

**ESSB 5599** - H AMD TO HSEL COMM AMD (H-1742.1/23) **660**  
By Representative Couture

**NOT ADOPTED 04/12/2023**

1 Beginning on page 1, line 3, strike all material through  
2 "programs." on page 9, line 32 and insert the following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that unsheltered  
4 homelessness for youth poses a serious threat to their health and  
5 safety. The Trevor project has found that one in three transgender  
6 youth report attempting suicide. Homelessness amongst transgender  
7 youth can further endanger an already at-risk population. The  
8 legislature further finds that youth accessing shelter face  
9 additional risk and dangers. Youth seeking certain medical services  
10 are especially at risk and vulnerable. Therefore, the legislature  
11 intends to create a process where these youth and their families are  
12 connected with appropriate counseling services and the payment for  
13 those services is provided either by a family's existing health  
14 insurance or by the department of children, youth, and families.

15 **Sec. 2.** RCW 13.32A.030 and 2020 c 51 s 1 are each reenacted and  
16 amended to read as follows:

17 As used in this chapter the following terms have the meanings  
18 indicated unless the context clearly requires otherwise:

19 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
20 exploitation, negligent treatment, or maltreatment of a child by any  
21 person under circumstances that indicate the child's health, welfare,  
22 and safety is harmed, excluding conduct permitted under RCW  
23 9A.16.100. An abused child is a child who has been subjected to child  
24 abuse or neglect as defined in this section.

25 (2) "Administrator" means the individual who has the daily  
26 administrative responsibility of a crisis residential center, or his  
27 or her designee.

28 (3) "At-risk youth" means a juvenile:

29 (a) Who is absent from home for at least seventy-two consecutive  
30 hours without consent of his or her parent;

1 (b) Who is beyond the control of his or her parent such that the  
2 child's behavior endangers the health, safety, or welfare of the  
3 child or any other person; or

4 (c) Who has a substance abuse problem for which there are no  
5 pending criminal charges related to the substance abuse.

6 (4) "Child," "juvenile," "youth," and "minor" mean any  
7 unemancipated individual who is under the chronological age of  
8 eighteen years.

9 (5) "Child in need of services" means a juvenile:

10 (a) Who is beyond the control of his or her parent such that the  
11 child's behavior endangers the health, safety, or welfare of the  
12 child or any other person;

13 (b) Who has been reported to law enforcement as absent without  
14 consent for at least twenty-four consecutive hours on two or more  
15 separate occasions from the home of either parent, a crisis  
16 residential center, an out-of-home placement, or a court-ordered  
17 placement; and

18 (i) Has exhibited a serious substance abuse problem; or

19 (ii) Has exhibited behaviors that create a serious risk of harm  
20 to the health, safety, or welfare of the child or any other person;

21 (c) (i) Who is in need of: (A) Necessary services, including food,  
22 shelter, health care, clothing, or education; or (B) services  
23 designed to maintain or reunite the family;

24 (ii) Who lacks access to, or has declined to use, these services;  
25 and

26 (iii) Whose parents have evidenced continuing but unsuccessful  
27 efforts to maintain the family structure or are unable or unwilling  
28 to continue efforts to maintain the family structure; or

29 (d) Who is a "sexually exploited child."

30 (6) "Child in need of services petition" means a petition filed  
31 in juvenile court by a parent, child, or the department seeking  
32 adjudication of placement of the child.

33 (7) "Crisis residential center" means a secure or semi-secure  
34 facility established pursuant to chapter 74.13 RCW.

35 (8) "Custodian" means the person or entity that has the legal  
36 right to custody of the child.

37 (9) "Department" means the department of children, youth, and  
38 families.

39 (10) "Extended family member" means an adult who is a  
40 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,

1 or first cousin with whom the child has a relationship and is  
2 comfortable, and who is willing and available to care for the child.

3 (11) "Family reconciliation services" means services provided by  
4 culturally relevant, trauma-informed community-based entities under  
5 contract with the department, or provided directly by the department,  
6 designed to assess and stabilize the family with the goal of  
7 resolving crisis and building supports, skills, and connection to  
8 community networks and resources including, but not limited to:

9 (a) Referrals for services for suicide prevention, psychiatric or  
10 other medical care, psychological care, behavioral health treatment,  
11 legal assistance, or educational assistance;

12 (b) Parent training;

13 (c) Assistance with conflict management or dispute resolution; or

14 (d) Other social services, as appropriate to meet the needs of  
15 the child and the family.

16 (12) "Gender-affirming treatment" means health services or  
17 products that support and affirm an individual's gender identity,  
18 including social, psychological, behavioral, and medical or surgical  
19 interventions. Gender-affirming care services include, but are not  
20 limited to, evaluation and treatments for gender dysphoria, gender-  
21 affirming hormone therapy, and gender-affirming surgical procedures.

22 (13) "Guardian" means the person or agency that (a) has been  
23 appointed as the guardian of a child in a legal proceeding other than  
24 a proceeding under chapter 13.34 RCW, and (b) has the legal right to  
25 custody of the child pursuant to such appointment. The term  
26 "guardian" does not include a "dependency guardian" appointed  
27 pursuant to a proceeding under chapter 13.34 RCW.

28 ((~~13~~)) (14) "Multidisciplinary team" means a group formed to  
29 provide assistance and support to a child who is an at-risk youth or  
30 a child in need of services and his or her parent. The team must  
31 include the parent, a department caseworker, a local government  
32 representative when authorized by the local government, and when  
33 appropriate, members from the mental health and substance abuse  
34 disciplines. The team may also include, but is not limited to, the  
35 following persons: Educators, law enforcement personnel, probation  
36 officers, employers, church persons, tribal members, therapists,  
37 medical personnel, social service providers, placement providers, and  
38 extended family members. The team members must be volunteers who do  
39 not receive compensation while acting in a capacity as a team member,

1 unless the member's employer chooses to provide compensation or the  
2 member is a state employee.

3 ~~((14))~~ (15) "Out-of-home placement" means a placement in a  
4 foster family home or group care facility licensed pursuant to  
5 chapter 74.15 RCW or placement in a home, other than that of the  
6 child's parent, guardian, or legal custodian, not required to be  
7 licensed pursuant to chapter 74.15 RCW.

8 ~~((15))~~ (16) "Parent" means the parent or parents who have the  
9 legal right to custody of the child. "Parent" includes custodian or  
10 guardian.

11 ~~((16))~~ (17) "Protected health care services" means gender-  
12 affirming treatment and reproductive health care services that are  
13 lawful in the state of Washington.

14 (18) "Reproductive health care services" means all services,  
15 care, or products of a medical, surgical, psychiatric, therapeutic,  
16 mental health, behavioral health, diagnostic, preventative,  
17 rehabilitative, supportive, counseling, referral, prescribing, or  
18 dispensing nature relating to the human reproductive system  
19 including, but not limited to, all services, care, and products  
20 relating to pregnancy, assisted reproduction, contraception,  
21 miscarriage management, or the termination of a pregnancy, including  
22 self-managed terminations.

23 (19) "Secure facility" means a crisis residential center, or  
24 portion thereof, that has locking doors, locking windows, or a  
25 secured perimeter, designed and operated to prevent a child from  
26 leaving without permission of the facility staff.

27 ~~((17))~~ (20) "Semi-secure facility" means any facility,  
28 including but not limited to crisis residential centers or  
29 specialized foster family homes, operated in a manner to reasonably  
30 assure that youth placed there will not run away. Pursuant to rules  
31 established by the department, the facility administrator shall  
32 establish reasonable hours for residents to come and go from the  
33 facility such that no residents are free to come and go at all hours  
34 of the day and night. To prevent residents from taking unreasonable  
35 actions, the facility administrator, where appropriate, may condition  
36 a resident's leaving the facility upon the resident being accompanied  
37 by the administrator or the administrator's designee and the resident  
38 may be required to notify the administrator or the administrator's  
39 designee of any intent to leave, his or her intended destination, and  
40 the probable time of his or her return to the center.

1       (~~(18)~~) (21) "Sexually exploited child" means any person under  
2 the age of eighteen who is a victim of the crime of commercial sex  
3 abuse of a minor under RCW 9.68A.100, promoting commercial sexual  
4 abuse of a minor under RCW 9.68A.101, or promoting travel for  
5 commercial sexual abuse of a minor under RCW 9.68A.102.

6       (~~(19)~~) (22) "Staff secure facility" means a structured group  
7 care facility licensed under rules adopted by the department with a  
8 ratio of at least one adult staff member to every two children.

9       (~~(20)~~) (23) "Temporary out-of-home placement" means an out-of-  
10 home placement of not more than fourteen days ordered by the court at  
11 a fact-finding hearing on a child in need of services petition.

12       **Sec. 3.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read  
13 as follows:

14       (1) (a) Except as provided in (b) of this subsection, any person,  
15 unlicensed youth shelter, or runaway and homeless youth program that,  
16 without legal authorization, provides shelter to a minor and that  
17 knows at the time of providing the shelter that the minor is away  
18 from a lawfully prescribed residence or home without parental  
19 permission, shall promptly report the location of the child to the  
20 parent, the law enforcement agency of the jurisdiction in which the  
21 person lives, or the department.

22       (b) (i) If a licensed overnight youth shelter, or another licensed  
23 organization with a stated mission to provide services to homeless or  
24 runaway youth and their families, shelters a child and knows at the  
25 time of providing the shelter that the child is away from a lawfully  
26 prescribed residence or home without parental permission, it must  
27 contact the youth's parent within seventy-two hours, but preferably  
28 within twenty-four hours, following the time that the youth is  
29 admitted to the shelter or other licensed organization's program. The  
30 notification must include the whereabouts of the youth, a description  
31 of the youth's physical and emotional condition, and the  
32 circumstances surrounding the youth's contact with the shelter or  
33 organization. If there are compelling reasons not to notify the  
34 parent, the shelter or organization must instead notify the  
35 department. If the shelter or organization shelters a youth and the  
36 shelter or organization is aware that the youth is seeking or  
37 receiving protected health care services, the shelter or organization  
38 shall notify the department so that the department can connect the

1 youth and family with appropriate counseling services as described  
2 under section 4 of this act.

3 (ii) At least once every eight hours after learning that a youth  
4 receiving services or shelter under this section is away from home  
5 without permission, the shelter or organization staff must consult  
6 the information that the Washington state patrol makes publicly  
7 available under RCW 43.43.510(2). If the youth is publicly listed as  
8 missing, the shelter or organization must immediately notify the  
9 department of its contact with the youth listed as missing. The  
10 notification must include a description of the minor's physical and  
11 emotional condition and the circumstances surrounding the youth's  
12 contact with the shelter or organization.

13 (c) Reports required under this section may be made by telephone  
14 or any other reasonable means.

15 (2) Unless the context clearly requires otherwise, the  
16 definitions in this subsection apply throughout this section.

17 (a) "Shelter" means the person's home or any structure over which  
18 the person has any control.

19 (b) "Promptly report" means to report within eight hours after  
20 the person has knowledge that the minor is away from a lawfully  
21 prescribed residence or home without parental permission.

22 (c) "Compelling reasons" include, but are not limited to,  
23 circumstances that indicate that notifying the parent or legal  
24 guardian will subject the minor to abuse or neglect as defined in RCW  
25 26.44.020.

26 (3) When the department receives a report under subsection (1) of  
27 this section, it shall make a good faith attempt to notify the parent  
28 that a report has been received and offer services designed to  
29 resolve the conflict and accomplish a reunification of the family.

30 (4) Nothing in this section prohibits any person, unlicensed  
31 youth shelter, or runaway and homeless youth program from immediately  
32 reporting the identity and location of any minor who is away from a  
33 lawfully prescribed residence or home without parental permission  
34 more promptly than required under this section.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A  
36 RCW to read as follows:

37 (1) The department, in coordination with the health care  
38 authority and managed care organizations, shall:

1 (a) Identify appropriate counseling services for youth seeking or  
2 receiving protected health care services and their family members;  
3 (b) Develop and implement a referral system to connect youth and  
4 families with a child seeking or receiving protected health care  
5 services who are referred to the department under RCW 13.32A.082 with  
6 appropriate counseling services; and  
7 (c) Provide payment for appropriate counseling services for youth  
8 seeking or receiving protected health care services and their family  
9 members if those counseling services are not covered by the youth or  
10 family member's medical assistance program under chapter 74.09 RCW or  
11 a private health plan according to rules established under subsection  
12 (2) of this section.  
13 (2) The department has the authority to develop rules to  
14 implement this section, including rules to determine:  
15 (a) Whether the department should provide payment for counseling  
16 services for a youth or family member because they are not enrolled  
17 in a medical assistance program under chapter 74.09 RCW or do not  
18 have health insurance coverage that will cover the counseling  
19 services; and  
20 (b) The appropriate frequency and length of counseling services  
21 for which the department will provide payment."

EFFECT: Replaces the contents of the bill with the following:

A requirement that a licensed shelter or organization notify the department of children, youth, and families (DCYF) when the shelter or organization is aware that the youth receiving shelter is seeking or receiving protected health care services so that the DCYF can connect the youth and family with appropriate counseling services; and

A requirement that DCYF: (1) Identify appropriate counseling services for youth seeking or receiving protected health care services and their family members; (2) develop and implement a referral system to connect youth and families with a child seeking or receiving protected health care services who are referred to the DCYF by a youth homeless shelter or similar organization; and (3) provide payment for appropriate counseling services for youth seeking or receiving protected health care services and their family members if those counseling services are not covered by the youth or family member's health insurance.

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