by developing nonresidential community-based
4 programs designed to reduce the incidence of manifest injustice
5 commitments when consistent with public safety.

6 **Sec. 626.** RCW 74.14A.040 and 1983 c 192 s 4 are each amended to
7 read as follows:

8 The department of children, youth, and families shall involve a
9 juvenile offender's family as a unit in the treatment process. The
10 department need not involve the family as a unit in cases when family
11 ties have by necessity been irrevocably broken. When the natural
12 parents have been or will be replaced by a foster family or guardian,
13 the new family will be involved in the treatment process.

14 **Sec. 627.** RCW 72.01.045 and 2002 c 77 s 1 are each amended to
15 read as follows:

16 (1) For purposes of this section only, "assault" means an
17 unauthorized touching of an employee by a resident, patient, or
18 juvenile offender resulting in physical injury to the employee.

19 (2) In recognition of the hazardous nature of employment in state
20 institutions, the legislature hereby provides a supplementary program
21 to reimburse employees of the department of social and health
22 services, the department of natural resources, the department of
23 children, youth, and families, and the department of veterans affairs
24 for some of their costs attributable to their being the victims of
25 assault by residents, patients, or juvenile offenders. This program
26 shall be limited to the reimbursement provided in this section.

27 (3) An employee is only entitled to receive the reimbursement
28 provided in this section if the secretary of social and health
29 services, the commissioner of public lands, the secretary of the
30 department of children, youth, and families, or the director of the
31 department of veterans affairs, or the secretary's, commissioner's,
32 or director's designee, finds that each of the following has
33 occurred:

34 (a) A resident or patient has assaulted the employee and as a
35 result thereof the employee has sustained demonstrated physical
36 injuries which have required the employee to miss days of work;

1 (b) The assault cannot be attributable to any extent to the
2 employee's negligence, misconduct, or failure to comply with any
3 rules or conditions of employment; and

4 (c) The department of labor and industries has approved the
5 employee's workers' compensation application pursuant to chapter
6 51.32 RCW.

7 (4) The reimbursement authorized under this section shall be as
8 follows:

9 (a) The employee's accumulated sick leave days shall not be
10 reduced for the workdays missed;

11 (b) For each workday missed for which the employee is not
12 eligible to receive compensation under chapter 51.32 RCW, the
13 employee shall receive full pay; and

14 (c) In respect to workdays missed for which the employee will
15 receive or has received compensation under chapter 51.32 RCW, the
16 employee shall be reimbursed in an amount which, when added to that
17 compensation, will result in the employee receiving full pay for the
18 workdays missed.

19 (5) Reimbursement under this section may not last longer than
20 three hundred sixty-five consecutive days after the date of the
21 injury.

22 (6) The employee shall not be entitled to the reimbursement
23 provided in subsection (4) of this section for any workday for which
24 the secretary, commissioner, director, or applicable designee, finds
25 that the employee has not diligently pursued his or her compensation
26 remedies under chapter 51.32 RCW.

27 (7) The reimbursement shall only be made for absences which the
28 secretary, commissioner, director, or applicable designee believes
29 are justified.

30 (8) While the employee is receiving reimbursement under this
31 section, he or she shall continue to be classified as a state
32 employee and the reimbursement amount shall be considered as salary
33 or wages.

34 (9) All reimbursement payments required to be made to employees
35 under this section shall be made by the employing department. The
36 payments shall be considered as a salary or wage expense and shall be
37 paid by the department in the same manner and from the same
38 appropriations as other salary and wage expenses of the department.

39 (10) Should the legislature revoke the reimbursement authorized
40 under this section or repeal this section, no affected employee is

1 entitled thereafter to receive the reimbursement as a matter of
2 contractual right.

3 **Sec. 628.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to
4 read as follows:

5 (1) The secretary of social and health services shall have full
6 power to manage and govern the following public institutions: The
7 western state hospital, the eastern state hospital, the northern
8 state hospital, (~~the state training school, the state school for~~
9 ~~girls,~~) Lakeland Village, the Rainier school, and such other
10 institutions as authorized by law, subject only to the limitations
11 contained in laws relating to the management of such institutions.

12 (2) The secretary of corrections shall have full power to manage,
13 govern, and name all state correctional facilities, subject only to
14 the limitations contained in laws relating to the management of such
15 institutions.

16 (3) If any state correctional facility is fully or partially
17 destroyed by natural causes or otherwise, the secretary of
18 corrections may, with the approval of the governor, provide for the
19 establishment and operation of additional residential correctional
20 facilities to place those inmates displaced by such destruction.
21 However, such additional facilities may not be established if there
22 are existing residential correctional facilities to which all of the
23 displaced inmates can be appropriately placed. The establishment and
24 operation of any additional facility shall be on a temporary basis,
25 and the facility may not be operated beyond July 1 of the year
26 following the year in which it was partially or fully destroyed.

27 (4) The secretary of the department of children, youth, and
28 families shall have full power to manage and govern Echo Glen, the
29 Green Hill school, and such other institutions as authorized by law,
30 subject only to the limitations contained in laws relating to the
31 management of such institutions.

32 **Sec. 629.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each
33 amended to read as follows:

34 Motion pictures unrated after November 1968 or rated R, X, or
35 NC-17 by the motion picture association of America shall not be shown
36 in juvenile detention facilities or facilities operated by the
37 (~~division of juvenile rehabilitation in the~~) department of (~~social~~
38 ~~and health services~~) children, youth, and families.

1 **Sec. 630.** RCW 28A.225.010 and 2014 c 168 s 3 are each amended to
2 read as follows:

3 (1) All parents in this state of any child eight years of age and
4 under eighteen years of age shall cause such child to attend the
5 public school of the district in which the child resides and such
6 child shall have the responsibility to and therefore shall attend for
7 the full time when such school may be in session unless:

8 (a) The child is attending an approved private school for the
9 same time or is enrolled in an extension program as provided in RCW
10 28A.195.010(4);

11 (b) The child is receiving home-based instruction as provided in
12 subsection (4) of this section;

13 (c) The child is attending an education center as provided in
14 chapter 28A.205 RCW;

15 (d) The school district superintendent of the district in which
16 the child resides shall have excused such child from attendance
17 because the child is physically or mentally unable to attend school,
18 is attending a residential school operated by the department of
19 social and health services or the department of children, youth, and
20 families, is incarcerated in an adult correctional facility, or has
21 been temporarily excused upon the request of his or her parents for
22 purposes agreed upon by the school authorities and the parent:
23 PROVIDED, That such excused absences shall not be permitted if deemed
24 to cause a serious adverse effect upon the student's educational
25 progress: PROVIDED FURTHER, That students excused for such temporary
26 absences may be claimed as full-time equivalent students to the
27 extent they would otherwise have been so claimed for the purposes of
28 RCW 28A.150.250 and 28A.150.260 and shall not affect school district
29 compliance with the provisions of RCW 28A.150.220;

30 (e) The child is excused from school subject to approval by the
31 student's parent for a reason of faith or conscience, or an organized
32 activity conducted under the auspices of a religious denomination,
33 church, or religious organization, for up to two days per school year
34 without any penalty. Such absences may not mandate school closures.
35 Students excused for such temporary absences may be claimed as full-
36 time equivalent students to the extent they would otherwise have been
37 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and
38 may not affect school district compliance with the provisions of RCW
39 28A.150.220; or

40 (f) The child is sixteen years of age or older and:

1 (i) The child is regularly and lawfully employed and either the
2 parent agrees that the child should not be required to attend school
3 or the child is emancipated in accordance with chapter 13.64 RCW;

4 (ii) The child has already met graduation requirements in
5 accordance with state board of education rules and regulations; or

6 (iii) The child has received a certificate of educational
7 competence under rules and regulations established by the state board
8 of education under RCW 28A.305.190.

9 (2) A parent for the purpose of this chapter means a parent,
10 guardian, or person having legal custody of a child.

11 (3) An approved private school for the purposes of this chapter
12 and chapter 28A.200 RCW shall be one approved under regulations
13 established by the state board of education pursuant to RCW
14 28A.305.130.

15 (4) For the purposes of this chapter and chapter 28A.200 RCW,
16 instruction shall be home-based if it consists of planned and
17 supervised instructional and related educational activities,
18 including a curriculum and instruction in the basic skills of
19 occupational education, science, mathematics, language, social
20 studies, history, health, reading, writing, spelling, and the
21 development of an appreciation of art and music, provided for a
22 number of hours equivalent to the total annual program hours per
23 grade level established for approved private schools under RCW
24 28A.195.010 and 28A.195.040 and if such activities are:

25 (a) Provided by a parent who is instructing his or her child only
26 and are supervised by a certificated person. A certificated person
27 for purposes of this chapter and chapter 28A.200 RCW shall be a
28 person certified under chapter 28A.410 RCW. For purposes of this
29 section, "supervised by a certificated person" means: The planning by
30 the certificated person and the parent of objectives consistent with
31 this subsection; a minimum each month of an average of one contact
32 hour per week with the child being supervised by the certificated
33 person; and evaluation of such child's progress by the certificated
34 person. The number of children supervised by the certificated person
35 shall not exceed thirty for purposes of this subsection; or

36 (b) Provided by a parent who is instructing his or her child only
37 and who has either earned forty-five college level quarter credit
38 hours or its equivalent in semester hours or has completed a course
39 in home-based instruction at a postsecondary institution or a
40 vocational-technical institute; or

1 (c) Provided by a parent who is deemed sufficiently qualified to
2 provide home-based instruction by the superintendent of the local
3 school district in which the child resides.

4 (5) The legislature recognizes that home-based instruction is
5 less structured and more experiential than the instruction normally
6 provided in a classroom setting. Therefore, the provisions of
7 subsection (4) of this section relating to the nature and quantity of
8 instructional and related educational activities shall be liberally
9 construed.

10 **Sec. 631.** RCW 72.09.337 and 2001 2nd sp.s. c 12 s 502 are each
11 amended to read as follows:

12 The secretary of corrections, the secretary of social and health
13 services, the secretary of children, youth, and families, and the
14 indeterminate sentence review board may adopt rules to implement
15 chapter 12, Laws of 2001 2nd sp. sess.

16 **PART VII**

17 **TRANSFER OF CHILDREN AND YOUTH RESIDENTIAL AND CUSTODIAL SERVICES**

18 **Sec. 701.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to
19 read as follows:

20 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To
21 provide for every child with behavior problems, mentally and
22 physically handicapped persons, and hearing and visually impaired
23 children, within the purview of RCW 72.05.010 through 72.05.210, as
24 now or hereafter amended, such care, guidance and instruction,
25 control and treatment as will best serve the welfare of the child or
26 person and society; to insure nonpolitical and qualified operation,
27 supervision, management, and control of the Green Hill school, (~~the~~
28 ~~Maple Lane school,~~) the Naselle Youth Camp, (~~the Mission Creek~~
29 ~~Youth Camp,~~) Echo Glen, (~~the Cascadia Diagnostic Center,~~) Lakeland
30 Village, Rainier school, the Yakima Valley school, (~~Interlake~~
31 ~~school,~~) Fircrest school, (~~the Francis Haddon Morgan Center,~~) the
32 Child Study and Treatment Center and Secondary School of western
33 state hospital, and like residential state schools, camps, and
34 centers hereafter established(~~, and to place them under the~~
35 ~~department of social and health services except where specified~~
36 ~~otherwise)); and to provide for the persons committed or admitted to
37 those schools that type of care, instruction, and treatment most~~

1 likely to accomplish their rehabilitation and restoration to normal
2 citizenship.

3 (2) To further such purposes, Green Hill School, Echo Glen,
4 Naselle Youth Camp, and such other juvenile rehabilitation
5 facilities, as may hereafter be established, are placed under the
6 department of children, youth, and families; Lakeland Village,
7 Rainier school, the Yakima Valley school, Fircrest school, the Child
8 Study and Treatment Center and Secondary School of western state
9 hospital, and like residential state schools, camps, and centers,
10 hereafter established, are placed under the department of social and
11 health services.

12 **Sec. 702.** RCW 72.05.020 and 2010 c 181 s 7 are each amended to
13 read as follows:

14 As used in this chapter, unless the context requires otherwise:

15 (1) "Community facility" means a group care facility operated for
16 the care of juveniles committed to the department under RCW
17 13.40.185. A county detention facility that houses juveniles
18 committed to the department under RCW 13.40.185 pursuant to a
19 contract with the department is not a community facility.

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

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

25 (4) "Labor" means the period of time before a birth during which
26 contractions are of sufficient frequency, intensity, and duration to
27 bring about effacement and progressive dilation of the cervix.

28 (5) "Physical restraint" means the use of any bodily force or
29 physical intervention to control an offender or limit a juvenile
30 offender's freedom of movement in a way that does not involve a
31 mechanical restraint. Physical restraint does not include momentary
32 periods of minimal physical restriction by direct person-to-person
33 contact, without the aid of mechanical restraint, accomplished with
34 limited force and designed to:

35 (a) Prevent a juvenile offender from completing an act that would
36 result in potential bodily harm to self or others or damage property;

37 (b) Remove a disruptive juvenile offender who is unwilling to
38 leave the area voluntarily; or

39 (c) Guide a juvenile offender from one location to another.

1 (6) "Postpartum recovery" means (a) the entire period a youth is
2 in the hospital, birthing center, or clinic after giving birth and
3 (b) an additional time period, if any, a treating physician
4 determines is necessary for healing after the youth leaves the
5 hospital, birthing center, or clinic.

6 (7) "Restraints" means anything used to control the movement of a
7 person's body or limbs and includes:

8 (a) Physical restraint; or

9 (b) Mechanical device including but not limited to: Metal
10 handcuffs, plastic ties, ankle restraints, leather cuffs, other
11 hospital-type restraints, tasers, or batons.

12 (8) "Secretary" means the secretary of the department.

13 (9) "Service provider" means the entity that operates a community
14 facility.

15 ((+9)) (10) "Transportation" means the conveying, by any means,
16 of an incarcerated pregnant woman or youth from the institution or
17 community facility to another location from the moment she leaves the
18 institution or community facility to the time of arrival at the other
19 location, and includes the escorting of the pregnant incarcerated
20 woman or youth from the institution or community facility to a
21 transport vehicle and from the vehicle to the other location.

22 **Sec. 703.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to
23 read as follows:

24 The department of social and health services and the department
25 of children, youth, and families shall establish, maintain, operate
26 and administer a comprehensive program for the custody, care,
27 education, treatment, instruction, guidance, control, and
28 rehabilitation of all persons who may be committed or admitted to
29 institutions, schools, or other facilities (~~controlled and operated~~
30 ~~by the department~~), placed under the control of each, except for the
31 programs of education provided pursuant to RCW 28A.190.030 through
32 28A.190.050 which shall be established, operated, and administered by
33 the school district conducting the program, and in order to
34 accomplish these purposes, the powers and duties of the secretary of
35 the department of social and health services and the secretary of the
36 department of children, youth, and families for the institutions
37 placed under the respective department shall include the following:

38 (1) The assembling, analyzing, tabulating, and reproduction in
39 report form, of statistics and other data with respect to children

1 with behavior problems in the state of Washington, including, but not
2 limited to, the extent, kind, and causes of such behavior problems in
3 the different areas and population centers of the state. Such reports
4 shall not be open to public inspection, but shall be open to the
5 inspection of the governor and to the superior court judges of the
6 state of Washington.

7 (2) The establishment and supervision of diagnostic facilities
8 and services in connection with the custody, care, and treatment of
9 mentally and physically handicapped, and behavior problem children
10 who may be committed or admitted to any of the institutions, schools,
11 or facilities controlled and operated by the department, or who may
12 be referred for such diagnosis and treatment by any superior court of
13 this state. Such diagnostic services may be established in connection
14 with, or apart from, any other state institution under the
15 supervision and direction of the secretary of the department of
16 social and health services or the secretary of the department of
17 children, youth, and families. Such diagnostic services shall be
18 available to the superior courts of the state for persons referred
19 for such services by them prior to commitment, or admission to, any
20 school, institution, or other facility. Such diagnostic services
21 shall also be available to other departments of the state. When the
22 secretary of the department of social and health services or the
23 secretary of the department of children, youth, and families
24 determines it necessary, the secretary of the department of social
25 and health services or the secretary of the department of children,
26 youth, and families may create waiting lists and set priorities for
27 use of diagnostic services for juvenile offenders on the basis of
28 those most severely in need.

29 (3) The supervision of all persons committed or admitted to any
30 institution, school, or other facility operated by the department of
31 social and health services or the department of children, youth, and
32 families, and the transfer of such persons from any such institution,
33 school, or facility to any other such school, institution, or
34 facility: PROVIDED, That where a person has been committed to a
35 minimum security institution, school, or facility by any of the
36 superior courts of this state, a transfer to a close security
37 institution shall be made only with the consent and approval of such
38 court.

39 (4) The supervision of parole, discharge, or other release, and
40 the post-institutional placement of all persons committed to Green

1 Hill school (~~and Maple Lane school~~), or such as may be assigned,
2 paroled, or transferred therefrom to other facilities operated by the
3 department. Green Hill school (~~and Maple Lane school are~~) is hereby
4 designated as a "close security" institution(~~s~~) to which shall be
5 given the custody of children with the most serious behavior
6 problems.

7 **Sec. 704.** RCW 72.05.154 and 2012 c 117 s 460 are each amended to
8 read as follows:

9 From and after July 1, 1973, any inmate working in a juvenile
10 forest camp established and operated pursuant to RCW 72.05.150,
11 pursuant to an agreement between the department of (~~social and~~
12 ~~health services~~) children, youth, and families and the department of
13 natural resources shall be eligible for the benefits provided by
14 Title 51 RCW, as now or hereafter amended, relating to industrial
15 insurance, with the exceptions provided by this section.

16 No inmate as described in RCW 72.05.152, until released upon an
17 order of parole by the department of (~~social and health services~~)
18 children, youth, and families, or discharged from custody upon
19 expiration of sentence, or discharged from custody by order of a
20 court of appropriate jurisdiction, or his or her dependents or
21 beneficiaries, shall be entitled to any payment for temporary
22 disability or permanent total disability as provided for in RCW
23 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or
24 to the benefits of chapter 51.36 RCW relating to medical aid:
25 PROVIDED, That RCW 72.05.152 and (~~72.05.154~~) this section shall not
26 affect the eligibility, payment or distribution of benefits for any
27 industrial injury to the inmate which occurred prior to his or her
28 existing commitment to the department of (~~social and health~~
29 ~~services~~) children, youth, and families.

30 Any and all premiums or assessments as may arise under this
31 section pursuant to the provisions of Title 51 RCW shall be the
32 obligation of and be paid by the state department of natural
33 resources.

34 **Sec. 705.** RCW 72.05.415 and 1998 c 269 s 9 are each amended to
35 read as follows:

36 (1) (~~Promptly following the report due under section 17, chapter~~
37 ~~269, Laws of 1998,~~) The secretary shall develop a process with local
38 governments that allows each community to establish a community

1 placement oversight committee. The department may conduct community
2 awareness activities. The community placement oversight committees
3 developed pursuant to this section shall be implemented no later than
4 September 1, 1999.

5 (2) The community placement oversight committees may review and
6 make recommendations regarding the placement of any juvenile who the
7 secretary proposes to place in the community facility.

8 (3) The community placement oversight committees, their members,
9 and any agency represented by a member shall not be liable in any
10 cause of action as a result of its decision in regard to a proposed
11 placement of a juvenile unless the committee acts with gross
12 negligence or bad faith in making a placement decision.

13 (4) Members of the committee shall be reimbursed for travel
14 expenses as provided in RCW 43.03.050 and 43.03.060.

15 (5) Except as provided in RCW 13.40.215, at least seventy-two
16 hours prior to placing a juvenile in a community facility the
17 secretary shall provide to the chief law enforcement officer of the
18 jurisdiction in which the community facility is sited: (a) The name
19 of the juvenile; (b) the juvenile's criminal history; and (c) such
20 other relevant and disclosable information as the law enforcement
21 officer may require.

22 **Sec. 706.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
23 read as follows:

24 (1) The department shall establish by rule a policy for the
25 common use of residential group homes for juvenile offenders under
26 the jurisdiction of the (~~juvenile rehabilitation administration and~~
27 ~~the children's administration~~) department.

28 (2) A juvenile confined under the jurisdiction of the (~~juvenile~~
29 ~~rehabilitation administration~~) department who is convicted of a
30 class A felony is not eligible for placement in a community facility
31 operated by (~~children's administration~~) the department that houses
32 juveniles (~~who are not under the jurisdiction of juvenile~~
33 ~~rehabilitation administration~~) under the department's care pursuant
34 to a dependency proceeding under chapter 13.34 RCW unless:

35 (a) The juvenile is housed in a separate living unit solely for
36 juvenile offenders;

37 (b) The community facility is a specialized treatment program and
38 the youth is not assessed as sexually aggressive under RCW 13.40.470;
39 or

1 (c) The community facility is a specialized treatment program
2 that houses one or more sexually aggressive youth and the juvenile is
3 not assessed as sexually vulnerable under RCW 13.40.470.

4 **Sec. 707.** RCW 72.05.440 and 1998 c 269 s 16 are each amended to
5 read as follows:

6 (1) A person shall not be eligible for an employed or volunteer
7 position within the ((~~juvenile rehabilitation administration~~))
8 department of children, youth, and families or any agency with which
9 it contracts in which the person may have regular access to juveniles
10 under the jurisdiction of the department of ((~~social and health~~
11 ~~services~~)) children, youth, and families or the department of
12 corrections if the person has been convicted of one or more of the
13 following:

14 (a) Any felony sex offense;

15 (b) Any violent offense, as defined in RCW 9.94A.030.

16 (2) Subsection (1) of this section applies only to persons hired
17 by the department or any of its contracting agencies after September
18 1, 1998.

19 (3) Any person employed by the ((~~juvenile rehabilitation~~
20 ~~administration~~)) department of children, youth, and families, or by
21 any contracting agency, who may have regular access to juveniles
22 under the jurisdiction of the department of children, youth, and
23 families or the department of corrections and who is convicted of an
24 offense set forth in this section after September 1, 1998, shall
25 report the conviction to his or her supervisor. The report must be
26 made within seven days of conviction. Failure to report within seven
27 days of conviction constitutes misconduct under Title 50 RCW.

28 (4) For purposes of this section "may have regular access to
29 juveniles" means access for more than a nominal amount of time.

30 (5) The department shall adopt rules to implement this section.

31 **Sec. 708.** RCW 72.19.010 and 1979 c 141 s 222 are each amended to
32 read as follows:

33 There is hereby established under the supervision and control of
34 the secretary of ((~~social and health services~~)) children, youth, and
35 families a correctional institution for the confinement and
36 rehabilitation of juveniles committed by the juvenile courts to the
37 department of ((~~social and health services~~)) children, youth, and
38 families. Such institution shall be situated upon publicly owned

1 lands within King county, under the supervision of the department of
2 natural resources, which land is located in the vicinity of Echo Lake
3 and more particularly situated in Section 34, Township 24 North,
4 Range 7 East W.M. and that portion of Section 3, Township 23 North,
5 Range 7 East W.M. lying north of U.S. Highway 10, together with
6 necessary access routes thereto, all of which tract is leased by the
7 department of natural resources to the department of (~~social and~~
8 ~~health services~~) children, youth, and families for the establishment
9 and construction of the correctional institution authorized and
10 provided for in this chapter.

11 **Sec. 709.** RCW 72.19.020 and 1979 c 141 s 223 are each amended to
12 read as follows:

13 The secretary of children, youth, and families may make, amend,
14 and repeal rules (~~and regulations~~) for the administration of the
15 juvenile correctional institution established by this chapter in
16 furtherance of the provisions of this chapter and not inconsistent
17 with law.

18 **Sec. 710.** RCW 72.19.030 and 1983 1st ex.s. c 41 s 27 are each
19 amended to read as follows:

20 The superintendent of the correctional institution established by
21 this chapter shall be appointed by the secretary of children, youth,
22 and families.

23 **Sec. 711.** RCW 72.19.040 and 2012 c 117 s 461 are each amended to
24 read as follows:

25 The superintendent, subject to the approval of the secretary of
26 children, youth, and families, shall appoint such associate
27 superintendents as shall be deemed necessary. In the event the
28 superintendent shall be absent from the institution, or during
29 periods of illness or other situations incapacitating the
30 superintendent from properly performing his or her duties, one of the
31 associate superintendents of such institution shall act as
32 superintendent during such period of absence, illness, or incapacity
33 as may be designated by the secretary of children, youth, and
34 families.

35 **Sec. 712.** RCW 72.19.050 and 1993 c 281 s 65 are each amended to
36 read as follows:

1 The superintendent shall have the following powers, duties and
2 responsibilities:

3 (1) Subject to the rules of the department of children, youth,
4 and families, the superintendent shall have the supervision and
5 management of the institution, of the grounds and buildings, the
6 subordinate officers and employees, and of the juveniles received at
7 such institution and the custody of such persons until released or
8 transferred as provided by law.

9 (2) Subject to the rules of the department of children, youth,
10 and families and the (~~Washington personnel resources board~~) office
11 of financial management, appoint all subordinate officers and
12 employees.

13 (3) The superintendent shall be the custodian of the personal
14 property of all juveniles in the institution and shall make rules
15 governing the accounting and disposition of all moneys received by
16 such juveniles, not inconsistent with the law, and subject to the
17 approval of the secretary of the department of children, youth, and
18 families.

19 **Sec. 713.** RCW 72.19.060 and 1979 c 141 s 227 are each amended to
20 read as follows:

21 The plans and construction of the juvenile correctional
22 institution established by this chapter shall provide for adequate
23 separation of the residential housing of the male juvenile from the
24 female juvenile. In all other respects, the juvenile correctional
25 programs for both boys and girls may be combined or separated as the
26 secretary of children, youth, and families deems most reasonable and
27 effective to accomplish the reformation, training and rehabilitation
28 of the juvenile offender, realizing all possible economies from the
29 lack of necessity for duplication of facilities.

30 **Sec. 714.** RCW 72.72.030 and 1991 sp.s. c 13 s 10 are each
31 amended to read as follows:

32 (1) There is hereby created, in the state treasury, an
33 institutional impact account. The secretary of (~~social and health~~
34 ~~services~~) children, youth, and families may reimburse political
35 subdivisions for criminal justice costs incurred directly as a result
36 of crimes committed by offenders residing in an institution as
37 defined herein under the jurisdiction of the secretary of (~~social~~
38 ~~and health services~~) children, youth, and families. Such

1 reimbursement shall be made to the extent funds are available from
2 the institutional impact account. Reimbursements shall be limited to
3 law enforcement, prosecutorial, judicial, and jail facilities costs
4 which are documented to be strictly related to the criminal
5 activities of the offender.

6 (2) The secretary of corrections may reimburse political
7 subdivisions for criminal justice costs incurred directly as a result
8 of crimes committed by offenders residing in an institution as
9 defined herein under the jurisdiction of the secretary of
10 corrections. Such reimbursement shall be made to the extent funds are
11 available from the institutional impact account. Reimbursements shall
12 be limited to law enforcement, prosecutorial, judicial, and jail
13 facilities costs which are documented to be strictly related to the
14 criminal activities of the offender.

15 **Sec. 715.** RCW 72.72.040 and 1983 c 279 s 3 are each amended to
16 read as follows:

17 (1) The secretary of (~~social and health services~~) children,
18 youth, and families and the secretary of corrections shall each
19 promulgate rules pursuant to chapter 34.05 RCW regarding the
20 reimbursement process for their respective agencies.

21 (2) Reimbursement shall not be made if otherwise provided
22 pursuant to other provisions of state law.

23 **Sec. 716.** RCW 13.06.020 and 1983 c 191 s 2 are each amended to
24 read as follows:

25 From any state moneys made available for such purpose, the state
26 of Washington, through the department of (~~social and health~~
27 ~~services~~) children, youth, and families, shall, in accordance with
28 this chapter and applicable departmental rules, share in the cost of
29 providing services to juveniles.

30 **Sec. 717.** RCW 13.06.030 and 1983 c 191 s 3 are each amended to
31 read as follows:

32 The department of (~~social and health services~~) children, youth,
33 and families shall adopt rules prescribing minimum standards for the
34 operation of consolidated juvenile services programs for juvenile
35 offenders and such other rules as may be necessary for the
36 administration of the provisions of this chapter. Consolidated
37 juvenile services is a mechanism through which the department of

1 ((~~social and health services~~)) children, youth, and families supports
2 local county comprehensive program plans in providing services to
3 offender groups. Standards shall be sufficiently flexible to support
4 current programs which have demonstrated effectiveness and
5 efficiency, to foster development of innovative and improved services
6 for juvenile offenders, to permit direct contracting with private
7 vendors, and to encourage community support for and assistance to
8 local programs. The secretary of ((~~social and health services~~))
9 children, youth, and families shall seek advice from appropriate
10 juvenile justice system participants in developing standards and
11 procedures for the operation of consolidated juvenile services
12 programs and the distribution of funds under this chapter.

13 **Sec. 718.** RCW 13.06.040 and 1983 c 191 s 4 are each amended to
14 read as follows:

15 Any county or group of counties may make application to the
16 department of ((~~social and health services~~)) children, youth, and
17 families in the manner and form prescribed by the department for
18 financial aid for the cost of consolidated juvenile services
19 programs. Any such application must include a plan or plans for
20 providing consolidated services to juvenile offenders in accordance
21 with standards of the department.

22 **Sec. 719.** RCW 13.06.050 and 1993 c 415 s 7 are each amended to
23 read as follows:

24 No county shall be entitled to receive any state funds provided
25 by this chapter until its application and plan are approved, and
26 unless and until the minimum standards prescribed by the department
27 of ((~~social and health services~~)) children, youth, and families are
28 complied with and then only on such terms as are set forth in this
29 section. In addition, any county making application for state funds
30 under this chapter that also operates a juvenile detention facility
31 must have standards of operations in place that include: Intake and
32 admissions, medical and health care, communication, correspondence,
33 visiting and telephone use, security and control, sanitation and
34 hygiene, juvenile rights, rules and discipline, property, juvenile
35 records, safety and emergency procedures, programming, release and
36 transfer, training and staff development, and food service.

37 (1) The distribution of funds to a county or a group of counties
38 shall be based on criteria including but not limited to the county's

1 per capita income, regional or county at-risk populations, juvenile
2 crime or arrest rates, rates of poverty, size of racial minority
3 populations, existing programs, and the effectiveness and efficiency
4 of consolidating local programs towards reducing commitments to state
5 correctional facilities for offenders whose standard range
6 disposition does not include commitment of the offender to the
7 department and reducing reliance on other traditional departmental
8 services.

9 (2) The secretary of children, youth, and families will reimburse
10 a county upon presentation and approval of a valid claim pursuant to
11 the provisions of this chapter based on actual performance in meeting
12 the terms and conditions of the approved plan and contract. Funds
13 received by participating counties under this chapter shall not be
14 used to replace local funds for existing programs.

15 (3) The secretary of children, youth, and families, in
16 conjunction with the human rights commission, shall evaluate the
17 effectiveness of programs funded under this chapter in reducing
18 racial disproportionality. The secretary shall investigate whether
19 implementation of such programs has reduced disproportionality in
20 counties with initially high levels of disproportionality. The
21 analysis shall indicate which programs are cost-effective in reducing
22 disproportionality in such areas as alternatives to detention, intake
23 and risk assessment standards pursuant to RCW 13.40.038, alternatives
24 to incarceration, and in the prosecution and adjudication of
25 juveniles. The secretary shall report his or her findings to the
26 legislature by (~~December 1, 1994, and~~) December 1st of each year
27 (~~thereafter~~).

28 **Sec. 720.** RCW 28A.190.010 and 2014 c 157 s 2 are each amended to
29 read as follows:

30 A program of education shall be provided for by the department of
31 social and health services or the department of children, youth, and
32 families and the several school districts of the state for common
33 school-age persons who have been admitted to facilities staffed and
34 maintained or contracted pursuant to RCW 13.40.320 by the department
35 of social and health services or the department of children, youth,
36 and families for the education and treatment of juveniles who have
37 been diverted or who have been found to have committed a juvenile
38 offense. The division of duties, authority, and liabilities of the
39 department of social and health services or the department of

1 children, youth, and families and the several school districts of the
2 state respecting the educational programs shall be the same in all
3 respects as set forth in this chapter respecting programs of
4 education for state residential school residents. For the purposes of
5 this section, the term "residential school" or "schools" as used in
6 this chapter shall be construed to mean a facility staffed and
7 maintained by the department of social and health services or the
8 department of children, youth, and families or a program established
9 under RCW 13.40.320, for the education and treatment of juvenile
10 offenders on probation or parole. Nothing in this section shall
11 prohibit a school district from utilizing the services of an
12 educational service district subject to RCW 28A.310.180.

13 **Sec. 721.** RCW 28A.190.020 and 2014 c 157 s 3 are each amended to
14 read as follows:

15 The term "residential school" as used in this chapter and RCW
16 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, (~~Maple~~
17 ~~Lane school,~~) Naselle Youth Camp, (~~Cedar Creek Youth Camp,~~ ~~Mission~~
18 ~~Creek Youth Camp,~~) Echo Glen, Lakeland Village, Rainier school,
19 Yakima Valley school, (~~Interlake school,~~) Fircrest school,
20 (~~Francis Haddon Morgan Center,~~) the Child Study and Treatment
21 Center and Secondary School of western state hospital, and such other
22 schools, camps, and centers as are now or hereafter established by
23 the department of social and health services or the department of
24 children, youth, and families for the diagnosis, confinement and
25 rehabilitation of juveniles committed by the courts or for the care
26 and treatment of persons who are exceptional in their needs by reason
27 of mental and/or physical deficiency: PROVIDED, That the term shall
28 not include the state schools for the deaf and blind or adult
29 correctional institutions.

30 **Sec. 722.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended
31 to read as follows:

32 The duties and authority of the department of social and health
33 services or the department of children, youth, and families and of
34 each superintendent or chief administrator of a residential school to
35 support each program of education conducted by a school district
36 pursuant to RCW 28A.190.030, shall include the following:

37 (1) The provision of transportation for residential school
38 students to and from the sites of the program of education through

1 the purchase, lease or rental of school buses and other vehicles as
2 necessary;

3 (2) The provision of safe and healthy building and playground
4 space for the conduct of the program of education through the
5 construction, purchase, lease or rental of such space as necessary;

6 (3) The provision of furniture, vocational instruction machines
7 and tools, building and playground fixtures, and other equipment and
8 fixtures for the conduct of the program of education through
9 construction, purchase, lease or rental as necessary;

10 (4) The provision of heat, lights, telephones, janitorial
11 services, repair services, and other support services for the
12 vehicles, building and playground spaces, equipment and fixtures
13 provided for in this section;

14 (5) The employment, supervision and control of persons to
15 transport students and to maintain the vehicles, building and
16 playground spaces, equipment and fixtures, provided for in this
17 section;

18 (6) Clinical and medical evaluation services necessary to a
19 determination by the school district of the educational needs of
20 residential school students; and

21 (7) Such other support services and facilities as are reasonably
22 necessary for the conduct of the program of education.

23 **Sec. 723.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended
24 to read as follows:

25 Each school district required to conduct a program of education
26 pursuant to RCW 28A.190.030, and the department of social and health
27 services and the department of children, youth, and families shall
28 hereafter negotiate and execute a written contract for each school
29 year or such longer period as may be agreed to which delineates the
30 manner in which their respective duties and authority will be
31 cooperatively performed and exercised, and any disputes and
32 grievances resolved. Any such contract may provide for the
33 performance of duties by a school district in addition to those set
34 forth in RCW 28A.190.030 (1) through (5), including duties imposed
35 upon the department of social and health services and the department
36 of children, youth, and families and (~~its~~) their agents pursuant to
37 RCW 28A.190.040: PROVIDED, That funds identified in RCW
38 28A.190.030(6) and/or funds provided by the department of social and
39 health services and the department of children, youth, and families

1 are available to fully pay the direct and indirect costs of such
2 additional duties and the district is otherwise authorized by law to
3 perform such duties in connection with the maintenance and operation
4 of a school district.

5 **Sec. 724.** RCW 28A.190.060 and 2014 c 157 s 4 are each amended to
6 read as follows:

7 The department of social and health services and the department
8 of children, youth, and families shall provide written notice on or
9 before April 15th of each school year to the superintendent of each
10 school district conducting a program of education pursuant to this
11 chapter of any foreseeable residential school closure, reduction in
12 the number of residents, or any other cause for a reduction in the
13 school district's staff for the next school year. In the event the
14 department of social and health services and the department of
15 children, youth, and families fail((s)) to provide notice as
16 prescribed by this section, the departments shall be liable and
17 responsible for the payment of the salary and employment related
18 costs for the next school year of each school district employee whose
19 contract the school district would have nonrenewed but for the
20 failure of the departments to provide notice.

21 **Sec. 725.** RCW 71.34.795 and 1985 c 354 s 19 are each amended to
22 read as follows:

23 When in the judgment of the department of children, youth, and
24 families the welfare of any person committed to or confined in any
25 state juvenile correctional institution or facility necessitates that
26 the person be transferred or moved for observation, diagnosis, or
27 treatment to an evaluation and treatment facility, the secretary of
28 children, youth, and families or the secretary's designee is
29 authorized to order and effect such move or transfer for a period of
30 up to fourteen days, provided that the secretary notifies the
31 original committing court of the transfer and the evaluation and
32 treatment facility is in agreement with the transfer. No person
33 committed to or confined in any state juvenile correctional
34 institution or facility may be transferred to an evaluation and
35 treatment facility for more than fourteen days unless that person has
36 been admitted as a voluntary patient or committed for one hundred
37 eighty-day treatment under this chapter or ninety-day treatment under
38 chapter 71.05 RCW if eighteen years of age or older. Underlying

1 jurisdiction of minors transferred or committed under this section
2 remains with the state correctional institution. A voluntary admitted
3 minor or minors committed under this section and no longer meeting
4 the criteria for one hundred eighty-day commitment shall be returned
5 to the state correctional institution to serve the remaining time of
6 the underlying dispositional order or sentence. The time spent by the
7 minor at the evaluation and treatment facility shall be credited
8 towards the minor's juvenile court sentence.

9 **Sec. 726.** RCW 72.01.010 and 1981 c 136 s 66 are each amended to
10 read as follows:

11 As used in this chapter:

12 "Department" means the departments of social and health services,
13 children, youth, and families, and corrections; and

14 "Secretary" means the secretaries of social and health services,
15 children, youth, and families, and corrections.

16 The powers and duties granted and imposed in this chapter, when
17 applicable, apply to ((~~both~~)) the departments of social and health
18 services, children, youth, and families, and corrections and the
19 secretaries of social and health services, children, youth, and
20 families and corrections, for institutions under their control. A
21 power or duty may be exercised or fulfilled jointly if joint action
22 is more efficient, as determined by the secretaries.

23 **Sec. 727.** RCW 72.01.210 and 2008 c 104 s 3 are each amended to
24 read as follows:

25 (1) The secretary of corrections shall appoint institutional
26 chaplains for the state correctional institutions for convicted
27 felons. Institutional chaplains shall be appointed as employees of
28 the department of corrections. The secretary of corrections may
29 further contract with chaplains to be employed as is necessary to
30 meet the religious needs of those inmates whose religious
31 denominations are not represented by institutional chaplains and
32 where volunteer chaplains are not available.

33 (2) Institutional chaplains appointed by the department of
34 corrections under this section shall have qualifications necessary to
35 function as religious program coordinators for all faith groups
36 represented within the department. Every chaplain so appointed or
37 contracted with shall have qualifications consistent with community
38 standards of the given faith group to which the chaplain belongs and

1 shall not be required to violate the tenets of his or her faith when
2 acting in an ecclesiastical role.

3 (3) The secretary of (~~social and health services~~) children,
4 youth, and families shall appoint chaplains for the correctional
5 institutions for juveniles found delinquent by the juvenile courts;
6 and the secretary of corrections and the secretary of social and
7 health services shall appoint one or more chaplains for other
8 custodial, correctional, and mental institutions under their control.

9 (4) Except as provided in this section, the chaplains so
10 appointed under this section shall have the qualifications and shall
11 be compensated in an amount as recommended by the appointing
12 department and approved by the Washington personnel resources board.

13 **Sec. 728.** RCW 72.01.410 and 2015 c 156 s 2 are each amended to
14 read as follows:

15 (1) Whenever any child under the age of eighteen is convicted as
16 an adult in the courts of this state of a crime amounting to a
17 felony, and is committed for a term of confinement, that child shall
18 be initially placed in a facility operated by the department of
19 corrections to determine the child's earned release date.

20 (a) If the earned release date is prior to the child's twenty-
21 first birthday, the department of corrections shall transfer the
22 child to the custody of the department of (~~social and health~~
23 ~~services~~) children, youth, and families, or to such other
24 institution as is now, or may hereafter be authorized by law to
25 receive such child, until such time as the child completes the
26 ordered term of confinement or arrives at the age of twenty-one
27 years.

28 (i) While in the custody of the department of (~~social and health~~
29 ~~services~~) children, youth, and families, the child must have the
30 same treatment, housing options, transfer, and access to program
31 resources as any other child committed directly to that juvenile
32 correctional facility or institution pursuant to chapter 13.40 RCW.
33 Treatment, placement, and program decisions shall be at the sole
34 discretion of the department of (~~social and health services~~)
35 children, youth, and families. The youth shall only be transferred
36 back to the custody of the department of corrections with the
37 approval of the department of (~~social and health services~~)
38 children, youth, and families or when the child reaches the age of
39 twenty-one.

1 (ii) If the child's sentence includes a term of community
2 custody, the department of (~~social and health services~~) children,
3 youth, and families shall not release the child to community custody
4 until the department of corrections has approved the child's release
5 plan pursuant to RCW 9.94A.729(5)(b). If a child is held past his or
6 her earned release date pending release plan approval, the department
7 of (~~social and health services~~) children, youth, and families shall
8 retain custody until a plan is approved or the child completes the
9 ordered term of confinement prior to age twenty-one.

10 (iii) If the department of (~~social and health services~~)
11 children, youth, and families determines that retaining custody of
12 the child presents a safety risk, the child may be returned to the
13 custody of the department of corrections.

14 (b) If the child's earned release date is on or after the child's
15 twenty-first birthday, the department of corrections shall, with the
16 consent of the secretary of (~~social and health services~~) children,
17 youth, and families, transfer the child to a facility or institution
18 operated by the department of (~~social and health services~~)
19 children, youth, and families. Despite the transfer, the department
20 of corrections retains authority over custody decisions and must
21 approve any leave from the facility. When the child turns age twenty-
22 one, he or she must be transferred back to the department of
23 corrections. The department of (~~social and health services~~)
24 children, youth, and families has all routine and day-to-day
25 operations authority for the child while in its custody.

26 (2)(a) Except as provided in (b) and (c) of this subsection, an
27 offender under the age of eighteen who is convicted in adult criminal
28 court and who is committed to a term of confinement at the department
29 of corrections must be placed in a housing unit, or a portion of a
30 housing unit, that is separated from offenders eighteen years of age
31 or older, until the offender reaches the age of eighteen.

32 (b) An offender who reaches eighteen years of age may remain in a
33 housing unit for offenders under the age of eighteen if the secretary
34 of corrections determines that: (i) The offender's needs and the
35 correctional goals for the offender could continue to be better met
36 by the programs and housing environment that is separate from
37 offenders eighteen years of age and older; and (ii) the programs or
38 housing environment for offenders under the age of eighteen will not
39 be substantially affected by the continued placement of the offender
40 in that environment. The offender may remain placed in a housing unit

1 for offenders under the age of eighteen until such time as the
2 secretary of corrections determines that the offender's needs and
3 correctional goals are no longer better met in that environment but
4 in no case past the offender's twenty-first birthday.

5 (c) An offender under the age of eighteen may be housed in an
6 intensive management unit or administrative segregation unit
7 containing offenders eighteen years of age or older if it is
8 necessary for the safety or security of the offender or staff. In
9 these cases, the offender must be kept physically separate from other
10 offenders at all times.

11 **PART VIII**

12 **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

13 NEW SECTION. **Sec. 801.** (1) The secretary shall investigate the
14 conviction records, pending charges, and disciplinary board final
15 decisions of any current employee or applicant seeking or being
16 considered for any position with the department who will or may have
17 unsupervised access to children. This includes, but is not limited
18 to, positions conducting comprehensive assessments, financial
19 eligibility determinations, licensing and certification activities,
20 investigations, surveys, or case management; or for state positions
21 otherwise required by federal law to meet employment standards.

22 (2) The secretary shall require a fingerprint-based background
23 check through both the Washington state patrol and the federal bureau
24 of investigation as provided in RCW 43.43.837. Unless otherwise
25 authorized by law, the secretary shall use the information solely for
26 the purpose of determining the character, suitability, and competence
27 of the applicant.

28 (3) Criminal justice agencies shall provide the secretary such
29 information as they may have and that the secretary may require for
30 such purpose.

31 (4) Any person whose criminal history would otherwise disqualify
32 the person under this section from a position that will or may have
33 unsupervised access to children shall not be disqualified if the
34 department of social and health services reviewed the person's
35 otherwise disqualifying criminal history through the department of
36 social and health services' background assessment review team process
37 conducted in 2002 and determined that such person could remain in a
38 position covered by this section, or if the otherwise disqualifying

1 conviction or disposition has been the subject of a pardon,
2 annulment, or other equivalent procedure.

3 NEW SECTION. **Sec. 802.** (1) The department of early learning is
4 hereby abolished and its powers, duties, and functions are hereby
5 transferred to the department of children, youth, and families. All
6 references to the secretary or the department of early learning in
7 the Revised Code of Washington shall be construed to mean the
8 secretary or the department of children, youth, and families.

9 (2)(a) All reports, documents, surveys, books, records, files,
10 papers, or written material in the possession of the department of
11 early learning shall be delivered to the custody of the department of
12 children, youth, and families. All cabinets, furniture, office
13 equipment, motor vehicles, and other tangible property employed by
14 the department of early learning shall be made available to the
15 department of children, youth, and families. All funds, credits, or
16 other assets held by the department of early learning shall be
17 assigned to the department of children, youth, and families.

18 (b) Any appropriations made to the department of early learning
19 shall, on the effective date of this section, be transferred and
20 credited to the department of children, youth, and families.

21 (c) If any question arises as to the transfer of any personnel,
22 funds, books, documents, records, papers, files, equipment, or other
23 tangible property used or held in the exercise of the powers and the
24 performance of the duties and functions transferred, the director of
25 financial management shall make a determination as to the proper
26 allocation and certify the same to the state agencies concerned.

27 (3) All employees of the department of early learning are
28 transferred to the jurisdiction of the department of children, youth,
29 and families. All employees classified under chapter 41.06 RCW, the
30 state civil service law, are assigned to the department of children,
31 youth, and families to perform their usual duties upon the same terms
32 as formerly, without any loss of rights, subject to any action that
33 may be appropriate thereafter in accordance with the laws and rules
34 governing state civil service.

35 (4) All rules and all pending business before the department of
36 early learning shall be continued and acted upon by the department of
37 children, youth, and families. All existing contracts and obligations
38 shall remain in full force and shall be performed by the department
39 of children, youth, and families.

1 (5) The transfer of the powers, duties, functions, and personnel
2 of the department of early learning shall not affect the validity of
3 any act performed before the effective date of this section.

4 (6) If apportionments of budgeted funds are required because of
5 the transfers directed by this section, the director of financial
6 management shall certify the apportionments to the agencies affected,
7 the state auditor, and the state treasurer. Each of these shall make
8 the appropriate transfer and adjustments in funds and appropriation
9 accounts and equipment records in accordance with the certification.

10 (7)(a) The bargaining units of employees at the department of
11 early learning existing on the effective date of this section that
12 are transferred to the department of children, youth, and families
13 shall be considered separate appropriate units within the department
14 of children, youth, and families unless and until modified by the
15 public employment relations commission pursuant to Title 391 WAC. The
16 exclusive bargaining representatives recognized as representing the
17 bargaining units of employees at the department of early learning
18 existing on the effective date of this section shall continue as the
19 exclusive bargaining representatives of the transferred bargaining
20 units without the necessity of an election.

21 (b) The public employment relations commission may review the
22 appropriateness of the collective bargaining units that are a result
23 of the transfer from the department of early learning to the
24 department of children, youth, and families under chapter . . . , Laws
25 of 2017 3rd sp. sess. (this act). The employer or the exclusive
26 bargaining representative may petition the public employment
27 relations commission to review the bargaining units in accordance
28 with this section.

29 NEW SECTION. **Sec. 803.** (1) All powers, duties, and functions of
30 the department of social and health services pertaining to child
31 welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60,
32 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are
33 transferred to the department of children, youth, and families. All
34 references to the secretary or the department of social and health
35 services in the Revised Code of Washington shall be construed to mean
36 the secretary or the department of children, youth, and families when
37 referring to the functions transferred in this section.

38 (2)(a) All reports, documents, surveys, books, records, files,
39 papers, or written material in the possession of the department of

1 social and health services pertaining to the powers, duties, and
2 functions transferred shall be delivered to the custody of the
3 department of children, youth, and families. All cabinets, furniture,
4 office equipment, motor vehicles, and other tangible property
5 employed by the department of social and health services in carrying
6 out the powers, duties, and functions transferred shall be made
7 available to the department of children, youth, and families. All
8 funds, credits, or other assets held in connection with the powers,
9 duties, and functions transferred shall be assigned to the department
10 of children, youth, and families.

11 (b) Any appropriations made to the department of social and
12 health services for carrying out the powers, duties, and functions
13 transferred shall, on the effective date of this section, be
14 transferred and credited to the department of children, youth, and
15 families.

16 (c) Whenever any question arises as to the transfer of any
17 personnel, funds, books, documents, records, papers, files,
18 equipment, or other tangible property used or held in the exercise of
19 the powers and the performance of the duties and functions
20 transferred, the director of financial management shall make a
21 determination as to the proper allocation and certify the same to the
22 state agencies concerned.

23 (3) All employees of the department of social and health services
24 engaged in performing the powers, duties, and functions transferred
25 are transferred to the jurisdiction of the department of children,
26 youth, and families. All employees classified under chapter 41.06
27 RCW, the state civil service law, are assigned to the department of
28 children, youth, and families to perform their usual duties upon the
29 same terms as formerly, without any loss of rights, subject to any
30 action that may be appropriate thereafter in accordance with the laws
31 and rules governing state civil service.

32 (4) All rules and all pending business before the department of
33 social and health services pertaining to the powers, duties, and
34 functions transferred shall be continued and acted upon by the
35 department of children, youth, and families. All existing contracts
36 and obligations shall remain in full force and shall be performed by
37 the department of children, youth, and families.

38 (5) The transfer of the powers, duties, functions, and personnel
39 of the department of social and health services shall not affect the

1 validity of any act performed before the effective date of this
2 section.

3 (6) If apportionments of budgeted funds are required because of
4 the transfers directed by this section, the director of financial
5 management shall certify the apportionments to the agencies affected,
6 the state auditor, and the state treasurer. Each of these shall make
7 the appropriate transfer and adjustments in funds and appropriation
8 accounts and equipment records in accordance with the certification.

9 (7)(a) The portions of any bargaining units of employees at the
10 department of social and health services existing on the effective
11 date of this section that are transferred to the department of
12 children, youth, and families shall be considered separate
13 appropriate units within the department of children, youth, and
14 families unless and until modified by the public employment relations
15 commission pursuant to Title 391 WAC. The exclusive bargaining
16 representatives recognized as representing the portions of the
17 bargaining units of employees at the department of social and health
18 services existing on the effective date of this section shall
19 continue as the exclusive bargaining representatives of the
20 transferred bargaining units without the necessity of an election.

21 (b) The public employment relations commission may review the
22 appropriateness of the collective bargaining units that are a result
23 of the transfer from the department of social and health services to
24 the department of children, youth, and families under chapter . . . ,
25 Laws of 2017 3rd sp. sess. (this act). The employer or the exclusive
26 bargaining representative may petition the public employment
27 relations commission to review the bargaining units in accordance
28 with this section.

29 NEW SECTION. **Sec. 804.** (1) All powers, duties, and functions of
30 the department of social and health services pertaining to juvenile
31 justice services under chapters 13.04, 13.06, 13.16, 13.40, 28A.190,
32 28A.225, 74.14A, 72.01, 72.05, 72.09, 72.19, 71.34, and 72.72 RCW are
33 transferred to the department of children, youth, and families. All
34 references to the secretary or the department of social and health
35 services in the Revised Code of Washington shall be construed to mean
36 the secretary or the department of children, youth, and families when
37 referring to the functions transferred in this section.

38 (2)(a) All reports, documents, surveys, books, records, files,
39 papers, or written material in the possession of the department of

1 social and health services pertaining to the powers, duties, and
2 functions transferred shall be delivered to the custody of the
3 department of children, youth, and families. All cabinets, furniture,
4 office equipment, motor vehicles, and other tangible property
5 employed by the department of social and health services in carrying
6 out the powers, duties, and functions transferred shall be made
7 available to the department of children, youth, and families. All
8 funds, credits, or other assets held in connection with the powers,
9 duties, and functions transferred shall be assigned to the department
10 of children, youth, and families.

11 (b) Any appropriations made to the department of social and
12 health services for carrying out the powers, duties, and functions
13 transferred shall, on the effective date of this section, be
14 transferred and credited to the department of children, youth, and
15 families.

16 (c) Whenever any question arises as to the transfer of any
17 personnel, funds, books, documents, records, papers, files,
18 equipment, or other tangible property used or held in the exercise of
19 the powers and the performance of the duties and functions
20 transferred, the director of financial management shall make a
21 determination as to the proper allocation and certify the same to the
22 state agencies concerned.

23 (3) All employees of the department of social and health services
24 engaged in performing the powers, duties, and functions transferred
25 are transferred to the jurisdiction of the department of children,
26 youth, and families. All employees classified under chapter 41.06
27 RCW, the state civil service law, are assigned to the department of
28 children, youth, and families to perform their usual duties upon the
29 same terms as formerly, without any loss of rights, subject to any
30 action that may be appropriate thereafter in accordance with the laws
31 and rules governing state civil service.

32 (4) All rules and all pending business before the department of
33 social and health services pertaining to the powers, duties, and
34 functions transferred shall be continued and acted upon by the
35 department of children, youth, and families. All existing contracts
36 and obligations shall remain in full force and shall be performed by
37 the department of children, youth, and families.

38 (5) The transfer of the powers, duties, functions, and personnel
39 of the department of social and health services shall not affect the

1 validity of any act performed before the effective date of this
2 section.

3 (6) If apportionments of budgeted funds are required because of
4 the transfers directed by this section, the director of financial
5 management shall certify the apportionments to the agencies affected,
6 the state auditor, and the state treasurer. Each of these shall make
7 the appropriate transfer and adjustments in funds and appropriation
8 accounts and equipment records in accordance with the certification.

9 (7)(a) The portions of any bargaining units of employees at the
10 department of social and health services existing on the effective
11 date of this section that are transferred to the department of
12 children, youth, and families shall be considered separate
13 appropriate units within the department of children, youth, and
14 families unless and until modified by the public employment relations
15 commission pursuant to Title 391 WAC. The exclusive bargaining
16 representatives recognized as representing the portions of the
17 bargaining units of employees at the department of social and health
18 services existing on the effective date of this section shall
19 continue as the exclusive bargaining representatives of the
20 transferred bargaining units without the necessity of an election.

21 (b) The public employment relations commission may review the
22 appropriateness of the collective bargaining units that are a result
23 of the transfer from the department of social and health services to
24 the department of children, youth, and families under chapter . . . ,
25 Laws of 2017 3rd sp. sess. (this act). The employer or the exclusive
26 bargaining representative may petition the public employment
27 relations commission to review the bargaining units in accordance
28 with this section.

29 **Sec. 805.** RCW 9.96A.060 and 2001 c 296 s 2 are each amended to
30 read as follows:

31 This chapter is not applicable to the department of social and
32 health services or the department of children, youth, and families
33 when employing a person, who in the course of his or her employment,
34 has or may have unsupervised access to any person who is under the
35 age of eighteen, who is under the age of twenty-one and has been
36 sentenced to a term of confinement under the supervision of the
37 department of (~~social and health services~~) children, youth, and
38 families under chapter 13.40 RCW, who is a vulnerable adult under
39 chapter 74.34 RCW, or who is a vulnerable person. For purposes of

1 this section "vulnerable person" means an adult of any age who lacks
2 the functional, mental, or physical ability to care for himself or
3 herself.

4 **Sec. 806.** RCW 9.97.020 and 2017 c 281 s 35 are each amended to
5 read as follows:

6 (1) Except as provided in this section, no state, county, or
7 municipal department, board, officer, or agency authorized to assess
8 the qualifications of any applicant for a license, certificate of
9 authority, qualification to engage in the practice of a profession or
10 business, or for admission to an examination to qualify for such a
11 license or certificate may disqualify a qualified applicant, solely
12 based on the applicant's criminal history, if the qualified applicant
13 has obtained a certificate of restoration of opportunity and the
14 applicant meets all other statutory and regulatory requirements,
15 except as required by federal law or exempted under this subsection.
16 Nothing in this section is interpreted as restoring or creating a
17 means to restore any firearms rights or eligibility to obtain a
18 firearm dealer license pursuant to RCW 9.41.110 or requiring the
19 removal of a protection order.

20 (a)(i) Criminal justice agencies, as defined in RCW 10.97.030,
21 and the Washington state bar association are exempt from this
22 section.

23 (ii) This section does not apply to the licensing, certification,
24 or qualification of the following professionals: Accountants, RCW
25 18.04.295; assisted living facilities employees, RCW 18.20.125; bail
26 bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term
27 care workers, RCW 18.88B.080; nursing home administrators, RCW
28 18.52.071; nursing, chapter 18.79 RCW; physicians and physician
29 assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW
30 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and
31 28A.410 RCW; notaries public, chapter 42.--- RCW (the new chapter
32 created in section 33, chapter 281, Laws of 2017); private
33 investigators, chapter 18.165 RCW; real estate brokers and
34 salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter
35 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

36 (iii) To the extent this section conflicts with the requirements
37 for receipt of federal funding under the adoption and safe families
38 act, 42 U.S.C. Sec. 671, this section does not apply.

1 (b) Unless otherwise addressed in statute, in cases where an
2 applicant would be disqualified under RCW 43.20A.710, and the
3 applicant has obtained a certificate of restoration of opportunity,
4 the department of social and health services and the department of
5 children, youth, and families may, after review of relevant factors,
6 including the nature and seriousness of the offense, time that has
7 passed since conviction, changed circumstances since the offense
8 occurred, and the nature of the employment or license sought, at
9 ((its)) their discretion:

10 (i) Allow the applicant to have unsupervised access to children,
11 vulnerable adults, or individuals with mental illness or
12 developmental disabilities if the applicant is otherwise qualified
13 and suitable; or

14 (ii) Disqualify the applicant solely based on the applicant's
15 criminal history.

16 (c) If the practice of a profession or business involves
17 unsupervised contact with vulnerable adults, children, or individuals
18 with mental illness or developmental disabilities, or populations
19 otherwise defined by statute as vulnerable, the department of health
20 may, after review of relevant factors, including the nature and
21 seriousness of the offense, time that has passed since conviction,
22 changed circumstances since the offense occurred, and the nature of
23 the employment or license sought, at its discretion:

24 (i) Disqualify an applicant who has obtained a certificate of
25 restoration of opportunity, for a license, certification, or
26 registration to engage in the practice of a health care profession or
27 business solely based on the applicant's criminal history; or

28 (ii) If such applicant is otherwise qualified and suitable,
29 credential or credential with conditions an applicant who has
30 obtained a certificate of restoration of opportunity for a license,
31 certification, or registration to engage in the practice of a health
32 care profession or business.

33 (d) The state of Washington, any of its counties, cities, towns,
34 municipal corporations, or quasi-municipal corporations, the
35 department of health, and its officers, employees, contractors, and
36 agents are immune from suit in law, equity, or any action under the
37 administrative procedure act based upon its exercise of discretion
38 under this section. This section does not create a protected class;
39 private right of action; any right, privilege, or duty; or change to
40 any right, privilege, or duty existing under law. This section does

1 not modify a licensing or certification applicant's right to a review
2 of an agency's decision under the administrative procedure act or
3 other applicable statute or agency rule. A certificate of restoration
4 of opportunity does not remove or alter citizenship or legal
5 residency requirements already in place for state agencies and
6 employers.

7 (2) A qualified court has jurisdiction to issue a certificate of
8 restoration of opportunity to a qualified applicant.

9 (a) A court must determine, in its discretion whether the
10 certificate:

11 (i) Applies to all past criminal history; or

12 (ii) Applies only to the convictions or adjudications in the
13 jurisdiction of the court.

14 (b) The certificate does not apply to any future criminal justice
15 involvement that occurs after the certificate is issued.

16 (c) A court must determine whether to issue a certificate by
17 determining whether the applicant is a qualified applicant as defined
18 in RCW 9.97.010.

19 (3) An employer or housing provider may, in its sole discretion,
20 determine whether to consider a certificate of restoration of
21 opportunity issued under this chapter in making employment or rental
22 decisions. An employer or housing provider is immune from suit in
23 law, equity, or under the administrative procedure act for damages
24 based upon its exercise of discretion under this section or the
25 refusal to exercise such discretion. In any action at law against an
26 employer or housing provider arising out of the employment of or
27 provision of housing to the recipient of a certificate of restoration
28 of opportunity, evidence of the crime for which a certificate of
29 restoration of opportunity has been issued may not be introduced as
30 evidence of negligence or intentionally tortious conduct on the part
31 of the employer or housing provider. This subsection does not create
32 a protected class, private right of action, any right, privilege, or
33 duty, or to change any right, privilege, or duty existing under law
34 related to employment or housing except as provided in RCW 7.60.035.

35 (4)(a) Department of social and health services: A certificate of
36 restoration of opportunity does not apply to the state abuse and
37 neglect registry. No finding of abuse, neglect, or misappropriation
38 of property may be removed from the registry based solely on a
39 certificate. The department must include such certificates as part of
40 its criminal history record reports, qualifying letters, or other

1 assessments pursuant to RCW 43.43.830 through 43.43.838. The
2 department shall adopt rules to implement this subsection.

3 (b) Washington state patrol: The Washington state patrol is not
4 required to remove any records based solely on a certificate of
5 restoration of opportunity. The state patrol must include a
6 certificate as part of its criminal history record report.

7 (c) Court records:

8 (i) A certificate of restoration of opportunity has no effect on
9 any other court records, including records in the judicial
10 information system. The court records related to a certificate of
11 restoration of opportunity must be processed and recorded in the same
12 manner as any other record.

13 (ii) The qualified court where the applicant seeks the
14 certificate of restoration of opportunity must administer the court
15 records regarding the certificate in the same manner as it does
16 regarding all other proceedings.

17 (d) Effect in other judicial proceedings: A certificate of
18 restoration of opportunity may only be submitted to a court to
19 demonstrate that the individual met the specific requirements of this
20 section and not for any other procedure, including evidence of
21 character, reputation, or conduct. A certificate is not an equivalent
22 procedure under Rule of Evidence 609(c).

23 (e) Department of health: The department of health must include a
24 certificate of restoration of opportunity on its public web site if:

25 (i) Its web site includes an order, stipulation to informal
26 disposition, or notice of decision related to the conviction
27 identified in the certificate of restoration of opportunity; and

28 (ii) The credential holder has provided a certified copy of the
29 certificate of restoration of opportunity to the department of
30 health.

31 (f) Department of children, youth, and families: A certificate of
32 restoration of opportunity does not apply to founded findings of
33 child abuse or neglect. No finding of child abuse or neglect may be
34 destroyed based solely on a certificate. The department of children,
35 youth, and families must include such certificates as part of its
36 criminal history record reports, qualifying letters, or other
37 assessments pursuant to RCW 43.43.830 through 43.43.838. The
38 department of children, youth, and families shall adopt rules to
39 implement this subsection (4)(f).

1 (5) In all cases, an applicant must provide notice to the
2 prosecutor in the county where he or she seeks a certificate of
3 restoration of opportunity of the pendency of such application. If
4 the applicant has been sentenced by any other jurisdiction in the
5 five years preceding the application for a certificate, the applicant
6 must also notify the prosecuting attorney in those jurisdictions. The
7 prosecutor in the county where an applicant applies for a certificate
8 shall provide the court with a report of the applicant's criminal
9 history.

10 (6) Application for a certificate of restoration of opportunity
11 must be filed as a civil action.

12 (7) A superior court in the county in which the applicant resides
13 may decline to consider the application for certificate of
14 restoration of opportunity. If the superior court in which the
15 applicant resides declines to consider the application, the court
16 must dismiss the application without prejudice and the applicant may
17 refile the application in another qualified court. The court must
18 state the reason for the dismissal on the order. If the court
19 determines that the applicant does not meet the required
20 qualifications, then the court must dismiss the application without
21 prejudice and state the reason(s) on the order. The superior court in
22 the county of the applicant's conviction or adjudication may not
23 decline to consider the application.

24 (8) Unless the qualified court determines that a hearing on an
25 application for certificate of restoration is necessary, the court
26 must decide without a hearing whether to grant the certificate of
27 restoration of opportunity based on a review of the application filed
28 by the applicant and pleadings filed by the prosecuting attorney.

29 (9) The clerk of the court in which the certificate of
30 restoration of opportunity is granted shall transmit the certificate
31 of restoration of opportunity to the Washington state patrol
32 identification section, which holds criminal history information for
33 the person who is the subject of the conviction. The Washington state
34 patrol shall update its records to reflect the certificate of
35 restoration of opportunity.

36 (10)(a) The administrative office of the courts shall develop and
37 prepare instructions, forms, and an informational brochure designed
38 to assist applicants applying for a certificate of restoration of
39 opportunity.

1 (b) The instructions must include, at least, a sample of a
2 standard application and a form order for a certificate of
3 restoration of opportunity.

4 (c) The administrative office of the courts shall distribute a
5 master copy of the instructions, informational brochure, and sample
6 application and form order to all county clerks and a master copy of
7 the application and order to all superior courts by January 1, 2017.

8 (d) The administrative office of the courts shall determine the
9 significant non-English-speaking or limited English-speaking
10 populations in the state. The administrator shall then arrange for
11 translation of the instructions, which shall contain a sample of the
12 standard application and order, and the informational brochure into
13 languages spoken by those significant non-English-speaking
14 populations and shall distribute a master copy of the translated
15 instructions and informational brochures to the county clerks by
16 January 1, 2017.

17 (e) The administrative office of the courts shall update the
18 instructions, brochures, standard application and order, and
19 translations when changes in the law make an update necessary.

20 **Sec. 807.** RCW 41.06.475 and 2007 c 387 s 8 are each amended to
21 read as follows:

22 The director shall adopt rules, in cooperation with the
23 ~~((director))~~ secretary of the department of ~~((early-learning))~~
24 children, youth, and families, for the background investigation of
25 current employees and of persons being actively considered for
26 positions with the department who will or may have unsupervised
27 access to children. The director shall also adopt rules, in
28 cooperation with the ~~((director))~~ secretary of the department of
29 ~~((early-learning))~~ children, youth, and families, for background
30 investigation of positions otherwise required by federal law to meet
31 employment standards. "Considered for positions" includes decisions
32 about (1) initial hiring, layoffs, reallocations, transfers,
33 promotions, or demotions, or (2) other decisions that result in an
34 individual being in a position that will or may have unsupervised
35 access to children as an employee, an intern, or a volunteer.

36 **Sec. 808.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
37 amended to read as follows:

38 As used in this chapter:

1 (1) "Adult family home provider" means a provider as defined in
2 RCW 70.128.010 who receives payments from the medicaid and state-
3 funded long-term care programs.

4 (2) "Bargaining representative" means any lawful organization
5 which has as one of its primary purposes the representation of
6 employees in their employment relations with employers.

7 (3) "Child care subsidy" means a payment from the state through a
8 child care subsidy program established pursuant to RCW 74.12.340 or
9 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
10 program.

11 (4) "Collective bargaining" means the performance of the mutual
12 obligations of the public employer and the exclusive bargaining
13 representative to meet at reasonable times, to confer and negotiate
14 in good faith, and to execute a written agreement with respect to
15 grievance procedures and collective negotiations on personnel
16 matters, including wages, hours and working conditions, which may be
17 peculiar to an appropriate bargaining unit of such public employer,
18 except that by such obligation neither party shall be compelled to
19 agree to a proposal or be required to make a concession unless
20 otherwise provided in this chapter.

21 (5) "Commission" means the public employment relations
22 commission.

23 (6) "Executive director" means the executive director of the
24 commission.

25 (7) "Family child care provider" means a person who: (a) Provides
26 regularly scheduled care for a child or children in the home of the
27 provider or in the home of the child or children for periods of less
28 than twenty-four hours or, if necessary due to the nature of the
29 parent's work, for periods equal to or greater than twenty-four
30 hours; (b) receives child care subsidies; and (c) under chapter
31 43.215 RCW (as recodified by this act), is either licensed by the
32 state (~~under RCW 74.15.030~~) or is exempt from licensing (~~under~~
33 ~~chapter 74.15 RCW~~)).

34 (8) "Individual provider" means an individual provider as defined
35 in RCW 74.39A.240(4) who, solely for the purposes of collective
36 bargaining, is a public employee as provided in RCW 74.39A.270.

37 (9) "Institution of higher education" means the University of
38 Washington, Washington State University, Central Washington
39 University, Eastern Washington University, Western Washington

1 University, The Evergreen State College, and the various state
2 community colleges.

3 (10)(a) "Language access provider" means any independent
4 contractor who provides spoken language interpreter services for
5 department of social and health services appointments or medicaid
6 enrollee appointments, or department of children, youth, and families
7 appointments, or provided these services on or after January 1, 2009,
8 and before June 10, 2010, whether paid by a broker, language access
9 agency, or the department.

10 (b) "Language access provider" does not mean an owner, manager,
11 or employee of a broker or a language access agency.

12 (11) "Public employee" means any employee of a public employer
13 except any person (a) elected by popular vote, or (b) appointed to
14 office pursuant to statute, ordinance or resolution for a specified
15 term of office as a member of a multimember board, commission, or
16 committee, whether appointed by the executive head or body of the
17 public employer, or (c) whose duties as deputy, administrative
18 assistant or secretary necessarily imply a confidential relationship
19 to (i) the executive head or body of the applicable bargaining unit,
20 or (ii) any person elected by popular vote, or (iii) any person
21 appointed to office pursuant to statute, ordinance or resolution for
22 a specified term of office as a member of a multimember board,
23 commission, or committee, whether appointed by the executive head or
24 body of the public employer, or (d) who is a court commissioner or a
25 court magistrate of superior court, district court, or a department
26 of a district court organized under chapter 3.46 RCW, or (e) who is a
27 personal assistant to a district court judge, superior court judge,
28 or court commissioner. For the purpose of (e) of this subsection, no
29 more than one assistant for each judge or commissioner may be
30 excluded from a bargaining unit.

31 (12) "Public employer" means any officer, board, commission,
32 council, or other person or body acting on behalf of any public body
33 governed by this chapter, or any subdivision of such public body. For
34 the purposes of this section, the public employer of district court
35 or superior court employees for wage-related matters is the
36 respective county legislative authority, or person or body acting on
37 behalf of the legislative authority, and the public employer for
38 nonwage-related matters is the judge or judge's designee of the
39 respective district court or superior court.

1 (13) "Uniformed personnel" means: (a) Law enforcement officers as
2 defined in RCW 41.26.030 employed by the governing body of any city
3 or town with a population of two thousand five hundred or more and
4 law enforcement officers employed by the governing body of any county
5 with a population of ten thousand or more; (b) correctional employees
6 who are uniformed and nonuniformed, commissioned and noncommissioned
7 security personnel employed in a jail as defined in RCW 70.48.020(9),
8 by a county with a population of seventy thousand or more, and who
9 are trained for and charged with the responsibility of controlling
10 and maintaining custody of inmates in the jail and safeguarding
11 inmates from other inmates; (c) general authority Washington peace
12 officers as defined in RCW 10.93.020 employed by a port district in a
13 county with a population of one million or more; (d) security forces
14 established under RCW 43.52.520; (e) firefighters as that term is
15 defined in RCW 41.26.030; (f) employees of a port district in a
16 county with a population of one million or more whose duties include
17 crash fire rescue or other firefighting duties; (g) employees of fire
18 departments of public employers who dispatch exclusively either fire
19 or emergency medical services, or both; (h) employees in the several
20 classes of advanced life support technicians, as defined in RCW
21 18.71.200, who are employed by a public employer; or (i) court
22 marshals of any county who are employed by, trained for, and
23 commissioned by the county sheriff and charged with the
24 responsibility of enforcing laws, protecting and maintaining security
25 in all county-owned or contracted property, and performing any other
26 duties assigned to them by the county sheriff or mandated by judicial
27 order.

28 **Sec. 809.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to
29 read as follows:

30 (1) In addition to the entities listed in RCW 41.56.020, this
31 chapter applies to the governor with respect to language access
32 providers. Solely for the purposes of collective bargaining and as
33 expressly limited under subsections (2) and (3) of this section, the
34 governor is the public employer of language access providers who,
35 solely for the purposes of collective bargaining, are public
36 employees. The governor or the governor's designee shall represent
37 the public employer for bargaining purposes.

1 (2) There shall be collective bargaining, as defined in RCW
2 41.56.030, between the governor and language access providers, except
3 as follows:

4 (a) A statewide unit of all language access providers is the only
5 unit appropriate for purposes of collective bargaining under RCW
6 41.56.060;

7 (b) The exclusive bargaining representative of language access
8 providers in the unit specified in (a) of this subsection shall be
9 the representative chosen in an election conducted pursuant to RCW
10 41.56.070.

11 Bargaining authorization cards furnished as the showing of
12 interest in support of any representation petition or motion for
13 intervention filed under this section are exempt from disclosure
14 under chapter 42.56 RCW;

15 (c) Notwithstanding the definition of "collective bargaining" in
16 RCW 41.56.030(4), the scope of collective bargaining for language
17 access providers under this section is limited solely to: (i)
18 Economic compensation, such as the manner and rate of payments; (ii)
19 professional development and training; (iii) labor-management
20 committees; and (iv) grievance procedures. Retirement benefits are
21 not subject to collective bargaining. By such obligation neither
22 party may be compelled to agree to a proposal or be required to make
23 a concession unless otherwise provided in this chapter;

24 (d) In addition to the entities listed in the mediation and
25 interest arbitration provisions of RCW 41.56.430 through 41.56.470
26 and 41.56.480, the provisions apply to the governor or the governor's
27 designee and the exclusive bargaining representative of language
28 access providers, except that:

29 (i) In addition to the factors to be taken into consideration by
30 an interest arbitration panel under RCW 41.56.465, the panel shall
31 consider the financial ability of the state to pay for the
32 compensation and benefit provisions of a collective bargaining
33 agreement;

34 (ii) The decision of the arbitration panel is not binding on the
35 legislature and, if the legislature does not approve the request for
36 funds necessary to implement the compensation and benefit provisions
37 of the arbitrated collective bargaining agreement, the decision is
38 not binding on the state;

39 (e) Language access providers do not have the right to strike.

1 (3) Language access providers who are public employees solely for
2 the purposes of collective bargaining under subsection (1) of this
3 section are not, for that reason, employees of the state for any
4 other purpose. This section applies only to the governance of the
5 collective bargaining relationship between the employer and language
6 access providers as provided in subsections (1) and (2) of this
7 section.

8 (4) Each party with whom the department of social and health
9 services or the department of children, youth, and families contracts
10 for language access services and each of their subcontractors shall
11 provide to the department an accurate list of language access
12 providers, as defined in RCW 41.56.030, including their names,
13 addresses, and other contact information, annually by January 30th,
14 except that initially the lists must be provided within thirty days
15 of June 10, 2010. The department shall, upon request, provide a list
16 of all language access providers, including their names, addresses,
17 and other contact information, to a labor union seeking to represent
18 language access providers.

19 (5) This section does not create or modify:

20 (a) The department's obligation to comply with the federal
21 statute and regulations; and

22 (b) The legislature's right to make programmatic modifications to
23 the delivery of state services under chapter 74.04 RCW. The governor
24 may not enter into, extend, or renew any agreement under this chapter
25 that does not expressly reserve the legislative rights described in
26 this subsection.

27 (6) Upon meeting the requirements of subsection (7) of this
28 section, the governor must submit, as a part of the proposed biennial
29 or supplemental operating budget submitted to the legislature under
30 RCW 43.88.030, a request for funds necessary to implement the
31 compensation and benefit provisions of a collective bargaining
32 agreement entered into under this section or for legislation
33 necessary to implement the agreement.

34 (7) A request for funds necessary to implement the compensation
35 and benefit provisions of a collective bargaining agreement entered
36 into under this section may not be submitted by the governor to the
37 legislature unless the request has been:

38 (a) Submitted to the director of financial management by October
39 1st prior to the legislative session at which the requests are to be

1 considered, except that, for initial negotiations under this section,
2 the request may not be submitted before July 1, 2011; and

3 (b) Certified by the director of financial management as
4 financially feasible for the state or reflective of a binding
5 decision of an arbitration panel reached under subsection (2)(d) of
6 this section.

7 (8) The legislature must approve or reject the submission of the
8 request for funds as a whole. If the legislature rejects or fails to
9 act on the submission, any collective bargaining agreement must be
10 reopened for the sole purpose of renegotiating the funds necessary to
11 implement the agreement.

12 (9) If, after the compensation and benefit provisions of an
13 agreement are approved by the legislature, a significant revenue
14 shortfall occurs resulting in reduced appropriations, as declared by
15 proclamation of the governor or by resolution of the legislature,
16 both parties shall immediately enter into collective bargaining for a
17 mutually agreed upon modification of the agreement.

18 (10) After the expiration date of any collective bargaining
19 agreement entered into under this section, all of the terms and
20 conditions specified in the agreement remain in effect until the
21 effective date of a subsequent agreement, not to exceed one year from
22 the expiration date stated in the agreement.

23 (11) In enacting this section, the legislature intends to provide
24 state action immunity under federal and state antitrust laws for the
25 joint activities of language access providers and their exclusive
26 bargaining representative to the extent the activities are authorized
27 by this chapter.

28 **Sec. 810.** RCW 43.06A.100 and 2015 c 199 s 2 are each amended to
29 read as follows:

30 (1) The department of (~~social and health services and the~~
31 ~~department of early learning~~) children, youth, and families shall:

32 (a) Allow the ombuds or the ombuds's designee to communicate
33 privately with any child in the custody of the department of (~~social~~
34 ~~and health services~~) children, youth, and families, or any child who
35 is part of a near fatality investigation by the department of (~~early~~
36 ~~learning~~) children, youth, and families, for the purposes of
37 carrying out its duties under this chapter;

38 (b) Permit the ombuds or the ombuds designee physical access to
39 state institutions serving children, and state licensed facilities or

1 residences for the purpose of carrying out its duties under this
2 chapter;

3 (c) Upon the ombuds's request, grant the ombuds or the ombuds's
4 designee the right to access, inspect, and copy all relevant
5 information, records, or documents in the possession or control of
6 the department of (~~social and health services or the department of~~
7 ~~early learning~~) children, youth, and families that the ombuds
8 considers necessary in an investigation; and

9 (d) Grant the office of the family and children's ombuds
10 unrestricted online access to the child welfare case management
11 information system and the department of (~~early learning~~) children,
12 youth, and families data information system for the purpose of
13 carrying out its duties under this chapter.

14 (2) For the purposes of this section, "near fatality" means an
15 act that, as certified by a physician, places the child in serious or
16 critical condition.

17 (3) Nothing in this section creates a duty for the office of the
18 family and children's ombuds under RCW 43.06A.030 as related to
19 children in the care of an early learning program described in RCW
20 43.215.400 through 43.215.450 (as recodified by this act), a licensed
21 child care center, or a licensed child care home.

22 **Sec. 811.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each
23 amended to read as follows:

24 The secretary shall appoint a deputy secretary, a department
25 personnel director and such assistant secretaries as shall be needed
26 to administer the department. The deputy secretary shall have charge
27 and general supervision of the department in the absence or
28 disability of the secretary, and in case of a vacancy in the office
29 of secretary, shall continue in charge of the department until a
30 successor is appointed and qualified, or until the governor shall
31 appoint an acting secretary. (~~The secretary shall appoint an~~
32 ~~assistant secretary to administer the juvenile rehabilitation~~
33 ~~responsibilities required of the department by chapters 13.04, 13.40,~~
34 ~~and 13.50 RCW.)) The officers appointed under this section, and
35 exempt from the provisions of the state civil service law by the
36 terms of RCW 41.06.076, shall be paid salaries to be fixed by the
37 governor in accordance with the procedure established by law for the
38 fixing of salaries for officers exempt from the operation of the
39 state civil service law.~~

1 **Sec. 812.** RCW 43.06A.060 and 2013 c 23 s 75 are each amended to
2 read as follows:

3 Neither the ombuds nor the ombuds's staff may be compelled, in
4 any judicial or administrative proceeding, to testify or to produce
5 evidence regarding the exercise of the official duties of the ombuds
6 or of the ombuds's staff. All related memoranda, work product, notes,
7 and case files of the ombuds's office are confidential, are not
8 subject to discovery, judicial or administrative subpoena, or other
9 method of legal compulsion, and are not admissible in evidence in a
10 judicial or administrative proceeding. This section shall not apply
11 to the (~~legislative children's oversight committee~~) oversight board
12 for children, youth, and families.

13 **Sec. 813.** RCW 43.06A.070 and 2013 c 23 s 76 are each amended to
14 read as follows:

15 Identifying information about complainants or witnesses shall not
16 be subject to any method of legal compulsion, nor shall such
17 information be revealed to the (~~legislative children's oversight~~
18 ~~committee~~) oversight board for children, youth, and families or the
19 governor except under the following circumstances: (1) The
20 complainant or witness waives confidentiality; (2) under a
21 legislative subpoena when there is a legislative investigation for
22 neglect of duty or misconduct by the ombuds or ombuds's office when
23 the identifying information is necessary to the investigation of the
24 ombuds's acts; or (3) under an investigation or inquiry by the
25 governor as to neglect of duty or misconduct by the ombuds or
26 ombuds's office when the identifying information is necessary to the
27 investigation of the ombuds's acts.

28 For the purposes of this section, "identifying information"
29 includes the complainant's or witness's name, location, telephone
30 number, likeness, social security number or other identification
31 number, or identification of immediate family members.

32 **Sec. 814.** RCW 43.15.020 and 2015 c 225 s 61 are each amended to
33 read as follows:

34 The lieutenant governor serves as president of the senate and is
35 responsible for making appointments to, and serving on, the
36 committees and boards as set forth in this section.

37 (1) The lieutenant governor serves on the following boards and
38 committees:

1 (a) Capitol furnishings preservation committee, RCW 27.48.040;
2 (b) Washington higher education facilities authority, RCW
3 28B.07.030;
4 (c) Productivity board, also known as the employee involvement
5 and recognition board, RCW 41.60.015;
6 (d) State finance committee, RCW 43.33.010;
7 (e) State capitol committee, RCW 43.34.010;
8 (f) Washington health care facilities authority, RCW 70.37.030;
9 (g) State medal of merit nominating committee, RCW 1.40.020;
10 (h) Medal of valor committee, RCW 1.60.020; and
11 (i) Association of Washington generals, RCW 43.15.030.
12 (2) The lieutenant governor, and when serving as president of the
13 senate, appoints members to the following boards and committees:
14 (a) Civil legal aid oversight committee, RCW 2.53.010;
15 (b) Office of public defense advisory committee, RCW 2.70.030;
16 (c) Washington state gambling commission, RCW 9.46.040;
17 (d) Sentencing guidelines commission, RCW 9.94A.860;
18 (e) State building code council, RCW 19.27.070;
19 (f) Financial education public-private partnership, RCW
20 28A.300.450;
21 (g) Joint administrative rules review committee, RCW 34.05.610;
22 (h) Capital projects advisory review board, RCW 39.10.220;
23 (i) Select committee on pension policy, RCW 41.04.276;
24 (j) Legislative ethics board, RCW 42.52.310;
25 (k) Washington citizens' commission on salaries, RCW 43.03.305;
26 (l) Legislative oral history committee, RCW 44.04.325;
27 (m) State council on aging, RCW 43.20A.685;
28 (n) State investment board, RCW 43.33A.020;
29 (o) Capitol campus design advisory committee, RCW 43.34.080;
30 (p) Washington state arts commission, RCW 43.46.015;
31 (q) PNWER-Net working subgroup under chapter 43.147 RCW;
32 (r) Community economic revitalization board, RCW 43.160.030;
33 (s) Washington economic development finance authority, RCW
34 43.163.020;
35 (t) Life sciences discovery fund authority, RCW 43.350.020;
36 (u) (~~Legislative children's oversight committee, RCW 44.04.220;~~
37 ~~(+)~~) Joint legislative audit and review committee, RCW
38 44.28.010;
39 (~~(+)~~) (v) Joint committee on energy supply and energy
40 conservation, RCW 44.39.015;

1 (~~(x)~~) (w) Legislative evaluation and accountability program
2 committee, RCW 44.48.010;
3 (~~(y)~~) (x) Agency council on coordinated transportation, RCW
4 47.06B.020;
5 (~~(z)~~) (y) Washington horse racing commission, RCW 67.16.014;
6 (~~(aa)~~) (z) Correctional industries board of directors, RCW
7 72.09.080;
8 (~~(bb)~~) (aa) Joint committee on veterans' and military affairs,
9 RCW 73.04.150;
10 (~~(cc)~~) (bb) Joint legislative committee on water supply during
11 drought, RCW 90.86.020;
12 (~~(dd)~~) (cc) Statute law committee, RCW 1.08.001; and
13 (~~(ee)~~) (dd) Joint legislative oversight committee on trade
14 policy, RCW 44.55.020.

15 **Sec. 815.** RCW 70.02.200 and 2017 c 298 s 3 are each amended to
16 read as follows:

17 (1) In addition to the disclosures authorized by RCW 70.02.050
18 and 70.02.210, a health care provider or health care facility may
19 disclose health care information, except for information and records
20 related to sexually transmitted diseases and information related to
21 mental health services which are addressed by RCW 70.02.220 through
22 70.02.260, about a patient without the patient's authorization, to:

23 (a) Any other health care provider or health care facility
24 reasonably believed to have previously provided health care to the
25 patient, to the extent necessary to provide health care to the
26 patient, unless the patient has instructed the health care provider
27 or health care facility in writing not to make the disclosure;

28 (b) Persons under RCW 70.02.--- (section 1, chapter 298, Laws of
29 2017) if the conditions in RCW 70.02.--- (section 1, chapter 298,
30 Laws of 2017) are met;

31 (c) A health care provider or health care facility who is the
32 successor in interest to the health care provider or health care
33 facility maintaining the health care information;

34 (d) A person who obtains information for purposes of an audit, if
35 that person agrees in writing to:

36 (i) Remove or destroy, at the earliest opportunity consistent
37 with the purpose of the audit, information that would enable the
38 patient to be identified; and

1 (ii) Not to disclose the information further, except to
2 accomplish the audit or report unlawful or improper conduct involving
3 fraud in payment for health care by a health care provider or
4 patient, or other unlawful conduct by the health care provider;

5 (e) Provide directory information, unless the patient has
6 instructed the health care provider or health care facility not to
7 make the disclosure;

8 (f) Fire, police, sheriff, or other public authority, that
9 brought, or caused to be brought, the patient to the health care
10 facility or health care provider if the disclosure is limited to the
11 patient's name, residence, sex, age, occupation, condition,
12 diagnosis, estimated or actual discharge date, or extent and location
13 of injuries as determined by a physician, and whether the patient was
14 conscious when admitted;

15 (g) Federal, state, or local law enforcement authorities and the
16 health care provider, health care facility, or third-party payor
17 believes in good faith that the health care information disclosed
18 constitutes evidence of criminal conduct that occurred on the
19 premises of the health care provider, health care facility, or third-
20 party payor;

21 (h) Another health care provider, health care facility, or third-
22 party payor for the health care operations of the health care
23 provider, health care facility, or third-party payor that receives
24 the information, if each entity has or had a relationship with the
25 patient who is the subject of the health care information being
26 requested, the health care information pertains to such relationship,
27 and the disclosure is for the purposes described in RCW 70.02.010(17)
28 (a) and (b);

29 (i) An official of a penal or other custodial institution in
30 which the patient is detained; and

31 (j) Any law enforcement officer, corrections officer, or guard
32 supplied by a law enforcement or corrections agency who is
33 accompanying a patient pursuant to RCW 10.110.020, only to the extent
34 the disclosure is incidental to the fulfillment of the role of the
35 law enforcement officer, corrections officer, or guard under RCW
36 10.110.020.

37 (2) In addition to the disclosures required by RCW 70.02.050 and
38 70.02.210, a health care provider shall disclose health care
39 information, except for information related to sexually transmitted
40 diseases and information related to mental health services which are

1 addressed by RCW 70.02.220 through 70.02.260, about a patient without
2 the patient's authorization if the disclosure is:

3 (a) To federal, state, or local law enforcement authorities to
4 the extent the health care provider is required by law;

5 (b) To federal, state, or local law enforcement authorities, upon
6 receipt of a written or oral request made to a nursing supervisor,
7 administrator, or designated privacy official, in a case in which the
8 patient is being treated or has been treated for a bullet wound,
9 gunshot wound, powder burn, or other injury arising from or caused by
10 the discharge of a firearm, or an injury caused by a knife, an ice
11 pick, or any other sharp or pointed instrument which federal, state,
12 or local law enforcement authorities reasonably believe to have been
13 intentionally inflicted upon a person, or a blunt force injury that
14 federal, state, or local law enforcement authorities reasonably
15 believe resulted from a criminal act, the following information, if
16 known:

17 (i) The name of the patient;

18 (ii) The patient's residence;

19 (iii) The patient's sex;

20 (iv) The patient's age;

21 (v) The patient's condition;

22 (vi) The patient's diagnosis, or extent and location of injuries
23 as determined by a health care provider;

24 (vii) Whether the patient was conscious when admitted;

25 (viii) The name of the health care provider making the
26 determination in (b)(v), (vi), and (vii) of this subsection;

27 (ix) Whether the patient has been transferred to another
28 facility; and

29 (x) The patient's discharge time and date;

30 (c) Pursuant to compulsory process in accordance with RCW
31 70.02.060.

32 (3) To the extent they retain health care information subject to
33 this chapter, the department of social and health services and the
34 health care authority shall disclose to the department of children,
35 youth, and families health care information, except for information
36 and records related to sexually transmitted diseases and information
37 related to mental health services that are addressed by RCW 70.02.220
38 through 70.02.260, about a patient without the patient's
39 authorization, for the purpose of investigating and preventing child
40 abuse and neglect and providing for the health care coordination and

1 the well-being of children in foster care. Disclosure under this
2 subsection is mandatory for the purposes of the federal health
3 insurance portability and accountability act.

4 **Sec. 816.** RCW 70.02.230 and 2017 c 325 s 2 and 2017 c 298 s 6
5 are each reenacted and amended to read as follows:

6 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
7 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
8 pursuant to a valid authorization under RCW 70.02.030, the fact of
9 admission to a provider for mental health services and all
10 information and records compiled, obtained, or maintained in the
11 course of providing mental health services to either voluntary or
12 involuntary recipients of services at public or private agencies must
13 be confidential.

14 (2) Information and records related to mental health services,
15 other than those obtained through treatment under chapter 71.34 RCW,
16 may be disclosed only:

17 (a) In communications between qualified professional persons to
18 meet the requirements of chapter 71.05 RCW, in the provision of
19 services or appropriate referrals, or in the course of guardianship
20 proceedings if provided to a professional person:

- 21 (i) Employed by the facility;
- 22 (ii) Who has medical responsibility for the patient's care;
- 23 (iii) Who is a designated crisis responder;
- 24 (iv) Who is providing services under chapter 71.24 RCW;
- 25 (v) Who is employed by a state or local correctional facility
26 where the person is confined or supervised; or
- 27 (vi) Who is providing evaluation, treatment, or follow-up
28 services under chapter 10.77 RCW;

29 (b) When the communications regard the special needs of a patient
30 and the necessary circumstances giving rise to such needs and the
31 disclosure is made by a facility providing services to the operator
32 of a facility in which the patient resides or will reside;

33 (c)(i) When the person receiving services, or his or her
34 guardian, designates persons to whom information or records may be
35 released, or if the person is a minor, when his or her parents make
36 such a designation;

37 (ii) A public or private agency shall release to a person's next
38 of kin, attorney, personal representative, guardian, or conservator,
39 if any:

1 (A) The information that the person is presently a patient in the
2 facility or that the person is seriously physically ill;

3 (B) A statement evaluating the mental and physical condition of
4 the patient, and a statement of the probable duration of the
5 patient's confinement, if such information is requested by the next
6 of kin, attorney, personal representative, guardian, or conservator;
7 and

8 (iii) Other information requested by the next of kin or attorney
9 as may be necessary to decide whether or not proceedings should be
10 instituted to appoint a guardian or conservator;

11 (d)(i) To the courts as necessary to the administration of
12 chapter 71.05 RCW or to a court ordering an evaluation or treatment
13 under chapter 10.77 RCW solely for the purpose of preventing the
14 entry of any evaluation or treatment order that is inconsistent with
15 any order entered under chapter 71.05 RCW.

16 (ii) To a court or its designee in which a motion under chapter
17 10.77 RCW has been made for involuntary medication of a defendant for
18 the purpose of competency restoration.

19 (iii) Disclosure under this subsection is mandatory for the
20 purpose of the federal health insurance portability and
21 accountability act;

22 (e)(i) When a mental health professional or designated crisis
23 responder is requested by a representative of a law enforcement or
24 corrections agency, including a police officer, sheriff, community
25 corrections officer, a municipal attorney, or prosecuting attorney to
26 undertake an investigation or provide treatment under RCW 71.05.150,
27 10.31.110, or 71.05.153, the mental health professional or designated
28 crisis responder shall, if requested to do so, advise the
29 representative in writing of the results of the investigation
30 including a statement of reasons for the decision to detain or
31 release the person investigated. The written report must be submitted
32 within seventy-two hours of the completion of the investigation or
33 the request from the law enforcement or corrections representative,
34 whichever occurs later.

35 (ii) Disclosure under this subsection is mandatory for the
36 purposes of the federal health insurance portability and
37 accountability act;

38 (f) To the attorney of the detained person;

39 (g) To the prosecuting attorney as necessary to carry out the
40 responsibilities of the office under RCW 71.05.330(2),

1 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
2 access to records regarding the committed person's treatment and
3 prognosis, medication, behavior problems, and other records relevant
4 to the issue of whether treatment less restrictive than inpatient
5 treatment is in the best interest of the committed person or others.
6 Information must be disclosed only after giving notice to the
7 committed person and the person's counsel;

8 (h)(i) To appropriate law enforcement agencies and to a person,
9 when the identity of the person is known to the public or private
10 agency, whose health and safety has been threatened, or who is known
11 to have been repeatedly harassed, by the patient. The person may
12 designate a representative to receive the disclosure. The disclosure
13 must be made by the professional person in charge of the public or
14 private agency or his or her designee and must include the dates of
15 commitment, admission, discharge, or release, authorized or
16 unauthorized absence from the agency's facility, and only any other
17 information that is pertinent to the threat or harassment. The agency
18 or its employees are not civilly liable for the decision to disclose
19 or not, so long as the decision was reached in good faith and without
20 gross negligence.

21 (ii) Disclosure under this subsection is mandatory for the
22 purposes of the federal health insurance portability and
23 accountability act;

24 (i)(i) To appropriate corrections and law enforcement agencies
25 all necessary and relevant information in the event of a crisis or
26 emergent situation that poses a significant and imminent risk to the
27 public. The mental health service agency or its employees are not
28 civilly liable for the decision to disclose or not so long as the
29 decision was reached in good faith and without gross negligence.

30 (ii) Disclosure under this subsection is mandatory for the
31 purposes of the health insurance portability and accountability act;

32 (j) To the persons designated in RCW 71.05.425 for the purposes
33 described in those sections;

34 (k) Upon the death of a person. The person's next of kin,
35 personal representative, guardian, or conservator, if any, must be
36 notified. Next of kin who are of legal age and competent must be
37 notified under this section in the following order: Spouse, parents,
38 children, brothers and sisters, and other relatives according to the
39 degree of relation. Access to all records and information compiled,

1 obtained, or maintained in the course of providing services to a
2 deceased patient are governed by RCW 70.02.140;

3 (l) To mark headstones or otherwise memorialize patients interred
4 at state hospital cemeteries. The department of social and health
5 services shall make available the name, date of birth, and date of
6 death of patients buried in state hospital cemeteries fifty years
7 after the death of a patient;

8 (m) To law enforcement officers and to prosecuting attorneys as
9 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of
10 information that may be released is limited as follows:

11 (i) Only the fact, place, and date of involuntary commitment, an
12 official copy of any order or orders of commitment, and an official
13 copy of any written or oral notice of ineligibility to possess a
14 firearm that was provided to the person pursuant to RCW 9.41.047(1),
15 must be disclosed upon request;

16 (ii) The law enforcement and prosecuting attorneys may only
17 release the information obtained to the person's attorney as required
18 by court rule and to a jury or judge, if a jury is waived, that
19 presides over any trial at which the person is charged with violating
20 RCW 9.41.040(2)(a)(iii);

21 (iii) Disclosure under this subsection is mandatory for the
22 purposes of the federal health insurance portability and
23 accountability act;

24 (n) When a patient would otherwise be subject to the provisions
25 of this section and disclosure is necessary for the protection of the
26 patient or others due to his or her unauthorized disappearance from
27 the facility, and his or her whereabouts is unknown, notice of the
28 disappearance, along with relevant information, may be made to
29 relatives, the department of corrections when the person is under the
30 supervision of the department, and governmental law enforcement
31 agencies designated by the physician or psychiatric advanced
32 registered nurse practitioner in charge of the patient or the
33 professional person in charge of the facility, or his or her
34 professional designee;

35 (o) Pursuant to lawful order of a court;

36 (p) To qualified staff members of the department, to the director
37 of behavioral health organizations, to resource management services
38 responsible for serving a patient, or to service providers designated
39 by resource management services as necessary to determine the
40 progress and adequacy of treatment and to determine whether the

1 person should be transferred to a less restrictive or more
2 appropriate treatment modality or facility;

3 (q) Within the mental health service agency where the patient is
4 receiving treatment, confidential information may be disclosed to
5 persons employed, serving in bona fide training programs, or
6 participating in supervised volunteer programs, at the facility when
7 it is necessary to perform their duties;

8 (r) Within the department as necessary to coordinate treatment
9 for mental illness, developmental disabilities, alcoholism, or drug
10 abuse of persons who are under the supervision of the department;

11 (s) Between the department of social and health services, the
12 department of children, youth, and families, and the health care
13 authority as necessary to coordinate treatment for mental illness,
14 developmental disabilities, alcoholism, or drug abuse of persons who
15 are under the supervision of the department of social and health
16 services or the department of children, youth, and families;

17 (t) To a licensed physician or psychiatric advanced registered
18 nurse practitioner who has determined that the life or health of the
19 person is in danger and that treatment without the information and
20 records related to mental health services could be injurious to the
21 patient's health. Disclosure must be limited to the portions of the
22 records necessary to meet the medical emergency;

23 ((+t)) (u)(i) Consistent with the requirements of the federal
24 health insurance portability and accountability act, to:

25 (A) A health care provider who is providing care to a patient, or
26 to whom a patient has been referred for evaluation or treatment; or

27 (B) Any other person who is working in a care coordinator role
28 for a health care facility or health care provider or is under an
29 agreement pursuant to the federal health insurance portability and
30 accountability act with a health care facility or a health care
31 provider and requires the information and records to assure
32 coordinated care and treatment of that patient.

33 (ii) A person authorized to use or disclose information and
34 records related to mental health services under this subsection (2)
35 ((+t)) (u) must take appropriate steps to protect the information
36 and records relating to mental health services.

37 (iii) Psychotherapy notes may not be released without
38 authorization of the patient who is the subject of the request for
39 release of information;

1 (~~(u)~~) (v) To administrative and office support staff designated
2 to obtain medical records for those licensed professionals listed in
3 (~~(t)~~) (u) of this subsection;

4 (~~(v)~~) (w) To a facility that is to receive a person who is
5 involuntarily committed under chapter 71.05 RCW, or upon transfer of
6 the person from one evaluation and treatment facility to another. The
7 release of records under this subsection is limited to the
8 information and records related to mental health services required by
9 law, a record or summary of all somatic treatments, and a discharge
10 summary. The discharge summary may include a statement of the
11 patient's problem, the treatment goals, the type of treatment which
12 has been provided, and recommendation for future treatment, but may
13 not include the patient's complete treatment record;

14 (~~(w)~~) (x) To the person's counsel or guardian ad litem, without
15 modification, at any time in order to prepare for involuntary
16 commitment or recommitment proceedings, reexaminations, appeals, or
17 other actions relating to detention, admission, commitment, or
18 patient's rights under chapter 71.05 RCW;

19 (~~(x)~~) (y) To staff members of the protection and advocacy
20 agency or to staff members of a private, nonprofit corporation for
21 the purpose of protecting and advocating the rights of persons with
22 mental disorders or developmental disabilities. Resource management
23 services may limit the release of information to the name, birthdate,
24 and county of residence of the patient, information regarding whether
25 the patient was voluntarily admitted, or involuntarily committed, the
26 date and place of admission, placement, or commitment, the name and
27 address of a guardian of the patient, and the date and place of the
28 guardian's appointment. Any staff member who wishes to obtain
29 additional information must notify the patient's resource management
30 services in writing of the request and of the resource management
31 services' right to object. The staff member shall send the notice by
32 mail to the guardian's address. If the guardian does not object in
33 writing within fifteen days after the notice is mailed, the staff
34 member may obtain the additional information. If the guardian objects
35 in writing within fifteen days after the notice is mailed, the staff
36 member may not obtain the additional information;

37 (~~(y)~~) (z) To all current treating providers of the patient with
38 prescriptive authority who have written a prescription for the
39 patient within the last twelve months. For purposes of coordinating
40 health care, the department may release without written authorization

1 of the patient, information acquired for billing and collection
2 purposes as described in RCW 70.02.050(1)(d). The department shall
3 notify the patient that billing and collection information has been
4 released to named providers, and provide the substance of the
5 information released and the dates of such release. The department
6 may not release counseling, inpatient psychiatric hospitalization, or
7 drug and alcohol treatment information without a signed written
8 release from the client;

9 ((+z+)) (aa)(i) To the secretary of social and health services
10 for either program evaluation or research, or both so long as the
11 secretary adopts rules for the conduct of the evaluation or research,
12 or both. Such rules must include, but need not be limited to, the
13 requirement that all evaluators and researchers sign an oath of
14 confidentiality substantially as follows:

15 "As a condition of conducting evaluation or research concerning
16 persons who have received services from (fill in the facility,
17 agency, or person) I,, agree not to divulge, publish, or
18 otherwise make known to unauthorized persons or the public any
19 information obtained in the course of such evaluation or research
20 regarding persons who have received services such that the person who
21 received such services is identifiable.

22 I recognize that unauthorized release of confidential information
23 may subject me to civil liability under the provisions of state law.
24 /s/"

25 (ii) Nothing in this chapter may be construed to prohibit the
26 compilation and publication of statistical data for use by government
27 or researchers under standards, including standards to assure
28 maintenance of confidentiality, set forth by the secretary;

29 ((+aa+)) (bb) To any person if the conditions in RCW 70.02.---
30 (section 1, chapter 298, Laws of 2017) are met.

31 (3) Whenever federal law or federal regulations restrict the
32 release of information contained in the information and records
33 related to mental health services of any patient who receives
34 treatment for chemical dependency, the department may restrict the
35 release of the information as necessary to comply with federal law
36 and regulations.

37 (4) Civil liability and immunity for the release of information
38 about a particular person who is committed to the department of
39 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)

1 after dismissal of a sex offense as defined in RCW 9.94A.030, is
2 governed by RCW 4.24.550.

3 (5) The fact of admission to a provider of mental health
4 services, as well as all records, files, evidence, findings, or
5 orders made, prepared, collected, or maintained pursuant to chapter
6 71.05 RCW are not admissible as evidence in any legal proceeding
7 outside that chapter without the written authorization of the person
8 who was the subject of the proceeding except as provided in RCW
9 70.02.260, in a subsequent criminal prosecution of a person committed
10 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
11 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
12 trial, in a civil commitment proceeding pursuant to chapter 71.09
13 RCW, or, in the case of a minor, a guardianship or dependency
14 proceeding. The records and files maintained in any court proceeding
15 pursuant to chapter 71.05 RCW must be confidential and available
16 subsequent to such proceedings only to the person who was the subject
17 of the proceeding or his or her attorney. In addition, the court may
18 order the subsequent release or use of such records or files only
19 upon good cause shown if the court finds that appropriate safeguards
20 for strict confidentiality are and will be maintained.

21 (6)(a) Except as provided in RCW 4.24.550, any person may bring
22 an action against an individual who has willfully released
23 confidential information or records concerning him or her in
24 violation of the provisions of this section, for the greater of the
25 following amounts:

26 (i) One thousand dollars; or

27 (ii) Three times the amount of actual damages sustained, if any.

28 (b) It is not a prerequisite to recovery under this subsection
29 that the plaintiff suffered or was threatened with special, as
30 contrasted with general, damages.

31 (c) Any person may bring an action to enjoin the release of
32 confidential information or records concerning him or her or his or
33 her ward, in violation of the provisions of this section, and may in
34 the same action seek damages as provided in this subsection.

35 (d) The court may award to the plaintiff, should he or she
36 prevail in any action authorized by this subsection, reasonable
37 attorney fees in addition to those otherwise provided by law.

38 (e) If an action is brought under this subsection, no action may
39 be brought under RCW 70.02.170.

1 **Sec. 817.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each
2 amended to read as follows:

3 (1)(a) For the protection of applicants and recipients, the
4 department, the authority, and the county offices and their
5 respective officers and employees are prohibited, except as
6 hereinafter provided, from disclosing the contents of any records,
7 files, papers and communications, except for purposes directly
8 connected with the administration of the programs of this title. In
9 any judicial proceeding, except such proceeding as is directly
10 concerned with the administration of these programs, such records,
11 files, papers and communications, and their contents, shall be deemed
12 privileged communications and except for the right of any individual
13 to inquire of the office whether a named individual is a recipient of
14 welfare assistance and such person shall be entitled to an
15 affirmative or negative answer.

16 (b) Unless prohibited by federal law, for the purpose of
17 investigating and preventing child abuse and neglect and providing
18 for the health care coordination and well-being of children in foster
19 care, the department and the authority shall disclose to the
20 department of children, youth, and families the following
21 information: Developmental disabilities administration client
22 records; home and community services client records; long-term care
23 facility or certified community residential supports records; health
24 care information; child support information; food assistance
25 information; and public assistance information. Disclosure under this
26 subsection (1)(b) is mandatory for the purposes of the federal health
27 insurance portability and accountability act.

28 (c) Upon written request of a parent who has been awarded
29 visitation rights in an action for divorce or separation or any
30 parent with legal custody of the child, the department shall disclose
31 to him or her the last known address and location of his or her
32 natural or adopted children. The secretary shall adopt rules which
33 establish procedures for disclosing the address of the children and
34 providing, when appropriate, for prior notice to the custodian of the
35 children. The notice shall state that a request for disclosure has
36 been received and will be complied with by the department unless the
37 department receives a copy of a court order which enjoins the
38 disclosure of the information or restricts or limits the requesting
39 party's right to contact or visit the other party or the child.
40 Information supplied to a parent by the department shall be used only

1 for purposes directly related to the enforcement of the visitation
2 and custody provisions of the court order of separation or decree of
3 divorce. No parent shall disclose such information to any other
4 person except for the purpose of enforcing visitation provisions of
5 the said order or decree.

6 ~~((e))~~ (d) The department shall review methods to improve the
7 protection and confidentiality of information for recipients of
8 welfare assistance who have disclosed to the department that they are
9 past or current victims of domestic violence or stalking.

10 (2) The county offices shall maintain monthly at their offices a
11 report showing the names and addresses of all recipients in the
12 county receiving public assistance under this title, together with
13 the amount paid to each during the preceding month.

14 (3) The provisions of this section shall not apply to duly
15 designated representatives of approved private welfare agencies,
16 public officials, members of legislative interim committees and
17 advisory committees when performing duties directly connected with
18 the administration of this title, such as regulation and
19 investigation directly connected therewith: PROVIDED, HOWEVER, That
20 any information so obtained by such persons or groups shall be
21 treated with such degree of confidentiality as is required by the
22 federal social security law.

23 (4) It shall be unlawful, except as provided in this section, for
24 any person, body, association, firm, corporation or other agency to
25 solicit, publish, disclose, receive, make use of, or to authorize,
26 knowingly permit, participate in or acquiesce in the use of any lists
27 or names for commercial or political purposes of any nature. The
28 violation of this section shall be a gross misdemeanor.

29 **Sec. 818.** RCW 74.34.063 and 2005 c 274 s 354 are each amended to
30 read as follows:

31 (1) The department shall initiate a response to a report, no
32 later than twenty-four hours after knowledge of the report, of
33 suspected abandonment, abuse, financial exploitation, neglect, or
34 self-neglect of a vulnerable adult.

35 (2) When the initial report or investigation by the department
36 indicates that the alleged abandonment, abuse, financial
37 exploitation, or neglect may be criminal, the department shall make
38 an immediate report to the appropriate law enforcement agency. The
39 department and law enforcement will coordinate in investigating

1 reports made under this chapter. The department may provide
2 protective services and other remedies as specified in this chapter.

3 (3) The law enforcement agency or the department shall report the
4 incident in writing to the proper county prosecutor or city attorney
5 for appropriate action whenever the investigation reveals that a
6 crime may have been committed.

7 (4) The department and law enforcement may share information
8 contained in reports and findings of abandonment, abuse, financial
9 exploitation, and neglect of vulnerable adults, consistent with RCW
10 74.04.060, chapter 42.56 RCW, and other applicable confidentiality
11 laws.

12 (5) Unless prohibited by federal law, the department of social
13 and health services may share with the department of children, youth,
14 and families information contained in reports and findings of
15 abandonment, abuse, financial exploitation, and neglect of vulnerable
16 adults.

17 (6) The department shall notify the proper licensing authority
18 concerning any report received under this chapter that alleges that a
19 person who is professionally licensed, certified, or registered under
20 Title 18 RCW has abandoned, abused, financially exploited, or
21 neglected a vulnerable adult.

22 NEW SECTION. Sec. 819. The following acts or parts of acts are
23 each repealed:

24 (1) RCW 43.20A.780 (Administration of family services and
25 programs) and 1992 c 198 s 9;

26 (2) RCW 43.20A.850 (Group homes—Availability of evaluations and
27 data) and 1994 sp.s. c 7 s 322; and

28 (3) RCW 43.215.040 (Director—Power and duties) and 2006 c 265 s
29 105.

30 NEW SECTION. Sec. 820. The following sections are decodified:

31 (1) RCW 13.40.800 (Juvenile offenses with firearms—Data—
32 Reports);

33 (2) RCW 43.215.005 (Finding—Purpose);

34 (3) RCW 43.215.125 (Washington head start program proposal—
35 Report);

36 (4) RCW 43.215.907 (Evaluation of department by joint legislative
37 audit and review committee);

1 (5) RCW 72.05.300 (Parental schools—Leases, purchases—Powers of
2 school district); and
3 (6) RCW 74.14B.900 (Captions).

4 NEW SECTION. **Sec. 821.** The following sections are recodified in
5 the new chapter created in section 822 of this act in the following
6 order with the following subchapter headings:

7 GENERAL PROVISIONS

- 8 RCW 43.215.010
- 9 RCW 43.215.020
- 10 RCW 43.215.030
- 11 RCW 43.215.050
- 12 RCW 43.215.060
- 13 RCW 43.215.065
- 14 RCW 43.215.070
- 15 RCW 43.215.080
- 16 RCW 43.215.090
- 17 RCW 43.215.099
- 18 RCW 43.215.100
- 19 RCW 43.215.1001
- 20 RCW 43.215.101
- 21 RCW 43.215.102
- 22 RCW 43.215.103
- 23 RCW 43.215.105
- 24 RCW 43.215.110
- 25 RCW 43.215.120
- 26 RCW 43.215.130
- 27 RCW 43.215.135
- 28 RCW 43.215.1351
- 29 RCW 43.215.1352
- 30 RCW 43.215.136
- 31 RCW 43.215.137
- 32 RCW 43.215.140
- 33 RCW 43.215.145
- 34 RCW 43.215.146
- 35 RCW 43.215.147
- 36 RCW 43.215.195
- 37 RCW 43.215.--- (section 3, chapter 178, Laws of 2017)
- 38 LICENSING
- 39 RCW 43.215.200

1 RCW 43.215.201
2 RCW 43.215.205
3 RCW 43.215.210
4 RCW 43.215.215
5 RCW 43.215.216
6 RCW 43.215.217
7 RCW 43.215.218
8 RCW 43.215.220
9 RCW 43.215.230
10 RCW 43.215.240
11 RCW 43.215.250
12 RCW 43.215.255
13 RCW 43.215.260
14 RCW 43.215.270
15 RCW 43.215.280
16 RCW 43.215.290
17 RCW 43.215.300
18 RCW 43.215.305
19 RCW 43.215.307
20 RCW 43.215.308
21 RCW 43.215.310
22 RCW 43.215.320
23 RCW 43.215.330
24 RCW 43.215.335
25 RCW 43.215.340
26 RCW 43.215.350
27 RCW 43.215.355
28 RCW 43.215.360
29 RCW 43.215.370
30 RCW 43.215.371
31 RCW 43.215.--- (section 2, chapter 162, Laws of 2017)
32 EARLY CHILDHOOD EDUCATION AND ASSISTANCE
33 RCW 43.215.400
34 RCW 43.215.405
35 RCW 43.215.410
36 RCW 43.215.415
37 RCW 43.215.420
38 RCW 43.215.425
39 RCW 43.215.430
40 RCW 43.215.435

1 RCW 43.215.440
2 RCW 43.215.445
3 RCW 43.215.450
4 RCW 43.215.455
5 RCW 43.215.456
6 RCW 43.215.457
7 RCW 43.215.460
8 RCW 43.215.470
9 RCW 43.215.472
10 RCW 43.215.474
11 RCW 43.215.476
12 CHILD CARE
13 RCW 43.215.490
14 RCW 43.215.492
15 RCW 43.215.495
16 RCW 43.215.500
17 RCW 43.215.502
18 RCW 43.215.505
19 RCW 43.215.510
20 RCW 43.215.520
21 RCW 43.215.525
22 RCW 43.215.530
23 RCW 43.215.532
24 RCW 43.215.535
25 RCW 43.215.540
26 RCW 43.215.545
27 RCW 43.215.550
28 RCW 43.215.555
29 RCW 43.215.560
30 RCW 43.215.562
31 RCW 43.215.564
32 RCW 43.215.--- (section 5, chapter 202, Laws of 2017)
33 TECHNICAL PROVISIONS
34 RCW 43.215.900
35 RCW 43.215.901
36 RCW 43.215.903
37 RCW 43.215.905
38 RCW 43.215.908
39 RCW 43.215.909

1 NEW SECTION. **Sec. 822.** Sections 101, 104, 106 through 108, 114,
2 and 801 through 803 of this act constitute a new chapter in Title 43
3 RCW.

4 NEW SECTION. **Sec. 823.** If any part of this act is found to be
5 in conflict with federal requirements that are a prescribed condition
6 to the allocation of federal funds to the state, the conflicting part
7 of this act is inoperative solely to the extent of the conflict and
8 with respect to the agencies directly affected, and this finding does
9 not affect the operation of the remainder of this act in its
10 application to the agencies concerned. Rules adopted under this act
11 must meet federal requirements that are a necessary condition to the
12 receipt of federal funds by the state.

13 NEW SECTION. **Sec. 824.** Sections 101 and 103 of this act are
14 necessary for the immediate preservation of the public peace, health,
15 or safety, or support of the state government and its existing public
16 institutions, and take effect immediately.

17 NEW SECTION. **Sec. 825.** Sections 102, 104 through 115, 201
18 through 227, 301 through 337, 401 through 419, 501 through 513, and
19 801 through 803 and 805 through 822 of this act take effect July 1,
20 2018.

21 NEW SECTION. **Sec. 826.** Sections 601 through 631, 701 through
22 728, and 804 of this act take effect July 1, 2019.

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