

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5955

Chapter 470, Laws of 2019

66th Legislature
2019 Regular Session

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 27, 2019
Yeas 47 Nays 1

KAREN KEISER

President of the Senate

Passed by the House April 4, 2019
Yeas 91 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2019 2:54 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5955** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 21, 2019

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5955

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Lovelett, Zeiger, Darneille, Walsh, Randall, Nguyen, and Wilson, C.; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to making necessary changes allowing the
2 department of children, youth, and families to effectively manage a
3 statewide system of care for children, youth, and families; amending
4 RCW 13.34.270, 13.36.030, 18.19.020, 26.26A.260, 26.50.150,
5 41.04.674, 41.37.010, 42.56.230, 43.43.837, 43.216.390, 68.50.105,
6 74.04.790, 74.13.110, 74.13.350, 74.15.030, 13.50.100, 13.50.010,
7 28B.117.030, 28B.117.040, 26.26A.410, 74.14B.010, and 74.13.270;
8 adding a new section to chapter 43.20B RCW; adding new sections to
9 chapter 43.216 RCW; adding a new section to chapter 74.14B RCW;
10 repealing RCW 43.20A.870 and 74.14C.070; and providing an expiration
11 date.

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

13 **Sec. 1.** RCW 13.34.270 and 2004 c 183 s 2 are each amended to
14 read as follows:

15 (1) Whenever the department of social and health services places
16 a child with a developmental disability in out-of-home care pursuant
17 to RCW 74.13.350, the department shall obtain a judicial
18 determination within one hundred eighty days of the placement that
19 continued placement is in the best interests of the child. If the
20 child's out-of-home placement ends before one hundred eighty days
21 have elapsed, no judicial determination is required.

1 (2) To obtain the judicial determination, the department shall
2 file a petition alleging that there is located or residing within the
3 county a child who has a developmental disability and that the child
4 has been placed in out-of-home care pursuant to RCW 74.13.350. The
5 petition shall request that the court review the child's placement,
6 make a determination whether continued placement is in the best
7 interests of the child, and take other necessary action as provided
8 in this section. The petition shall contain the name, date of birth,
9 and residence of the child and the names and residences of the
10 child's parent or legal guardian who has agreed to the child's
11 placement in out-of-home care. Reasonable attempts shall be made by
12 the department to ascertain and set forth in the petition the
13 identity, location, and custodial status of any parent who is not a
14 party to the placement agreement and why that parent cannot assume
15 custody of the child.

16 (3) Upon filing of the petition, the clerk of the court shall
17 schedule the petition for a hearing to be held no later than fourteen
18 calendar days after the petition has been filed. The department shall
19 provide notification of the time, date, and purpose of the hearing to
20 the parent or legal guardian who has agreed to the child's placement
21 in out-of-home care. The department shall also make reasonable
22 attempts to notify any parent who is not a party to the placement
23 agreement, if the parent's identity and location is known.
24 Notification under this section may be given by the most expedient
25 means, including but not limited to, mail, personal service, and
26 telephone.

27 (4) The court shall appoint a guardian ad litem for the child as
28 provided in RCW 13.34.100, unless the court for good cause finds the
29 appointment unnecessary.

30 (5) Permanency planning hearings shall be held as provided in
31 this section. At the hearing, the court shall review whether the
32 child's best interests are served by continued out-of-home placement
33 and determine the future legal status of the child.

34 (a) For children age ten and under, a permanency planning hearing
35 shall be held in all cases where the child has remained in out-of-
36 home care for at least nine months and an adoption decree or
37 guardianship order under chapter 11.88 RCW has not previously been
38 entered. The hearing shall take place no later than twelve months
39 following commencement of the child's current placement episode.

1 (b) For children over age ten, a permanency planning hearing
2 shall be held in all cases where the child has remained in out-of-
3 home care for at least fifteen months and an adoption decree or
4 guardianship order under chapter 11.88 RCW has not previously been
5 entered. The hearing shall take place no later than eighteen months
6 following commencement of the current placement episode.

7 (c) No later than ten working days before the permanency planning
8 hearing, the department shall submit a written permanency plan to the
9 court and shall mail a copy of the plan to all parties. The plan
10 shall be directed toward securing a safe, stable, and permanent home
11 for the child as soon as possible. The plan shall identify one of the
12 following outcomes as the primary goal and may also identify
13 additional outcomes as alternative goals: Return of the child to the
14 home of the child's parent or legal guardian; adoption; guardianship;
15 or long-term out-of-home care, until the child is age eighteen, with
16 a written agreement between the parties and the child's care
17 provider.

18 (d) If a goal of long-term out-of-home care has been achieved
19 before the permanency planning hearing, the court shall review the
20 child's status to determine whether the placement and the plan for
21 the child's care remains appropriate. In cases where the primary
22 permanency planning goal has not been achieved, the court shall
23 inquire regarding the reasons why the primary goal has not been
24 achieved and determine what needs to be done to make it possible to
25 achieve the primary goal.

26 (e) Following the first permanency planning hearing, the court
27 shall hold a further permanency planning hearing in accordance with
28 this section at least once every twelve months until a permanency
29 planning goal is achieved or the voluntary placement agreement is
30 terminated.

31 (6) Any party to the voluntary placement agreement may terminate
32 the agreement at any time. Upon termination of the agreement, the
33 child shall be returned to the care of the child's parent or legal
34 guardian, unless the child has been taken into custody pursuant to
35 RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
36 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The
37 department shall notify the court upon termination of the voluntary
38 placement agreement and return of the child to the care of the
39 child's parent or legal guardian. Whenever a voluntary placement

1 agreement is terminated, an action under this section shall be
2 dismissed.

3 (7) When state or federal funds are expended for the care and
4 maintenance of a child with a developmental disability, placed in
5 care as a result of an action under this chapter, the department
6 shall refer the case to the division of child support, unless the
7 department finds that there is good cause not to pursue collection of
8 child support against the parent or parents of the child.

9 (8) This section does not prevent the department of children,
10 youth, and families from filing a dependency petition if there is
11 reason to believe that the child is a dependent child as defined in
12 RCW 13.34.030. An action filed under this section shall be dismissed
13 upon the filing of a dependency petition regarding a child who is the
14 subject of the action under this section.

15 (9) For purposes of this section, unless the context clearly
16 requires otherwise, "department" means the department of social and
17 health services.

18 **Sec. 2.** RCW 13.36.030 and 2010 c 272 s 3 are each amended to
19 read as follows:

20 (1) Any party to a dependency proceeding under chapter 13.34 RCW
21 may request a guardianship be established for a dependent child by
22 filing a petition in juvenile court under this chapter. All parties
23 to the dependency and the proposed guardian must receive adequate
24 notice of all proceedings under this chapter. Service of the notice
25 and summons may be made under direction of the court by any person
26 eighteen years of age or older who is not a party to the proceedings
27 or by any law enforcement officer, probation counselor, or department
28 employee. For purposes of this chapter, a dependent child age twelve
29 years or older is a party to the proceedings. A proposed guardian has
30 the right to intervene in proceedings under this chapter.

31 (2) To be designated as a proposed guardian in a petition under
32 this chapter, a person must be age twenty-one or over and must meet
33 the minimum requirements to care for children as established by the
34 department under RCW 74.15.030, including but not limited to licensed
35 foster parents, relatives, and suitable persons.

36 (3) Every petition filed in proceedings under this chapter shall
37 contain: (a) A statement alleging whether the child is or may be an
38 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an
39 Indian child as defined under the Indian child welfare act, the

1 provisions of that act shall apply; (b) a statement alleging whether
2 the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec.
3 501 et seq. applies to the proceeding; and (c) a statement alleging
4 whether the Washington service members' civil relief act, chapter
5 38.42 RCW, applies to the proceeding.

6 (4) Every order or decree entered in any proceeding under this
7 chapter shall contain: (a) A finding that the Indian child welfare
8 act does or does not apply. Where there is a finding that the Indian
9 child welfare act does apply, the decree or order must also contain a
10 finding that all notice requirements and evidentiary requirements
11 under the Indian child welfare act have been satisfied; (b) a finding
12 that the federal servicemembers civil relief act of 2003 does or does
13 not apply; and (c) a finding that the Washington service members'
14 civil relief act, chapter 38.42 RCW, does or does not apply.

15 **Sec. 3.** RCW 18.19.020 and 2011 c 86 s 1 are each amended to read
16 as follows:

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

19 (1) "Agency" means (a) an agency or facility operated, licensed,
20 or certified by the state of Washington; (b) a federally recognized
21 Indian tribe located within the state; or (c) a county.

22 (2) "Agency affiliated counselor" means a person registered under
23 this chapter who is engaged in counseling and employed by an agency.
24 "Agency affiliated counselor" includes juvenile probation counselors
25 who are employees of the juvenile court under RCW 13.04.035 and
26 13.04.040 and juvenile court employees providing functional family
27 therapy, aggression replacement training, or other evidence-based
28 programs approved by (~~the juvenile rehabilitation administration~~
29 ~~of~~) the department of (~~social and health services~~) children,
30 youth, and families.

31 (3) "Certified adviser" means a person certified under this
32 chapter who is engaged in private practice counseling to the extent
33 authorized in RCW 18.19.200.

34 (4) "Certified counselor" means a person certified under this
35 chapter who is engaged in private practice counseling to the extent
36 authorized in RCW 18.19.200.

37 (5) "Client" means an individual who receives or participates in
38 counseling or group counseling.

1 (6) "Counseling" means employing any therapeutic techniques,
2 including but not limited to social work, mental health counseling,
3 marriage and family therapy, and hypnotherapy, for a fee that offer,
4 assist or attempt to assist an individual or individuals in the
5 amelioration or adjustment of mental, emotional, or behavioral
6 problems, and includes therapeutic techniques to achieve sensitivity
7 and awareness of self and others and the development of human
8 potential. For the purposes of this chapter, nothing may be construed
9 to imply that the practice of hypnotherapy is necessarily limited to
10 counseling.

11 (7) "Counselor" means an individual, practitioner, therapist, or
12 analyst who engages in the practice of counseling to the public for a
13 fee, including for the purposes of this chapter, hypnotherapists.

14 (8) "Department" means the department of health.

15 (9) "Hypnotherapist" means a person registered under this chapter
16 who is practicing hypnosis as a modality.

17 (10) "Private practice counseling" means the practice of
18 counseling by a certified counselor or certified adviser as specified
19 in RCW 18.19.200.

20 (11) "Psychotherapy" means the practice of counseling using
21 diagnosis of mental disorders according to the fourth edition of the
22 diagnostic and statistical manual of mental disorders, published in
23 1994, and the development of treatment plans for counseling based on
24 diagnosis of mental disorders in accordance with established practice
25 standards.

26 (12) "Secretary" means the secretary of the department or the
27 secretary's designee.

28 **Sec. 4.** RCW 26.26A.260 and 2018 c 6 s 313 are each amended to
29 read as follows:

30 The state registrar of vital statistics may release information
31 relating to an acknowledgment of parentage or denial of parentage to
32 a signatory of the acknowledgment or denial, a court, a federal
33 agency, an agency operating a child welfare program under Title IV-E
34 of the social security act, and a child support agency of this or
35 another state.

36 **Sec. 5.** RCW 26.50.150 and 2017 3rd sp.s. c 6 s 334 are each
37 amended to read as follows:

1 Any program that provides domestic violence treatment to
2 perpetrators of domestic violence must be certified by the department
3 of (~~children, youth, and families~~) social and health services and
4 meet minimum standards for domestic violence treatment purposes. The
5 department of (~~children, youth, and families~~) social and health
6 services shall adopt rules for standards of approval of domestic
7 violence perpetrator programs. The treatment must meet the following
8 minimum qualifications:

9 (1) All treatment must be based upon a full, complete clinical
10 intake including but not limited to: Current and past violence
11 history; a lethality risk assessment; history of treatment from past
12 domestic violence perpetrator treatment programs; a complete
13 diagnostic evaluation; a substance abuse assessment; criminal
14 history; assessment of cultural issues, learning disabilities,
15 literacy, and special language needs; and a treatment plan that
16 adequately and appropriately addresses the treatment needs of the
17 individual.

18 (2) To facilitate communication necessary for periodic safety
19 checks and case monitoring, the program must require the perpetrator
20 to sign the following releases:

21 (a) A release for the program to inform the victim and victim's
22 community and legal advocates that the perpetrator is in treatment
23 with the program, and to provide information, for safety purposes, to
24 the victim and victim's community and legal advocates;

25 (b) A release to prior and current treatment agencies to provide
26 information on the perpetrator to the program; and

27 (c) A release for the program to provide information on the
28 perpetrator to relevant legal entities including: Lawyers, courts,
29 parole, probation, child protective services, and child welfare
30 services.

31 (3) Treatment must be for a minimum treatment period defined by
32 the secretary of the department of (~~children, youth, and families~~)
33 social and health services by rule. The weekly treatment sessions
34 must be in a group unless there is a documented, clinical reason for
35 another modality. Any other therapies, such as individual, marital,
36 or family therapy, substance abuse evaluations or therapy, medication
37 reviews, or psychiatric interviews, may be concomitant with the
38 weekly group treatment sessions described in this section but not a
39 substitute for it.

1 (4) The treatment must focus primarily on ending the violence,
2 holding the perpetrator accountable for his or her violence, and
3 changing his or her behavior. The treatment must be based on
4 nonvictim-blaming strategies and philosophies and shall include
5 education about the individual, family, and cultural dynamics of
6 domestic violence. If the perpetrator or the victim has a minor
7 child, treatment must specifically include education regarding the
8 effects of domestic violence on children, such as the emotional
9 impacts of domestic violence on children and the long-term
10 consequences that exposure to incidents of domestic violence may have
11 on children.

12 (5) Satisfactory completion of treatment must be contingent upon
13 the perpetrator meeting specific criteria, defined by rule by the
14 secretary of the department of (~~children, youth, and families~~)
15 social and health services, and not just upon the end of a certain
16 period of time or a certain number of sessions.

17 (6) The program must have policies and procedures for dealing
18 with reoffenses and noncompliance.

19 (7) All evaluation and treatment services must be provided by, or
20 under the supervision of, qualified personnel.

21 (8) The secretary of the department of (~~children, youth, and~~
22 ~~families~~) social and health services may adopt rules and establish
23 fees as necessary to implement this section.

24 (9) The department of (~~children, youth, and families~~) social
25 and health services may conduct on-site monitoring visits as part of
26 its plan for certifying domestic violence perpetrator programs and
27 monitoring implementation of the rules adopted by the secretary of
28 the department of (~~children, youth, and families~~) social and health
29 services to determine compliance with the minimum qualifications for
30 domestic violence perpetrator programs. The applicant or certified
31 domestic violence perpetrator program shall cooperate fully with the
32 department of (~~children, youth, and families~~) social and health
33 services in the monitoring visit and provide all program and
34 management records requested by the department of (~~children, youth,~~
35 ~~and families~~) social and health services to determine the program's
36 compliance with the minimum certification qualifications and rules
37 adopted by the department of (~~children, youth, and families~~) social
38 and health services.

1 **Sec. 6.** RCW 41.04.674 and 2017 3rd sp.s. c 20 s 12 are each
2 amended 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~~) children, youth, and families, in
9 consultation with the office of financial management, shall
10 administer the foster parent shared leave 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~~) children, youth, and
36 families, shall adopt rules and policies governing the donation and
37 use of shared leave from the foster parent shared leave pool,
38 including definitions of pay and allowances and guidelines for
39 agencies to use in recordkeeping 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 **Sec. 7.** RCW 41.37.010 and 2018 c 241 s 1 are each amended to
9 read as follows:

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

12 (1) "Accumulated contributions" means the sum of all
13 contributions standing to the credit of a member in the member's
14 individual account, including any amount paid under RCW 41.50.165(2),
15 together with the regular interest thereon.

16 (2) "Actuarial equivalent" means a benefit of equal value when
17 computed upon the basis of such mortality and other tables as may be
18 adopted by the director.

19 (3) "Adjustment ratio" means the value of index A divided by
20 index B.

21 (4) "Annuity" means payments for life derived from accumulated
22 contributions of a member. All annuities shall be paid in monthly
23 installments.

24 (5)(a) "Average final compensation" means the member's average
25 compensation earnable of the highest consecutive sixty months of
26 service credit months prior to such member's retirement, termination,
27 or death. Periods constituting authorized leaves of absence may not
28 be used in the calculation of average final compensation except under
29 RCW 41.37.290.

30 (b) In calculating average final compensation under (a) of this
31 subsection, the department of retirement systems shall include:

32 (i) Any compensation forgone by a member employed by a state
33 agency or institution during the 2009-2011 fiscal biennium as a
34 result of reduced work hours, mandatory or voluntary leave without
35 pay, temporary reduction in pay implemented prior to December 11,
36 2010, or temporary layoffs if the reduced compensation is an integral
37 part of the employer's expenditure reduction efforts, as certified by
38 the employer; and

1 (ii) Any compensation forgone by a member employed by the state
2 or a local government employer during the 2011-2013 fiscal biennium
3 as a result of reduced work hours, mandatory leave without pay,
4 temporary layoffs, or reductions to current pay if the reduced
5 compensation is an integral part of the employer's expenditure
6 reduction efforts, as certified by the employer. Reductions to
7 current pay shall not include elimination of previously agreed upon
8 future salary increases.

9 (6) "Beneficiary" means any person in receipt of a retirement
10 allowance or other benefit provided by this chapter resulting from
11 service rendered to an employer by another person.

12 (7)(a) "Compensation earnable" for members, means salaries or
13 wages earned by a member during a payroll period for personal
14 services, including overtime payments, and shall include wages and
15 salaries deferred under provisions established pursuant to sections
16 403(b), 414(h), and 457 of the United States internal revenue code,
17 but shall exclude nonmoney maintenance compensation and lump sum or
18 other payments for deferred annual sick leave, unused accumulated
19 vacation, unused accumulated annual leave, or any form of severance
20 pay.

21 (b) "Compensation earnable" for members also includes the
22 following actual or imputed payments, which are not paid for personal
23 services:

24 (i) Retroactive payments to an individual by an employer on
25 reinstatement of the employee in a position, or payments by an
26 employer to an individual in lieu of reinstatement, which are awarded
27 or granted as the equivalent of the salary or wage which the
28 individual would have earned during a payroll period shall be
29 considered compensation earnable to the extent provided in this
30 subsection, and the individual shall receive the equivalent service
31 credit;

32 (ii) In any year in which a member serves in the legislature, the
33 member shall have the option of having such member's compensation
34 earnable be the greater of:

35 (A) The compensation earnable the member would have received had
36 such member not served in the legislature; or

37 (B) Such member's actual compensation earnable received for
38 nonlegislative public employment and legislative service combined.
39 Any additional contributions to the retirement system required
40 because compensation earnable under (b)(ii)(A) of this subsection is

1 greater than compensation earnable under (b)(ii)(B) of this
2 subsection shall be paid by the member for both member and employer
3 contributions;

4 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
5 and 72.09.240;

6 (iv) Compensation that a member would have received but for a
7 disability occurring in the line of duty only as authorized by RCW
8 41.37.060;

9 (v) Compensation that a member receives due to participation in
10 the leave sharing program only as authorized by RCW 41.04.650 through
11 41.04.670; and

12 (vi) Compensation that a member receives for being in standby
13 status. For the purposes of this section, a member is in standby
14 status when not being paid for time actually worked and the employer
15 requires the member to be prepared to report immediately for work, if
16 the need arises, although the need may not arise.

17 (8) "Department" means the department of retirement systems
18 created in chapter 41.50 RCW.

19 (9) "Director" means the director of the department.

20 (10) "Eligible position" means any permanent, full-time position
21 included in subsection (19) of this section.

22 (11) "Employee" or "employed" means a person who is providing
23 services for compensation to an employer, unless the person is free
24 from the employer's direction and control over the performance of
25 work. The department shall adopt rules and interpret this subsection
26 consistent with common law.

27 (12) "Employer" means the Washington state department of
28 corrections, the Washington state parks and recreation commission,
29 the Washington state gambling commission, the Washington state
30 patrol, the Washington state department of natural resources, the
31 Washington state liquor and cannabis board, the Washington state
32 department of veterans affairs, the Washington state department of
33 children, youth, and families, and the Washington state department of
34 social and health services; any county corrections department; any
35 city corrections department not covered under chapter 41.28 RCW; and
36 any public corrections entity created under RCW 39.34.030 by
37 counties, cities not covered under chapter 41.28 RCW, or both. Except
38 as otherwise specifically provided in this chapter, "employer" does
39 not include a government contractor. For purposes of this subsection,
40 a "government contractor" is any entity, including a partnership,

1 limited liability company, for-profit or nonprofit corporation, or
2 person, that provides services pursuant to a contract with an
3 employer. The determination whether an employer-employee relationship
4 has been established is not based on the relationship between a
5 government contractor and an employer, but is based solely on the
6 relationship between a government contractor's employee and an
7 employer under this chapter.

8 (13) "Final compensation" means the annual rate of compensation
9 earnable by a member at the time of termination of employment.

10 (14) "Index" means, for any calendar year, that year's annual
11 average consumer price index, Seattle, Washington area, for urban
12 wage earners and clerical workers, all items, compiled by the bureau
13 of labor statistics, United States department of labor.

14 (15) "Index A" means the index for the year prior to the
15 determination of a postretirement adjustment.

16 (16) "Index B" means the index for the year prior to index A.

17 (17) "Ineligible position" means any position which does not
18 conform with the requirements set forth in subsection (10) of this
19 section.

20 (18) "Leave of absence" means the period of time a member is
21 authorized by the employer to be absent from service without being
22 separated from membership.

23 (19) "Member" means any employee employed by an employer on a
24 full-time basis:

25 (a) Who is in a position that requires completion of a certified
26 criminal justice training course and is authorized by their employer
27 to arrest, conduct criminal investigations, enforce the criminal laws
28 of the state of Washington, and carry a firearm as part of the job;

29 (b) Whose primary responsibility is to ensure the custody and
30 security of incarcerated or probationary individuals as a corrections
31 officer, probation officer, or jailer;

32 (c) Who is a limited authority Washington peace officer, as
33 defined in RCW 10.93.020, for an employer;

34 (d) Whose primary responsibility is to provide nursing care to,
35 or to ensure the custody and safety of, offender, adult probationary,
36 or patient populations; and who is in a position that requires
37 completion of defensive tactics training or de-escalation training;
38 and who is employed by one of the following state institutions or
39 centers operated by the department of social and health services or
40 the department of children, youth, and families:

1 (i) Juvenile rehabilitation administration institutions, not
2 including community facilities;

3 (ii) Mental health hospitals;

4 (iii) Child study and treatment centers; or

5 (iv) Institutions or residential sites that serve developmentally
6 disabled patients or offenders, except for state-operated living
7 alternatives facilities;

8 (e) Whose primary responsibility is to provide nursing care to
9 offender and patient populations in institutions and centers operated
10 by the following employers: A city or county corrections department
11 as set forth in subsection (12) of this section, a public corrections
12 entity as set forth in subsection (12) of this section, the
13 Washington state department of corrections, or the Washington state
14 department of veterans affairs; or

15 (f) Whose primary responsibility is to supervise members eligible
16 under this subsection.

17 (20) "Membership service" means all service rendered as a member.

18 (21) "Pension" means payments for life derived from contributions
19 made by the employer. All pensions shall be paid in monthly
20 installments.

21 (22) "Plan" means the Washington public safety employees'
22 retirement system plan 2.

23 (23) "Regular interest" means such rate as the director may
24 determine.

25 (24) "Retiree" means any person who has begun accruing a
26 retirement allowance or other benefit provided by this chapter
27 resulting from service rendered to an employer while a member.

28 (25) "Retirement" means withdrawal from active service with a
29 retirement allowance as provided by this chapter.

30 (26) "Retirement allowance" means monthly payments to a retiree
31 or beneficiary as provided in this chapter.

32 (27) "Retirement system" means the Washington public safety
33 employees' retirement system provided for in this chapter.

34 (28) "Separation from service" occurs when a person has
35 terminated all employment with an employer.

36 (29) "Service" means periods of employment by a member on or
37 after July 1, 2006, for one or more employers for which compensation
38 earnable is paid. Compensation earnable earned for ninety or more
39 hours in any calendar month shall constitute one service credit
40 month. Compensation earnable earned for at least seventy hours but

1 less than ninety hours in any calendar month shall constitute one-
2 half service credit month of service. Compensation earnable earned
3 for less than seventy hours in any calendar month shall constitute
4 one-quarter service credit month of service. Time spent in standby
5 status, whether compensated or not, is not service.

6 Any fraction of a year of service shall be taken into account in
7 the computation of such retirement allowance or benefits.

8 (a) Service in any state elective position shall be deemed to be
9 full-time service.

10 (b) A member shall receive a total of not more than twelve
11 service credit months of service for such calendar year. If an
12 individual is employed in an eligible position by one or more
13 employers the individual shall receive no more than one service
14 credit month during any calendar month in which multiple service for
15 ninety or more hours is rendered.

16 (30) "Service credit month" means a month or an accumulation of
17 months of service credit which is equal to one.

18 (31) "Service credit year" means an accumulation of months of
19 service credit which is equal to one when divided by twelve.

20 (32) "State actuary" or "actuary" means the person appointed
21 pursuant to RCW 44.44.010(2).

22 (33) "State elective position" means any position held by any
23 person elected or appointed to statewide office or elected or
24 appointed as a member of the legislature.

25 (34) "State treasurer" means the treasurer of the state of
26 Washington.

27 **Sec. 8.** RCW 42.56.230 and 2018 c 109 s 16 are each amended to
28 read as follows:

29 The following personal information is exempt from public
30 inspection and copying under this chapter:

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

34 (2)(a) Personal information:

35 (i) For a child enrolled in licensed child care in any files
36 maintained by the department of children, youth, and families;

37 (ii) For a child enrolled in a public or nonprofit program
38 serving or pertaining to children, adolescents, or students,
39 including but not limited to early learning or child care services,

1 parks and recreation programs, youth development programs, and after-
2 school programs; ((~~or~~))

3 (iii) For the family members or guardians of a child who is
4 subject to the exemption under this subsection (2) if the family
5 member or guardian has the same last name as the child or if the
6 family member or guardian resides at the same address as the child
7 and disclosure of the family member's or guardian's information would
8 result in disclosure of the personal information exempted under
9 (a)(i) and (ii) of this subsection; or

10 (iv) For substitute caregivers who are licensed or approved to
11 provide overnight care of children by the department of children,
12 youth, and families.

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

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

19 (4) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would: (a) Be prohibited to such persons
22 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
23 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
24 to privacy or result in unfair competitive disadvantage to the
25 taxpayer;

26 (5) Credit card numbers, debit card numbers, electronic check
27 numbers, card expiration dates, or bank or other financial
28 information as defined in RCW 9.35.005 including social security
29 numbers, except when disclosure is expressly required by or governed
30 by other law;

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

33 (7)(a) Any record used to prove identity, age, residential
34 address, social security number, or other personal information
35 required to apply for a driver's license or identocard.

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

38 (c) Any record pertaining to a vehicle license plate, driver's
39 license, or identocard issued under RCW 46.08.066 that, alone or in
40 combination with any other records, may reveal the identity of an

1 individual, or reveal that an individual is or was, performing an
2 undercover or covert law enforcement, confidential public health
3 work, public assistance fraud, or child support investigative
4 activity. This exemption does not prevent the release of the total
5 number of vehicle license plates, drivers' licenses, or identicards
6 that, under RCW 46.08.066, an agency or department has applied for,
7 been issued, denied, returned, destroyed, lost, and reported for
8 misuse.

9 (d) Any record pertaining to a vessel registration issued under
10 RCW 88.02.330 that, alone or in combination with any other records,
11 may reveal the identity of an individual, or reveal that an
12 individual is or was, performing an undercover or covert law
13 enforcement activity. This exemption does not prevent the release of
14 the total number of vessel registrations that, under RCW 88.02.330,
15 an agency or department has applied for, been issued, denied,
16 returned, destroyed, lost, and reported for misuse;

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

21 Upon request by the legislature, the department of licensing
22 shall provide a report to the legislature containing all of the
23 information in subsection (7)(c) and (d) of this section that is
24 subject to public disclosure;

25 (9) Voluntarily submitted information contained in a database
26 that is part of or associated with enhanced 911 emergency
27 communications systems, or information contained or used in emergency
28 notification systems as provided under RCW 38.52.575 and 38.52.577;
29 and

30 (10) Until the person reaches eighteen years of age, information,
31 otherwise disclosable under chapter 29A.08 RCW, that relates to a
32 future voter, except for the purpose of processing and delivering
33 ballots.

34 NEW SECTION. **Sec. 9.** RCW 43.20A.870 (Children's services—Annual
35 quality assurance report) and 1999 c 372 s 7 & 1997 c 386 s 47 are
36 each repealed.

37 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.20B
38 RCW to read as follows:

1 The department is authorized to establish and to recover debts
2 for the department of children, youth, and families under this
3 chapter and under RCW 13.40.220 pursuant to a contract between the
4 department of children, youth, and families and the department that
5 is entered into in compliance with the interlocal cooperation act,
6 chapter 39.34 RCW.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.216
8 RCW to read as follows:

9 The department shall prepare an annual quality assurance report
10 that must, at minimum, include: (1) Performance outcomes regarding
11 health and safety of children in the children's services system; (2)
12 children's length of stay in out-of-home placement from each date of
13 referral; (3) adherence to permanency planning timelines; and (4) the
14 response time on child protective services investigations
15 differentiated by risk level determined at intake.

16 **Sec. 12.** RCW 43.43.837 and 2017 3rd sp.s. c 6 s 225 are each
17 amended to read as follows:

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

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

31 (b) Is an individual (~~residing~~) sixteen years of age or older
32 who: (i) Is not under the placement and care authority of the
33 department of children, youth, and families; and (ii) resides in an
34 applicant or service provider's home, facility, entity, agency, or
35 business or who is authorized by (~~the department of social and~~
36 ~~health services or~~) the department of children, youth, and families
37 to provide services to children (~~or people with developmental~~
38 ~~disabilities~~) under RCW 74.15.030; (~~or~~)

1 (c) Is an individual who is authorized by the department of
2 social and health services to provide services to people with
3 developmental disabilities under RCW 74.15.030; or

4 (d) Is an applicant or service provider providing in-home
5 services funded by:

6 (i) Medicaid personal care under RCW 74.09.520;

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

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

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

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

16 (3) To satisfy the shared background check requirements provided
17 for in RCW 43.216.270 and 43.20A.710, the department of children,
18 youth, and families and the department of social and health services
19 shall share federal fingerprint-based background check results as
20 permitted under the law. The purpose of this provision is to allow
21 both departments to fulfill their joint background check
22 responsibility of checking any individual who may have unsupervised
23 access to vulnerable adults, children, or juveniles. Neither
24 department may share the federal background check results with any
25 other state agency or person.

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

37 (5) Any secure facility operated by the department of social and
38 health services or the department of children, youth, and families
39 under chapter 71.09 RCW shall require applicants and service
40 providers to undergo a fingerprint-based background check through the

1 Washington state patrol identification and criminal history section
2 and the federal bureau of investigation.

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

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

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

10 (7) 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 applicable department for applicants or service
13 providers providing:

14 (a) Services to people with a developmental disability under RCW
15 74.15.030;

16 (b) In-home services funded by medicaid personal care under RCW
17 74.09.520;

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

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

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

25 (f) Services in, or to residents of, a secure facility under RCW
26 71.09.115.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **Sec. 13.** RCW 43.216.390 and 2011 c 295 s 6 are each amended to
20 read as follows:

21 Upon resignation or termination with or without cause of any
22 individual working in a child care agency, the child care agency
23 shall report to the department within twenty-four hours if it has
24 knowledge of the following with respect to the individual:

25 (1) Any charge or conviction for a crime listed in WAC
26 (~~170-06-0120~~) 110-06-0120;

27 (2) Any other charge or conviction for a crime that could be
28 reasonably related to the individual's suitability to provide care
29 for or have unsupervised access to children or care; or

30 (3) Any negative action as defined in RCW (~~43.215.010~~)
31 43.216.010.

32 **Sec. 14.** RCW 68.50.105 and 2013 c 295 s 1 are each amended to
33 read as follows:

34 (1) Reports and records of autopsies or postmortems shall be
35 confidential, except that the following persons may examine and
36 obtain copies of any such report or record: The personal
37 representative of the decedent as defined in RCW 11.02.005, any
38 family member, the attending physician or advanced registered nurse

1 practitioner, the prosecuting attorney or law enforcement agencies
2 having jurisdiction, public health officials, the department of labor
3 and industries in cases in which it has an interest under RCW
4 68.50.103, or the secretary of the department of (~~social and health~~
5 ~~services~~) children, youth, and families or his or her designee in
6 cases being reviewed under RCW 74.13.640.

7 (2) (a) Notwithstanding the restrictions contained in this section
8 regarding the dissemination of records and reports of autopsies or
9 postmortems, nor the exemptions referenced under RCW 42.56.240(1),
10 nothing in this chapter prohibits a coroner, medical examiner, or his
11 or her designee, from publicly discussing his or her findings as to
12 any death subject to the jurisdiction of his or her office where
13 actions of a law enforcement officer or corrections officer have been
14 determined to be a proximate cause of the death, except as provided
15 in (b) of this subsection.

16 (b) A coroner, medical examiner, or his or her designee may not
17 publicly discuss his or her findings outside of formal court or
18 inquest proceedings if there is a pending or active criminal
19 investigation, or a criminal or civil action, concerning a death that
20 has commenced prior to January 1, 2014.

21 (3) The coroner, the medical examiner, or the attending physician
22 shall, upon request, meet with the family of the decedent to discuss
23 the findings of the autopsy or postmortem. For the purposes of this
24 section, the term "family" means the surviving spouse, state
25 registered domestic partner, or any child, parent, grandparent,
26 grandchild, brother, or sister of the decedent, or any person who was
27 guardian of the decedent at the time of death.

28 **Sec. 15.** RCW 74.04.790 and 2006 c 95 s 2 are each amended to
29 read as follows:

30 (1) For purposes of this section only, "assault" means an
31 unauthorized touching of a child protective, child welfare, or adult
32 protective services worker employed by the department of children,
33 youth, and families or the department of social and health services
34 resulting in physical injury to the employee.

35 (2) In recognition of the hazardous nature of employment in child
36 protective, child welfare, and adult protective services, the
37 legislature hereby provides a supplementary program to reimburse
38 employees of the department, for some of their costs attributable to
39 their being the victims of assault while in the course of discharging

1 their assigned duties. This program shall be limited to the
2 reimbursement provided in this section.

3 (3) An employee is only entitled to receive the reimbursement
4 provided in this section if the secretary of children, youth, and
5 families, or the secretary's designee, or the secretary of social and
6 health services, or the secretary's designee, finds that each of the
7 following has occurred:

8 (a) A person has assaulted the employee while the employee was in
9 the course of performing his or her official duties and, as a result
10 thereof, the employee has sustained demonstrated physical injuries
11 which have required the employee to miss days of work;

12 (b) The assault cannot be attributable to any extent to the
13 employee's negligence, misconduct, or failure to comply with any
14 rules or conditions of employment; and

15 (c) The department of labor and industries has approved the
16 employee's workers' compensation application pursuant to chapter
17 51.32 RCW.

18 (4) The reimbursement authorized under this section shall be as
19 follows:

20 (a) The employee's accumulated sick leave days shall not be
21 reduced for the workdays missed;

22 (b) For each workday missed for which the employee is not
23 eligible to receive compensation under chapter 51.32 RCW, the
24 employee shall receive full pay; and

25 (c) In respect to workdays missed for which the employee will
26 receive or has received compensation under chapter 51.32 RCW, the
27 employee shall be reimbursed in an amount which, when added to that
28 compensation, will result in the employee receiving full pay for the
29 workdays missed.

30 (5) Reimbursement under this section may not last longer than
31 three hundred sixty-five consecutive days after the date of the
32 injury.

33 (6) The employee shall not be entitled to the reimbursement
34 provided in subsection (4) of this section for any workday for which
35 the secretary, or the secretary's designee, finds that the employee
36 has not diligently pursued his or her compensation remedies under
37 chapter 51.32 RCW.

38 (7) The reimbursement shall only be made for absences which the
39 secretary, or the secretary's designee, believes are justified.

1 (8) While the employee is receiving reimbursement under this
2 section, he or she shall continue to be classified as a state
3 employee and the reimbursement amount shall be considered as salary
4 or wages.

5 (9) All reimbursement payments required to be made to employees
6 under this section shall be made by the department. The payments
7 shall be considered as a salary or wage expense and shall be paid by
8 the department in the same manner and from the same appropriations as
9 other salary and wage expenses of the department.

10 (10) Should the legislature revoke the reimbursement authorized
11 under this section or repeal this section, no affected employee is
12 entitled thereafter to receive the reimbursement as a matter of
13 contractual right.

14 **Sec. 16.** RCW 74.13.110 and 2017 3rd sp.s. c 20 s 14 are each
15 amended to read as follows:

16 (1) The ~~((child welfare system))~~ department of children, youth,
17 and families contracted services performance improvement account is
18 created in the state treasury. Moneys in the account may be spent
19 only after appropriation. Moneys in the account may be expended
20 solely ~~((for the following: (a) Foster home licensing; (b)))~~ to
21 improve contracted services provided to clients under the agency's
22 program areas, including child welfare, early learning, family
23 support, and adolescents, to support (a) achieving permanency for
24 children; ~~((c) support and assistance provided to foster parents in~~
25 order to improve)) (b) improving foster home retention and stability
26 of placements; ~~((d))~~ (c) improving and increasing placement options
27 for youth in out-of-home care; ~~((and (e)))~~ (d) preventing out-of-home
28 placement; and (e) achieving additional, measurable department of
29 children, youth, and families outcome goals adopted by the
30 department.

31 (2) Revenues to the ~~((child welfare system))~~ department of
32 children, youth, and families contracted services performance
33 improvement account consist of: (a) Legislative appropriations; and
34 (b) any other public or private funds appropriated to or deposited in
35 the account.

36 **Sec. 17.** RCW 74.13.350 and 2011 c 309 s 34 are each amended to
37 read as follows:

1 (1) It is the intent of the legislature that parents are
2 responsible for the care and support of children with developmental
3 disabilities. The legislature recognizes that, because of the intense
4 support required to care for a child with developmental disabilities,
5 the help of an out-of-home placement may be needed. It is the intent
6 of the legislature that, when the sole reason for the out-of-home
7 placement is the child's developmental disability, such services be
8 offered by the department to these children and their families
9 through a voluntary placement agreement. In these cases, the parents
10 shall retain legal custody of the child.

11 ~~((As used in this section, "voluntary placement agreement" means~~
12 ~~a written agreement between the department and a child's parent or~~
13 ~~legal guardian authorizing the department to place the child in a~~
14 ~~licensed facility.))~~ (2) Under the terms of ~~((this))~~ a voluntary
15 placement agreement, the parent or legal guardian shall retain legal
16 custody and the department shall be responsible for the child's
17 placement and care. The agreement shall at a minimum specify the
18 legal status of the child and the rights and obligations of the
19 parent or legal guardian, the child, and the department while the
20 child is in placement. The agreement must be signed by the child's
21 parent or legal guardian and the department to be in effect, except
22 that an agreement regarding an Indian child shall not be valid unless
23 executed in accordance with RCW 13.38.150. Any party to a voluntary
24 placement agreement may terminate the agreement at any time. Upon
25 termination of the agreement, the child shall be returned to the care
26 of the child's parent or legal guardian unless the child has been
27 taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in
28 shelter care pursuant to RCW 13.34.060, or placed in foster care
29 pursuant to RCW 13.34.130.

30 ~~((As used in this section, "out-of-home placement" and "out-of-~~
31 ~~home care" mean the placement of a child in a foster family home or~~
32 ~~group care facility licensed under chapter 74.15 RCW.))~~

33 (3) Whenever the department places a child in out-of-home care
34 under a voluntary placement pursuant to this section, the department
35 shall have the responsibility for the child's placement and care. The
36 department shall develop a permanency plan of care for the child no
37 later than sixty days from the date that the department assumes
38 responsibility for the child's placement and care. Within the first
39 one hundred eighty days of the placement, the department shall obtain
40 a judicial determination pursuant to RCW 13.04.030(1)(j) and

1 13.34.270 that the placement is in the best interests of the child.
2 If the child's out-of-home placement ends before one hundred eighty
3 days have elapsed, no judicial determination under RCW
4 13.04.030(1)(b) is required. The permanency planning hearings shall
5 review whether the child's best interests are served by continued
6 out-of-home placement and determine the future legal status of the
7 child.

8 (4) The department shall provide for periodic administrative
9 reviews as required by federal law. A review may be called at any
10 time by either the department, the parent, or the legal guardian.

11 (5) Nothing in this section shall prevent the department of
12 children, youth, and families from filing a dependency petition if
13 there is reason to believe that the child is a dependent child as
14 defined in RCW 13.34.030.

15 (6) The department shall adopt rules providing for the
16 implementation of chapter 386, Laws of 1997 and the transfer of
17 responsibility for out-of-home placements from the dependency process
18 under chapter 13.34 RCW to the process under this chapter.

19 (7) It is the intent of the legislature that the department
20 undertake voluntary out-of-home placement in cases where the child's
21 developmental disability is such that the parent, guardian, or legal
22 custodian is unable to provide the necessary care for the child, and
23 the parent, guardian, or legal custodian has determined that the
24 child would benefit from placement outside of the home. If the
25 department does not accept a voluntary placement agreement signed by
26 the parent, a petition may be filed and an action pursued under
27 chapter 13.34 RCW. The department shall inform the parent, guardian,
28 or legal custodian in writing of their right to civil action under
29 chapter 13.34 RCW.

30 (8) Nothing in this section prohibits the department of children,
31 youth, and families from seeking support from parents of a child,
32 including a child with a developmental disability if the child has
33 been placed into care as a result of an action under chapter 13.34
34 RCW, when state or federal funds are expended for the care and
35 maintenance of that child or when the department receives an
36 application for services from the physical custodian of the child,
37 unless the department of children, youth, and families finds that
38 there is good cause not to pursue collection of child support against
39 the parent or parents.

40 (9) For the purposes of this section:

1 (a) Unless the context clearly requires otherwise, "department"
2 means the department of social and health services.

3 (b) "Out-of-home placement" and "out-of-home care" mean the
4 placement of a child in a foster family home or group care facility
5 licensed under chapter 74.15 RCW.

6 (c) "Voluntary placement agreement" means a written agreement
7 between the department of social and health services and a child's
8 parent or legal guardian authorizing the department to place the
9 child in a licensed facility.

10 NEW SECTION. Sec. 18. A new section is added to chapter 74.14B
11 RCW to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Department" means the department of children, youth, and
15 families.

16 (2) "Secretary" means the secretary of the department of
17 children, youth, and families.

18 NEW SECTION. Sec. 19. RCW 74.14C.070 (Appropriations—Transfer
19 of funds from foster care services to family preservation services—
20 Annual report) and 2017 3rd sp.s. c 6 s 512, 2003 c 207 s 3, 1995 c
21 311 s 11, 1994 c 288 s 3, & 1992 c 214 s 9 are each repealed.

22 **Sec. 20.** RCW 74.15.030 and 2017 3rd sp.s. c 6 s 409 are each
23 amended to read as follows:

24 The secretary shall have the power and it shall be the
25 secretary's duty:

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

35 (2) In consultation with the children's services advisory
36 committee, and with the advice and assistance of persons
37 representative of the various type agencies to be licensed, to adopt

1 and publish minimum requirements for licensing applicable to each of
2 the various categories of agencies to be licensed.

3 The minimum requirements shall be limited to:

4 (a) The size and suitability of a facility and the plan of
5 operation for carrying out the purpose for which an applicant seeks a
6 license;

7 (b) Obtaining background information and any out-of-state
8 equivalent, to determine whether the applicant or service provider is
9 disqualified and to determine the character, competence, and
10 suitability of an agency, the agency's employees, volunteers, and
11 other persons associated with an agency;

12 (c) Conducting background checks for those who will or may have
13 unsupervised access to children or expectant mothers; however, a
14 background check is not required if a caregiver approves an activity
15 pursuant to the prudent parent standard contained in RCW 74.13.710;

16 (d) Obtaining child protective services information or records
17 maintained in the department case management information system. No
18 unfounded allegation of child abuse or neglect as defined in RCW
19 26.44.020 may be disclosed to a child-placing agency, private
20 adoption agency, or any other provider licensed under this chapter;

21 (e) Submitting a fingerprint-based background check through the
22 Washington state patrol under chapter 10.97 RCW and through the
23 federal bureau of investigation for:

24 (i) Agencies and their staff, volunteers, students, and interns
25 when the agency is seeking license or relicense;

26 (ii) Foster care and adoption placements; and

27 (iii) Any adult living in a home where a child may be placed;

28 (f) If any adult living in the home has not resided in the state
29 of Washington for the preceding five years, the department shall
30 review any child abuse and neglect registries maintained by any state
31 where the adult has resided over the preceding five years;

32 (g) The cost of fingerprint background check fees will be paid as
33 required in RCW 43.43.837;

34 (h) National and state background information must be used solely
35 for the purpose of determining eligibility for a license and for
36 determining the character, suitability, and competence of those
37 persons or agencies, excluding parents, not required to be licensed
38 who are authorized to care for children or expectant mothers;

39 (i) The number of qualified persons required to render the type
40 of care and treatment for which an agency seeks a license;

1 (j) The safety, cleanliness, and general adequacy of the premises
2 to provide for the comfort, care and well-being of children or
3 expectant mothers;

4 (k) The provision of necessary care, including food, clothing,
5 supervision and discipline; physical, mental and social well-being;
6 and educational, recreational and spiritual opportunities for those
7 served;

8 (l) The financial ability of an agency to comply with minimum
9 requirements established pursuant to this chapter and RCW 74.13.031;
10 and

11 (m) The maintenance of records pertaining to the admission,
12 progress, health and discharge of persons served;

13 (3) To investigate any person, including relatives by blood or
14 marriage except for parents, for character, suitability, and
15 competence in the care and treatment of children or expectant mothers
16 prior to authorizing that person to care for children or expectant
17 mothers. However, if a child is placed with a relative under RCW
18 13.34.065 or 13.34.130, and if such relative appears otherwise
19 suitable and competent to provide care and treatment the criminal
20 history background check required by this section need not be
21 completed before placement, but shall be completed as soon as
22 possible after placement;

23 (4) On reports of alleged child abuse and neglect, to investigate
24 agencies in accordance with chapter 26.44 RCW, including agencies or
25 facilities operated by the department of social and health services
26 that receive children for care outside their own homes, child day-
27 care centers, and family day-care homes, to determine whether the
28 alleged abuse or neglect has occurred, and whether child protective
29 services or referral to a law enforcement agency is appropriate;

30 (5) To issue, revoke, or deny licenses to agencies pursuant to
31 this chapter and RCW 74.13.031. Licenses shall specify the category
32 of care which an agency is authorized to render and the ages, sex and
33 number of persons to be served;

34 (6) To prescribe the procedures and the form and contents of
35 reports necessary for the administration of this chapter and RCW
36 74.13.031 and to require regular reports from each licensee;

37 (7) To inspect agencies periodically to determine whether or not
38 there is compliance with this chapter and RCW 74.13.031 and the
39 requirements adopted hereunder;

1 (8) To review requirements adopted hereunder at least every two
2 years and to adopt appropriate changes after consultation with
3 affected groups for child day-care requirements and with the
4 children's services advisory committee for requirements for other
5 agencies; and

6 (9) To consult with public and private agencies in order to help
7 them improve their methods and facilities for the care of children or
8 expectant mothers.

9 **Sec. 21.** RCW 13.50.100 and 2017 3rd sp.s. c 6 s 313 are each
10 amended to read as follows:

11 (1) This section governs records not covered by RCW 13.50.050,
12 13.50.260, and 13.50.270.

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

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

33 (4) Subject to (a) of this subsection, the department of
34 children, youth, and families may release information retained in the
35 course of conducting child protective services investigations to a
36 family or juvenile court hearing a petition for custody under chapter
37 26.10 RCW.

38 (a) Information that may be released shall be limited to
39 information regarding investigations in which: (i) The juvenile was

1 an alleged victim of abandonment or abuse or neglect; or (ii) the
2 petitioner for custody of the juvenile, or any individual aged
3 sixteen or older residing in the petitioner's household, is the
4 subject of a founded or currently pending child protective services
5 investigation made by the department of social and health services or
6 the department of children, youth, and families subsequent to October
7 1, 1998.

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

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

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

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

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

1 appropriate, the court may specify terms and conditions for the
2 release of the information; or

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

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

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

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

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

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

1 **Sec. 22.** RCW 13.50.010 and 2018 c 58 s 78 are each amended to
2 read as follows:

3 (1) For purposes of this chapter:

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

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

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

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

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

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

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

39 (a) The agency may never knowingly record inaccurate information.
40 Any information in records maintained by the department of social and

1 health services or the department of children, youth, and families
2 relating to a petition filed pursuant to chapter 13.34 RCW that is
3 found by the court to be false or inaccurate shall be corrected or
4 expunged from such records by the agency;

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

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

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

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

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

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

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

1 agency records for research purposes shall present a notarized
2 statement to the court stating that the names of juveniles and
3 parents will remain confidential.

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

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

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

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

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

1 (14) The court shall release to the Washington state office of
2 civil legal aid records needed to implement the agency's oversight,
3 technical assistance, and other functions as required by RCW
4 2.53.045. Access to the records used as a basis for oversight,
5 technical assistance, or other agency functions is restricted to the
6 Washington state office of civil legal aid. The Washington state
7 office of civil legal aid shall maintain the confidentiality of all
8 confidential information included in the records, and shall, as soon
9 as possible, destroy any retained notes or records obtained under
10 this section that are not necessary for its functions related to RCW
11 2.53.045.

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

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

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

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

14 **Sec. 23.** RCW 28B.117.030 and 2018 c 232 s 4 are each amended to
15 read as follows:

16 (1) The office shall design and, to the extent funds are
17 appropriated for this purpose, implement, passport to careers with
18 two programmatic pathways: The passport to college promise program
19 and the passport to apprenticeship opportunities program. Both
20 programs offer supplemental scholarship and student assistance for
21 students who were under the care of the state foster care system,
22 tribal foster care system, or federal foster care system, and
23 verified unaccompanied youth or young adults who have experienced
24 homelessness.

25 (2) The office shall convene and consult with an advisory
26 committee to assist with program design and implementation. The
27 committee shall include but not be limited to former foster care and
28 unaccompanied homeless youth and their advocates; representatives
29 from the state board for community and technical colleges, public and
30 private agencies that assist current and former foster care
31 recipients and unaccompanied youth or young adults experiencing
32 homelessness in their transition to adulthood; student support
33 specialists from public and private colleges and universities; the
34 state workforce training and education coordinating board; the
35 employment security department; and the state apprenticeship council.

36 (3) To the extent that sufficient funds have been appropriated
37 for this purpose, a student is eligible for assistance under this
38 section if he or she:

1 (a)(i) Was in the care of the state foster care system, tribal
2 foster care system, or federal foster care system in Washington state
3 at any time before age twenty-one subsequent to the following:

4 (A) Age fifteen as of July 1, 2018;

5 (B) Age fourteen as of July 1, 2019; and

6 (C) Age thirteen as of July 1, 2020; or

7 (ii) Beginning July 1, 2019, was verified on or after July 1st of
8 the prior academic year as an unaccompanied youth experiencing
9 homelessness, before age twenty-one;

10 (b) Is a resident student, as defined in RCW 28B.15.012(2), or if
11 unable to establish residency because of homelessness or placement in
12 out-of-state foster care under the interstate compact for the
13 placement of children, has residency determined through verification
14 by the office;

15 (c) Is enrolled with or will enroll on at least a half-time basis
16 with an institution of higher education or a registered
17 apprenticeship or recognized preapprenticeship in Washington state by
18 the age of twenty-one;

19 (d) Is making satisfactory academic progress toward the
20 completion of a degree, certificate program, or registered
21 apprenticeship or recognized preapprenticeship, if receiving
22 supplemental scholarship assistance;

23 (e) Has not earned a bachelor's or professional degree; and

24 (f) Is not pursuing a degree in theology.

25 (4) The office shall define a process for verifying unaccompanied
26 homeless status for determining eligibility under subsection
27 (3)(a)(ii) of this section. The office may use a letter from the
28 following persons or entities to provide verification: A high school
29 or school district McKinney-Vento liaison; the director or designated
30 staff member of an emergency shelter, transitional housing program,
31 or homeless youth drop-in center; or other similar professional case
32 manager or school employee. Students who have no formal connection
33 with such a professional may also submit to the office an essay that
34 describes their experience with homelessness and the barriers it
35 created to their academic progress. The office may consider this
36 essay in lieu of a letter of homelessness determination and may
37 interview the student if further information is needed to verify
38 eligibility.

39 (5) A passport to college promise program is created.

40 (a) A passport to college promise scholarship under this section:

1 (i) Shall not exceed resident undergraduate tuition and fees at
2 the highest-priced public institution of higher education in the
3 state; and

4 (ii) Shall not exceed the student's financial need, when combined
5 with all other public and private grant, scholarship, and waiver
6 assistance the student receives.

7 (b) An eligible student may receive a passport to college promise
8 scholarship under this section for a maximum of five years after the
9 student first enrolls with an institution of higher education or
10 until the student turns age twenty-six, whichever occurs first. If a
11 student turns age twenty-six during an academic year, and would
12 otherwise be eligible for a scholarship under this section, the
13 student shall continue to be eligible for a scholarship for the
14 remainder of the academic year.

15 (c) The office, in consultation with and with assistance from the
16 state board for community and technical colleges, shall perform an
17 annual analysis to verify that those institutions of higher education
18 at which students have received a scholarship under this section have
19 awarded the student all available need-based and merit-based grant
20 and scholarship aid for which the student qualifies.

21 (d) In designing and implementing the passport to college promise
22 student support program under this section, the office, in
23 consultation with and with assistance from the state board for
24 community and technical colleges, shall ensure that a participating
25 college or university:

26 (i) Has a viable plan for identifying students eligible for
27 assistance under this section, for tracking and enhancing their
28 academic progress, for addressing their unique needs for assistance
29 during school vacations and academic interims, and for linking them
30 to appropriate sources of assistance in their transition to
31 adulthood;

32 (ii) Receives financial and other incentives for achieving
33 measurable progress in the recruitment, retention, and graduation of
34 eligible students.

35 (e) To the extent funds are appropriated for this specific
36 purpose, the office shall contract with at least one nongovernmental
37 entity to provide services to support effective program
38 implementation, resulting in increased postsecondary completion rates
39 for passport scholars.

1 (6) The passport to apprenticeship opportunities program is
2 created. The office shall:

3 (a) Identify students and applicants who are eligible for
4 services under RCW 28B.117.030 through coordination of certain
5 agencies as detailed in RCW 28B.117.040;

6 (b) Provide financial assistance through the nongovernmental
7 entity or entities in RCW 28B.117.055 for registered apprenticeship
8 and recognized preapprenticeship entrance requirements and
9 occupational-specific costs that does not exceed the individual's
10 financial need; and

11 (c) Extend financial assistance to any eligible applicant for a
12 maximum of six years after first enrolling with a registered
13 apprenticeship or recognized preapprenticeship, or until the
14 applicant turns twenty-six, whichever occurs first.

15 (7) Recipients may utilize passport to college promise or
16 passport to apprenticeship opportunities at different times, but not
17 concurrently. The total award an individual may receive in any
18 combination of the programs shall not exceed the equivalent amount
19 that would have been awarded for the individual to attend a public
20 university for five years with the highest annual tuition and state-
21 mandated fees in the state.

22 (8) Personally identifiable information shared pursuant to this
23 section retains its confidentiality and may not be further disclosed
24 except as allowed under state and federal law.

25 **Sec. 24.** RCW 28B.117.040 and 2018 c 232 s 5 are each amended to
26 read as follows:

27 Effective operation of the passport to careers program requires
28 early and accurate identification of former foster care youth and
29 unaccompanied youth experiencing homelessness so that they can be
30 linked to the financial and other assistance that will help them
31 succeed in college or in a registered apprenticeship or recognized
32 preapprenticeship. To that end:

33 (1) All institutions of higher education that receive funding for
34 student support services under RCW 28B.117.030 shall include on their
35 applications for admission or on their registration materials a
36 question asking whether the applicant has been in state, tribal, or
37 federal foster care in Washington state or experienced unaccompanied
38 homelessness under the parameters in ~~((subsection (3)(a) of this~~
39 ~~section))~~ RCW 28B.117.030(3)(a), as determined by the office, with an

1 explanation that financial and support services may be available. All
2 other institutions of higher education are strongly encouraged to
3 include such a question and explanation. No institution may consider
4 whether an applicant may be eligible for a scholarship or student
5 support services under this chapter when deciding whether the
6 applicant will be granted admission.

7 (2) With substantial input from the office of the superintendent
8 of public instruction, the department of social and health services
9 and the department of children, youth, and families shall devise and
10 implement procedures for efficiently, promptly, and accurately
11 identifying students and applicants who are eligible for services
12 under RCW 28B.117.030, and for sharing that information with the
13 office, the institutions of higher education, and the nongovernmental
14 entity or entities identified in RCW 28B.77.250, 28B.117.030(5)(e),
15 and 28B.117.055. The procedures shall include appropriate safeguards
16 for consent by the applicant or student before disclosure. This
17 information retains its confidentiality under chapter 13.50 RCW and
18 federal law and may not be further disclosed except as allowed under
19 state and federal law.

20 (3) Nothing in this chapter allows the sharing of confidential
21 information that is prohibited by state or federal law.

22 **Sec. 25.** RCW 26.26A.410 and 2018 c 6 s 503 are each amended to
23 read as follows:

24 (1) The petitioner shall give notice of a proceeding to
25 adjudicate parentage to the following individuals:

26 (a) The woman who gave birth to the child, unless a court has
27 adjudicated that she is not a parent;

28 (b) An individual who is a parent of the child under this
29 chapter;

30 (c) A presumed, acknowledged, or adjudicated parent of the child;
31 and

32 (d) An individual whose parentage of the child is to be
33 adjudicated.

34 (2) An individual entitled to notice under subsection (1) of this
35 section has a right to intervene in the proceeding.

36 (3) Lack of notice required by subsection (1) of this section
37 does not render a judgment void. Lack of notice does not preclude an
38 individual entitled to notice under subsection (1) of this section
39 from bringing a proceeding under RCW 26.26A.450(2).

1 (4) In cases where the child is dependent or alleged to be
2 dependent under chapter 13.34 RCW, the petitioner shall give notice
3 to the state agency administering the plan under Title IV-E of the
4 social security act.

5 NEW SECTION. Sec. 26. A new section is added to chapter 43.216
6 RCW to read as follows:

7 (1) The legislature encourages the child welfare division of the
8 department to incorporate reflective supervision principles and
9 recognizes that the cumulative stress of child welfare work, workload
10 for caseworkers and supervisors, organizational support levels,
11 access to resources, insufficient training, limited direct service
12 time, lack of clear expectations, limited access to technology, and
13 burdensome paperwork contribute to high turnover. Child welfare
14 workers who experience secondary, work-related trauma should be given
15 the necessary support to process intense emotional events and the
16 tools to build resiliency.

17 (2) The department shall provide a report on the department's
18 current efforts to improve workplace culture to the relevant
19 committees of the legislature in compliance with RCW 43.01.036 by
20 December 1, 2019. The report must include results and activities
21 related to the department's organizational change management
22 initiatives, efforts related to the federal program improvement plan,
23 and the department's existing peer support program.

24 (3) The department and any external entity responsible for
25 providing child welfare worker training shall provide a report on
26 current child welfare worker training to the relevant committees of
27 the legislature in compliance with RCW 43.01.036 by September 1,
28 2019, that includes:

29 (a) A review of the effectiveness of the current course
30 curriculum for supervisors;

31 (b) An evaluation of the preparedness of new child welfare
32 workers;

33 (c) An inventory of the trauma-informed trainings for child
34 welfare workers and supervisors;

35 (d) An inventory of the reflective supervision principles
36 embedded within trainings for child welfare workers and supervisors;
37 and

38 (e) An inventory of the department's efforts to systemize peer
39 support for child welfare workers and supervisors.

1 (4) The department shall provide a training improvement plan to
2 the relevant committees of the legislature in compliance with RCW
3 43.01.036 by January 1, 2020, based on the report required under
4 subsection (3) of this section that describes the recommended
5 frequency of trainings and other recommended improvements to child
6 welfare worker training.

7 (5) For purposes of this section, "child welfare worker" means an
8 employee of the department whose job includes supporting or providing
9 child welfare services as defined in RCW 74.13.020 or child
10 protective services as defined in RCW 26.44.020.

11 (6) This section expires July 1, 2021.

12 **Sec. 27.** RCW 74.14B.010 and 2018 c 58 s 79 are each amended to
13 read as follows:

14 (1) (~~Caseworkers employed in children services~~) Child welfare
15 workers shall meet minimum standards established by the department.
16 Comprehensive training for (~~caseworkers~~) child welfare workers
17 shall be completed before such (~~caseworkers~~) child welfare workers
18 are assigned to case-carrying responsibilities (~~without direct~~
19 ~~supervision~~) as the sole worker assigned to a particular case.
20 Intermittent, part-time, and standby child welfare workers shall be
21 subject to the same minimum standards and training.

22 (2) Ongoing specialized training shall be provided for
23 (~~persons~~) child welfare workers responsible for investigating child
24 sexual abuse. Training participants shall have the opportunity to
25 practice interview skills and receive feedback from instructors.

26 (3) The department, the criminal justice training commission, the
27 Washington association of sheriffs and police chiefs, and the
28 Washington association of prosecuting attorneys shall design and
29 implement statewide training that contains consistent elements for
30 persons engaged in the interviewing of children, including law
31 enforcement, prosecution, and child protective services.

32 (4) The training required by this section shall: (a) Be based on
33 research-based practices and standards; (b) minimize the trauma of
34 all persons who are interviewed during abuse investigations; (c)
35 provide methods of reducing the number of investigative interviews
36 necessary whenever possible; (d) assure, to the extent possible, that
37 investigative interviews are thorough, objective, and complete; (e)
38 recognize needs of special populations, such as persons with
39 developmental disabilities; (f) recognize the nature and consequences

1 of victimization; (g) require investigative interviews to be
2 conducted in a manner most likely to permit the interviewed persons
3 the maximum emotional comfort under the circumstances; (h) address
4 record retention and retrieval; ~~((and))~~ (i) address documentation of
5 investigative interviews; and (j) include self-care for child welfare
6 workers.

7 (5) The identification of domestic violence is critical in
8 ensuring the safety of children in the child welfare system. ~~((As a~~
9 ~~result))~~ It is also critical for child welfare workers to support
10 victims of domestic violence while victims continue to care for their
11 children, when possible, as domestic violence perpetrated against
12 someone other than the child does not constitute negligent treatment
13 or maltreatment in and of itself as provided in RCW 26.44.020. For
14 these reasons, ongoing domestic violence training and consultation
15 shall be provided to ~~((caseworkers))~~ child welfare workers, including
16 how to use the department's practice guide to domestic violence.

17 (6) By January 1, 2021, the department shall:

18 (a) Develop and implement an evidence-informed curriculum for
19 supervisors providing support to child welfare workers to better
20 prepare candidates for effective supervisory and leadership roles
21 within the department;

22 (b) Develop specialized training for child welfare workers that
23 includes simulation and coaching designed to improve clinical and
24 analytical skills;

25 (c) Based on the report required under section 26(3) of this act,
26 develop and implement training for child welfare workers that
27 incorporates trauma-informed care and reflective supervision
28 principles.

29 (7) For purposes of this section, "child welfare worker" means an
30 employee of the department whose job includes supporting or providing
31 child welfare services as defined in RCW 74.13.020 or child
32 protective services as defined in RCW 26.44.020.

33 NEW SECTION. Sec. 28. A new section is added to chapter 43.216
34 RCW to read as follows:

35 (1) The department shall provide child welfare workers and those
36 supervising child welfare workers with access to:

37 (a) A critical incident protocol that establishes a process for
38 appropriately responding to traumatic or high stress incidents in a

1 manner that provides employees with proper mental health and stress
2 management support, guidance, and education; and

3 (b) Peer counseling from someone trained in providing peer
4 counseling and support.

5 (2) The department shall systematically collect workforce data
6 regarding child welfare workers including staff turnover, workload
7 distribution, exit interviews, and regular staff surveys to assess
8 organizational culture and psychological safety.

9 (3) The department shall make a concerted effort to increase
10 efficiency through the reduction of paperwork.

11 (4) The department shall develop a scientifically based method
12 for measuring the direct service time of child welfare workers and
13 contracted resources.

14 (5) The department shall convene a technical work group to
15 develop a workload model including standardized ratios for
16 supervisors, clerical, and other child welfare worker support staff
17 and child welfare worker caseload ratios by case type.

18 (a) The technical work group must include:

19 (i) Two child welfare worker representatives, one from west of
20 the crest of the Cascade mountain range, and one from east of the
21 crest of the Cascade mountain range;

22 (ii) Fiscal staff from the department;

23 (iii) Human resources staff from the department; and

24 (iv) A representative from the office of financial management.

25 (b) The department shall provide a report to the relevant
26 committees of the legislature in compliance with RCW 43.01.036 by
27 December 1, 2019, that includes a description of the workload model
28 recommended by the technical work group and the steps the department
29 is taking to implement this model.

30 (c) The technical work group established in this section shall
31 continue to meet and provide an annual report to the relevant
32 committees of the legislature in compliance with RCW 43.01.036 by
33 December 1st of each year regarding any recommended modifications to
34 the workload model and steps the department is taking to implement
35 those changes.

36 (6) The definitions in this subsection apply throughout this
37 section unless the context clearly requires otherwise.

38 (a) "Child welfare worker" means an employee of the department
39 whose job includes supporting or providing child welfare services as
40 defined in RCW 74.13.020 including those providing family assessment

1 response services as defined in RCW 26.44.020 or child protective
2 services as defined in RCW 26.44.020.

3 (b) "Critical incident" means an incident that is unusual and
4 involves a perceived or actual threat of harm to an individual which
5 includes but is not limited to child fatalities or near fatalities.

6 **Sec. 29.** RCW 74.13.270 and 2017 3rd sp.s. c 20 s 1 are each
7 amended to read as follows:

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

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

1 of case aides. The nonprofit community-based organization shall
2 report all short-term support provided under this subsection to the
3 department.

4 (b) Subject to funding appropriated specifically for this
5 purpose, the Washington state institute for public policy shall
6 prepare an outcome evaluation of the short-term support described in
7 this subsection. The evaluation will, to the maximum extent possible,
8 assess the impact of the short-term support services described in
9 this subsection on the retention of foster homes and the number of
10 placements a foster child receives while in out-of-home care as well
11 as the return on investment to the state. The institute shall submit
12 a preliminary report to the appropriate committees of the legislature
13 and the governor by December 1, 2018, that describes the initial
14 implementation of these services and descriptive statistics of the
15 families utilizing these services. A final report shall be submitted
16 to the appropriate committees of the legislature by June 30, ((2020))
17 2021. At no cost to the institute, the department shall provide all
18 data necessary to discharge this duty.

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

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

Passed by the Senate April 27, 2019.

Passed by the House April 4, 2019.

Approved by the Governor May 21, 2019.

Filed in Office of Secretary of State May 21, 2019.

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