
ENGROSSED SUBSTITUTE SENATE BILL 5890

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban, Braun, and Rolfes)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to child welfare, foster care, and adoption
2 support; amending RCW 74.13.270, 74.15.125, 74.15.110, 13.34.136,
3 74.13A.025, 74.13A.030, 74.13A.047, 28B.118.010, and 26.44.030;
4 adding a new section to chapter 41.04 RCW; adding a new section to
5 chapter 43.06 RCW; adding a new section to chapter 74.13 RCW;
6 creating new sections; repealing RCW 74.13.107, 74.12.037,
7 43.131.415, and 43.131.416; providing effective dates; providing an
8 expiration date; and declaring an emergency.

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

10 **Sec. 1.** RCW 74.13.270 and 1990 c 284 s 8 are each amended to
11 read as follows:

12 (1) The legislature recognizes the need for temporary short-term
13 relief for foster parents who care for children with emotional,
14 mental, or physical handicaps. For purposes of this section, respite
15 care means appropriate, temporary, short-term care for these foster
16 children placed with licensed foster parents. The purpose of this
17 care is to give the foster parents temporary relief from the stresses
18 associated with the care of these foster children. The department
19 shall design a program of respite care that will minimize disruptions
20 to the child and will serve foster parents within these priorities,

1 based on input from foster parents, foster parent associations, and
2 reliable research if available.

3 (2)(a) For the purposes of this section, and subject to funding
4 appropriated specifically for this purpose, respite care shall
5 include case aides who provide temporary assistance to foster parents
6 as needed with the overall goal of supporting the parental efforts of
7 the foster parents except that this assistance shall not include
8 overnight assistance. The department shall contract with nonprofit
9 community-based organizations in each region to establish a statewide
10 pool of individuals to provide the care described in this subsection.
11 These individuals shall be hired by the nonprofit community-based
12 organization and shall have the appropriate training, background
13 checks, and qualifications as determined by the department. Respite
14 care as described in this subsection shall be available to all
15 licensed foster parents in the state as funding is available and
16 shall be phased in by geographic region. To obtain the assistance of
17 a case aide for this purpose, the foster parent may request the
18 services from the nonprofit community-based organization and the
19 nonprofit community-based organization may offer assistance to
20 licensed foster families. If the requests for the respite care
21 provided in this subsection exceed the funding available, the
22 nonprofit community-based organization shall have discretion to
23 determine the assignment of case aides. The nonprofit community-based
24 organization shall report all respite care provided under this
25 subsection to the department.

26 (b) Subject to funding appropriated specifically for this
27 purpose, the Washington state institute for public policy shall
28 prepare an outcome evaluation of the respite care described in this
29 subsection. The evaluation will, to the maximum extent possible,
30 assess the impact of the respite care services described in this
31 subsection on the retention of foster homes and the number of
32 placements a foster child receives while in out-of-home care as well
33 as the return on investment to the state. The institute shall submit
34 a preliminary report to the appropriate committees of the legislature
35 and the governor by December 1, 2018, that describes the initial
36 implementation of these services and descriptive statistics of the
37 families utilizing these services. A final report shall be submitted
38 to the appropriate committees of the legislature by June 30, 2020. At
39 no cost to the institute, the department shall provide all data
40 necessary to discharge this duty.

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

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

7 NEW SECTION. Sec. 2. (1) No later than December 31, 2017, the
8 department of social and health services, in consultation with
9 stakeholders, including child placing agencies, foster care
10 advocates, and biological parent advocates shall identify a system of
11 support services to be provided to foster parents to assist foster
12 parents in their parental efforts with foster children and a plan to
13 implement these support services statewide, which may include
14 contracts with community-based organizations.

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

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

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

25 **Sec. 3.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to
26 read as follows:

27 (1) The department may issue a probationary license to:

28 (a) A licensee who has had a license but is temporarily unable to
29 comply with a rule or has been the subject of multiple complaints or
30 concerns about noncompliance if:

31 ~~((a))~~ (i) The noncompliance does not present an immediate
32 threat to the health and well-being of the children but would be
33 likely to do so if allowed to continue; and

34 ~~((b))~~ (ii) The licensee has a plan approved by the department
35 to correct the area of noncompliance within the probationary period;
36 and

1 (b) A licensee who had a license and was in good standing with
2 the department within the last five years but whose license was not
3 renewed and is now seeking to renew their license.

4 (2) A probationary license may be issued for up to six months,
5 and at the discretion of the department it may be extended for an
6 additional six months. The department shall immediately terminate the
7 probationary license, if at any time the noncompliance for which the
8 probationary license was issued presents an immediate threat to the
9 health or well-being of the children.

10 (3) The department may, at any time, issue a probationary license
11 for due cause that states the conditions of probation.

12 (4) An existing license is invalidated when a probationary
13 license is issued.

14 (5) At the expiration of the probationary license, the department
15 shall reinstate the original license for the remainder of its term,
16 issue a new license, or revoke the original license.

17 (6) A right to an adjudicative proceeding shall not accrue to the
18 licensee whose license has been placed on probationary status unless
19 the licensee does not agree with the placement on probationary status
20 and the department then suspends, revokes, or modifies the license.

21 (7) Probationary licenses for licensees described in subsection
22 (1)(b) of this section shall be issued immediately upon satisfactory
23 completion of a criminal background check and any in-service training
24 that would have been required during the time frame that the license
25 was not active.

26 **Sec. 4.** RCW 74.15.110 and 1991 c 14 s 1 are each amended to read
27 as follows:

28 (1) If a licensee desires to apply for a renewal of its license,
29 a request for a renewal shall be filed ninety days prior to the
30 expiration date of the license except that a request for renewal of a
31 foster family home license shall be filed prior to the expiration of
32 the license. If the department has failed to act at the time of the
33 expiration date of the license, the license shall continue in effect
34 until such time as the department shall act.

35 (2) A licensee who has been granted a probationary license as
36 described in RCW 74.15.125 (1) (b) and (7) may immediately apply for
37 license renewal. The department shall ensure that the licensee
38 complete all required and necessary training and background check
39 requirements prior to issuing the renewal. The department shall make

1 reasonable allowances for the consideration of the licensee's prior
2 experience as a foster parent, including all training previously
3 received, when determining the licensing requirements that are
4 necessary to be completed to grant a renewal.

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

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

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

22 The permanency plan shall include:

23 (a) A permanency plan of care that shall identify one of the
24 following outcomes as a primary goal and may identify additional
25 outcomes as alternative goals: Return of the child to the home of the
26 child's parent, guardian, or legal custodian; adoption, including a
27 tribal customary adoption as defined in RCW 13.38.040; guardianship;
28 permanent legal custody; long-term relative or foster care, if the
29 child is between ages sixteen and eighteen, with a written agreement
30 between the parties and the care provider; successful completion of a
31 responsible living skills program; or independent living, if
32 appropriate and if the child is age sixteen or older. Although a
33 permanency plan of care may only identify long-term relative or
34 foster care for children between ages sixteen and eighteen, children
35 under sixteen may remain placed with relatives or in foster care. The
36 department or supervising agency shall not discharge a child to an
37 independent living situation before the child is eighteen years of
38 age unless the child becomes emancipated pursuant to chapter 13.64
39 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 developmental disabilities
24 administration, the department shall make reasonable efforts to
25 consult with the developmental disabilities administration to create
26 an appropriate plan for services. For individuals who meet the
27 definition of developmental disability provided in RCW 71A.10.020 and
28 who are eligible for services through the developmental disabilities
29 administration, the plan for services must be tailored to correct the
30 parental deficiency taking into consideration the parent's disability
31 and the department shall also determine an appropriate method to
32 offer those services based on the parent's disability.

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

1 child, including regular visitation and participation by the parents
2 in the care of the child while the child is in placement.

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

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

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

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

36 (B) Any exceptions, limitation, or denial of contacts or
37 visitation must be approved by the supervisor of the department
38 caseworker and documented. The child, parent, department, guardian ad
39 litem, or court-appointed special advocate may challenge the denial
40 of visits in court.

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

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

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

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

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

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

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

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

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

32 (7) For purposes related to permanency planning:

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

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

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

1 (8)(a) Within the department's appropriations, the secretary of
2 the department shall establish a case review panel as specified in
3 (b), (c), and (d) of this subsection for the purpose of reviewing
4 foster care cases where permanency has not been achieved for children
5 within twelve months after being placed in out-of-home care.

6 (b) The panel shall be comprised of, at a minimum, the secretary
7 of the children's administration, a lead social worker, the family
8 and children's ombuds, one child advocate, and one biological parent
9 advocate.

10 (c) Beginning September 1, 2017, the panel shall review all
11 foster care cases where, after the effective date of this section, a
12 child reaches twelve months in out-of-home placement and has not
13 achieved permanency. This review must occur by the child's thirteenth
14 month in out-of-home placement. At each case review, the panel must
15 develop a plan of action, including recommended next steps for the
16 department to take, to achieve permanency.

17 (d) The department is encouraged to convene the case review panel
18 regularly to review other foster care cases as needed to ensure
19 stability and permanency is achieved and length of stay for children
20 in out-of-home placement is reduced.

21 (e) The department is encouraged to maximize the use of existing
22 staffings such as permanency roundtables, family team decision
23 meetings, and case conferences to conduct these case reviews.

24 **Sec. 6.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to
25 read as follows:

26 The factors to be considered by the secretary in setting the
27 amount of any payment or payments to be made pursuant to RCW
28 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting
29 standards hereunder shall include: The size of the family including
30 the adoptive child, the usual living expenses of the family, the
31 special needs of any family member including education needs, the
32 family income, the family resources and plan for savings, the medical
33 and hospitalization needs of the family, the family's means of
34 purchasing or otherwise receiving such care, and any other expenses
35 likely to be needed by the child to be adopted. In setting the amount
36 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005
37 through 74.13A.080, the secretary is authorized to establish maximum
38 payment amounts that are reasonable and allow permanency planning
39 goals related to adoption of children under RCW 13.34.145 to be

1 achieved at the earliest possible date. To encourage adoption of
2 children between the ages of fourteen and eighteen, and in particular
3 those children between the ages of fourteen and eighteen who are hard
4 to place for adoption, the secretary is authorized to include as part
5 of any new negotiated adoption agreement executed after the effective
6 date of this section continued eligibility for the Washington college
7 bound scholarship pursuant to RCW 28B.118.010.

8 The amounts paid for the support of a child pursuant to RCW
9 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to
10 family and from year to year. Due to changes in economic
11 circumstances or the needs of the child such payments may be
12 discontinued and later resumed.

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

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

24 **Sec. 7.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to
25 read as follows:

26 To carry out the program authorized by RCW 26.33.320 and
27 (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the
28 secretary may make continuing payments or lump sum payments of
29 adoption support. In lieu of continuing payments, or in addition to
30 them, the secretary may make one or more specific lump sum payments
31 for or on behalf of a hard to place child either to the adoptive
32 parents or directly to other persons to assist in correcting any
33 condition causing such child to be hard to place for adoption.

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

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

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

11 **Sec. 8.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to
12 read as follows:

13 (1) To ensure expenditures continue to remain within available
14 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
15 shall not set the amount of any adoption assistance payment or
16 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
17 74.13A.080, to more than eighty percent of the foster care
18 maintenance payment for that child had he or she remained in a foster
19 family home during the same period. This subsection applies
20 prospectively to adoption assistance agreements established on or
21 after July 1, 2013, through June 30, 2017.

22 (2)(a) To ensure expenditures continue to remain within available
23 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
24 shall not set the amount of any adoption assistance payment or
25 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
26 74.13A.080, to more than the following:

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

30 (ii) For a child aged five through nine, no more than eighty-five
31 percent of the foster care maintenance payment for that child had he
32 or she remained in a foster family home during the same period.

33 (iii) For a child aged ten through thirteen, no more than ninety
34 percent of the foster care maintenance payment for that child had he
35 or she remained in a foster family home during the same period.

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

1 (b) This subsection applies prospectively to adoption assistance
2 agreements established on or after July 1, 2017.

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

7 ~~((3))~~ (4) The department must request, in writing, that
8 adoptive families with existing adoption support contracts
9 renegotiate their contracts to establish lower adoption assistance
10 payments if it is fiscally feasible for the family to do so. The
11 department shall explain that adoption support contracts may be
12 renegotiated as needs arise.

13 **Sec. 9.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each
14 amended to read as follows:

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

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

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

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

25 (i) In grade seven through twelve; or

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

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

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

36 (3)(a) To be eligible for a Washington college bound scholarship,
37 a student eligible under subsection (1)(a) of this section must sign
38 a pledge during seventh or eighth grade that includes a commitment to
39 graduate from high school with at least a C average and with no

1 felony convictions. The pledge must be witnessed by a parent or
2 guardian and forwarded to the office of student financial assistance
3 by mail or electronically, as indicated on the pledge form.

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

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

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

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

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

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

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

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

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

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

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

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

26 (9) The first scholarships shall be awarded to students
27 graduating in 2012.

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

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

36 (12) Should the recipient terminate his or her enrollment for any
37 reason during the academic year, the unused portion of the
38 scholarship tuition units shall revert to the Washington college
39 bound scholarship account.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.04

2 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

34 (10) The office of financial management, in consultation with the
35 department of social and health services, shall adopt rules and
36 policies governing the donation and use of shared leave from the
37 foster parent shared leave pool, including definitions of pay and
38 allowances and guidelines for agencies to use in recordkeeping
39 concerning shared leave.

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

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

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

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

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.13
17 RCW to read as follows:

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

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

29 NEW SECTION. **Sec. 13.** RCW 74.13.107 (Child and family
30 reinvestment account—Methodology for calculating savings resulting
31 from reductions in foster care caseloads and per capita costs) and
32 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

33 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
34 repealed:

35 (1) RCW 74.12.037 (Income eligibility—Unearned income exemption)
36 and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4;

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

4 (3) RCW 43.131.416 (Child and family reinvestment account and
5 methodology for calculating savings—Repeal) and 2013 c 332 s 13 &
6 2012 c 204 s 5.

7 NEW SECTION. **Sec. 15.** Any residual balance of funds remaining
8 in the child and family reinvestment account repealed by section 13
9 of this act must be transferred to the general fund.

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

14 NEW SECTION. **Sec. 17.** Section 13 of this act is necessary for
15 the immediate preservation of the public peace, health, or safety, or
16 support of the state government and its existing public institutions,
17 and takes effect June 30, 2017.

18 NEW SECTION. **Sec. 18.** Section 15 of this act is necessary for
19 the immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and takes effect July 1, 2017.

22 NEW SECTION. **Sec. 19.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 20.** If any part of this act is found to be in
27 conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal
28 requirements that are a prescribed condition to the allocation of
29 federal funds to the state, the conflicting part of this act is
30 inoperative solely to the extent of the conflict and with respect to
31 the agencies directly affected, and this finding does not affect the
32 operation of the remainder of this act in its application to the
33 agencies concerned. Rules adopted under this act must meet federal
34 requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and

1 federal requirements that are a necessary condition to the receipt of
2 federal funds by the state.

3 **Sec. 21.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to
4 read as follows:

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

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

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

32 For the purposes of this subsection, the following definitions
33 apply:

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

1 (ii) "Organization" includes a sole proprietor, partnership,
2 corporation, limited liability company, trust, association, financial
3 institution, governmental entity, other than the federal government,
4 and any other individual or group engaged in a trade, occupation,
5 enterprise, governmental function, charitable function, or similar
6 activity in this state whether or not the entity is operated as a
7 nonprofit or for-profit entity.

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

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

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

15 (c) The reporting requirement also applies to department of
16 corrections personnel who, in the course of their employment, observe
17 offenders or the children with whom the offenders are in contact. If,
18 as a result of observations or information received in the course of
19 his or her employment, any department of corrections personnel has
20 reasonable cause to believe that a child has suffered abuse or
21 neglect, he or she shall report the incident, or cause a report to be
22 made, to the proper law enforcement agency or to the department as
23 provided in RCW 26.44.040.

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

35 (e) The reporting requirement also applies to guardians ad litem,
36 including court-appointed special advocates, appointed under Titles
37 11 and 13 RCW and this title, who in the course of their
38 representation of children in these actions have reasonable cause to
39 believe a child has been abused or neglected.

1 (f) The reporting requirement in (a) of this subsection also
2 applies to administrative and academic or athletic department
3 employees, including student employees, of institutions of higher
4 education, as defined in RCW 28B.10.016, and of private institutions
5 of higher education.

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

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

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

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

35 (5) Any law enforcement agency receiving a report of an incident
36 of alleged abuse or neglect pursuant to this chapter, involving a
37 child who has died or has had physical injury or injuries inflicted
38 upon him or her other than by accidental means, or who has been
39 subjected to alleged sexual abuse, shall report such incident in
40 writing as provided in RCW 26.44.040 to the proper county prosecutor

1 or city attorney for appropriate action whenever the law enforcement
2 agency's investigation reveals that a crime may have been committed.
3 The law enforcement agency shall also notify the department of all
4 reports received and the law enforcement agency's disposition of
5 them. In emergency cases, where the child's welfare is endangered,
6 the law enforcement agency shall notify the department within twenty-
7 four hours. In all other cases, the law enforcement agency shall
8 notify the department within seventy-two hours after a report is
9 received by the law enforcement agency.

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

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

26 (8) Any case referred to the department by a physician licensed
27 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
28 opinion that child abuse, neglect, or sexual assault has occurred and
29 that the child's safety will be seriously endangered if returned
30 home, the department shall file a dependency petition unless a second
31 licensed physician of the parents' choice believes that such expert
32 medical opinion is incorrect. If the parents fail to designate a
33 second physician, the department may make the selection. If a
34 physician finds that a child has suffered abuse or neglect but that
35 such abuse or neglect does not constitute imminent danger to the
36 child's health or safety, and the department agrees with the
37 physician's assessment, the child may be left in the parents' home
38 while the department proceeds with reasonable efforts to remedy
39 parenting deficiencies.

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

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

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

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

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

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

24 (i) Investigation; or

25 (ii) Family assessment.

26 (b) In making the response in (a) of this subsection the
27 department shall:

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

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

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

39 (iv) Provide a full investigation if a family refuses the initial
40 family assessment;

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

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

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

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

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

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

22 (E) The child is an adjudicated dependent child as defined in RCW
23 13.34.030, or the child is in a facility that is licensed, operated,
24 or certified for care of children by the department under chapter
25 74.15 RCW, or by the department of early learning.

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

31 (12)(a) For reports of alleged abuse or neglect that are accepted
32 for investigation by the department, the investigation shall be
33 conducted within time frames established by the department in rule.
34 In no case shall the investigation extend longer than ninety days
35 from the date the report is received, unless the investigation is
36 being conducted under a written protocol pursuant to RCW 26.44.180
37 and a law enforcement agency or prosecuting attorney has determined
38 that a longer investigation period is necessary. At the completion of
39 the investigation, the department shall make a finding that the
40 report of child abuse or neglect is founded or unfounded.

1 (b) If a court in a civil or criminal proceeding, considering the
2 same facts or circumstances as are contained in the report being
3 investigated by the department, makes a judicial finding by a
4 preponderance of the evidence or higher that the subject of the
5 pending investigation has abused or neglected the child, the
6 department shall adopt the finding in its investigation.

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

9 (a) Provide the family with a written explanation of the
10 procedure for assessment of the child and the family and its
11 purposes;

12 (b) Collaborate with the family to identify family strengths,
13 resources, and service needs, and develop a service plan with the
14 goal of reducing risk of harm to the child and improving or restoring
15 family well-being;

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

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

21 (e) Implement the family assessment response in a consistent and
22 cooperative manner;

23 (f) Have the parent or guardian (~~(sign an agreement)~~) agree to
24 participate in services before services are initiated (~~(that)~~). The
25 department shall inform(~~(s)~~) the parents of their rights under family
26 assessment response, all of their options, and the options the
27 department has if the parents do not (~~(sign the consent form)~~) agree
28 to participate in services.

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

31 (i) May interview children. If the department determines that the
32 response to the allegation will be family assessment response, the
33 preferred practice is to request a parent's, guardian's, or
34 custodian's permission to interview the child before conducting the
35 child interview unless doing so would compromise the safety of the
36 child or the integrity of the assessment. The interviews may be
37 conducted on school premises, at day-care facilities, at the child's
38 home, or at other suitable locations outside of the presence of
39 parents. If the allegation is investigated, parental notification of
40 the interview must occur at the earliest possible point in the

1 investigation that will not jeopardize the safety or protection of
2 the child or the course of the investigation. Prior to commencing the
3 interview the department or law enforcement agency shall determine
4 whether the child wishes a third party to be present for the
5 interview and, if so, shall make reasonable efforts to accommodate
6 the child's wishes. Unless the child objects, the department or law
7 enforcement agency shall make reasonable efforts to include a third
8 party in any interview so long as the presence of the third party
9 will not jeopardize the course of the investigation; and

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

12 (b) The Washington state school directors' association shall
13 adopt a model policy addressing protocols when an interview, as
14 authorized by this subsection, is conducted on school premises. In
15 formulating its policy, the association shall consult with the
16 department and the Washington association of sheriffs and police
17 chiefs.

18 (15) If a report of alleged abuse or neglect is founded and
19 constitutes the third founded report received by the department
20 within the last twelve months involving the same child or family, the
21 department shall promptly notify the office of the family and
22 children's ombuds of the contents of the report. The department shall
23 also notify the ombuds of the disposition of the report.

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

27 (17)(a) The department shall maintain investigation records and
28 conduct timely and periodic reviews of all founded cases of abuse and
29 neglect. The department shall maintain a log of screened-out
30 nonabusive cases.

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

35 (18) The department shall use a risk assessment process when
36 investigating alleged child abuse and neglect referrals. The
37 department shall present the risk factors at all hearings in which
38 the placement of a dependent child is an issue. Substance abuse must
39 be a risk factor.

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

5 (20) Upon receiving a report of alleged abuse or neglect
6 involving a child under the court's jurisdiction under chapter 13.34
7 RCW, the department shall promptly notify the child's guardian ad
8 litem of the report's contents. The department shall also notify the
9 guardian ad litem of the disposition of the report. For purposes of
10 this subsection, "guardian ad litem" has the meaning provided in RCW
11 13.34.030.

12 (21) The department shall make efforts as soon as practicable to
13 determine the military status of parents whose children are subject
14 to abuse or neglect allegations. If the department determines that a
15 parent or guardian is in the military, the department shall notify a
16 department of defense family advocacy program that there is an
17 allegation of abuse and neglect that is screened in and open for
18 investigation that relates to that military parent or guardian.

--- END ---