

ESSB 5599 - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

ADOPTED AND ENGROSSED 04/12/2023

1 Strike everything after the enacting clause and insert the
2 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 barriers to accessing shelter can
9 place a chilling effect on exiting unsheltered homelessness and
10 therefore create additional risk and dangers for youth. Youth seeking
11 certain medical services are especially at risk and vulnerable.
12 Therefore, the legislature intends to remove barriers to accessing
13 temporary, licensed shelter accommodations for youth seeking certain
14 protected health care services.

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

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

25 (b)(i) If a licensed overnight youth shelter, or another licensed
26 organization with a stated mission to provide services to homeless or
27 runaway youth and their families, shelters a child and knows at the
28 time of providing the shelter that the child is away from a lawfully
29 prescribed residence or home without parental permission, it must
30 contact the youth's parent within seventy-two hours, but preferably
31 within twenty-four hours, following the time that the youth is

1 admitted to the shelter or other licensed organization's program. The
2 notification must include the whereabouts of the youth, a description
3 of the youth's physical and emotional condition, and the
4 circumstances surrounding the youth's contact with the shelter or
5 organization. If there are compelling reasons not to notify the
6 parent, the shelter or organization must instead notify the
7 department.

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

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

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

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

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

27 (c) "Compelling reasons" include, but are not limited to(~~7~~
28 ~~circumstances~~):

29 (i) Circumstances that indicate that notifying the parent or
30 legal guardian will subject the minor to abuse or neglect as defined
31 in RCW 26.44.020; or

32 (ii) When a minor is seeking or receiving protected health care
33 services.

34 (d) "Protected health care services" means gender affirming
35 treatment as defined in RCW 74.09.675 and reproductive health care
36 services as defined in RCW 74.09.875.

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

1 (b) When the department receives a report under subsection (1) of
2 this section for a minor who is seeking or receiving protected health
3 care services, it shall:

4 (i) Offer to make referrals on behalf of the minor for
5 appropriate behavioral health services; and

6 (ii) Offer services designed to resolve the conflict and
7 accomplish a reunification of the family.

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

13 (5) Nothing in this section limits a person's duty to report
14 child abuse or neglect as required by RCW 26.44.030 or removes the
15 requirement that the law enforcement agency of the jurisdiction in
16 which the person lives be notified.

17 **Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter and
20 RCW 74.13.031 unless the context clearly requires otherwise.

21 (1) "Agency" means any person, firm, partnership, association,
22 corporation, or facility which receives children, expectant mothers,
23 or persons with developmental disabilities for control, care, or
24 maintenance outside their own homes, or which places, arranges the
25 placement of, or assists in the placement of children, expectant
26 mothers, or persons with developmental disabilities for foster care
27 or placement of children for adoption, and shall include the
28 following irrespective of whether there is compensation to the agency
29 or to the children, expectant mothers, or persons with developmental
30 disabilities for services rendered:

31 (a) "Child-placing agency" means an agency which places a child
32 or children for temporary care, continued care, or for adoption;

33 (b) "Community facility" means a group care facility operated for
34 the care of juveniles committed to the department under RCW
35 13.40.185. A county detention facility that houses juveniles
36 committed to the department under RCW 13.40.185 pursuant to a
37 contract with the department is not a community facility;

38 (c) "Crisis residential center" means an agency which is a
39 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW
2 43.185C.295 through 43.185C.310;

3 (d) "Emergency respite center" is an agency that may be commonly
4 known as a crisis nursery, that provides emergency and crisis care
5 for up to seventy-two hours to children who have been admitted by
6 their parents or guardians to prevent abuse or neglect. Emergency
7 respite centers may operate for up to twenty-four hours a day, and
8 for up to seven days a week. Emergency respite centers may provide
9 care for children ages birth through seventeen, and for persons
10 eighteen through twenty with developmental disabilities who are
11 admitted with a sibling or siblings through age seventeen. Emergency
12 respite centers may not substitute for crisis residential centers or
13 HOPE centers, or any other services defined under this section, and
14 may not substitute for services which are required under chapter
15 13.32A or 13.34 RCW;

16 (e) "Foster family home" means an agency which regularly provides
17 care on a twenty-four hour basis to one or more children, expectant
18 mothers, or persons with developmental disabilities in the family
19 abode of the person or persons under whose direct care and
20 supervision the child, expectant mother, or person with a
21 developmental disability is placed;

22 (f) "Group-care facility" means an agency, other than a foster
23 family home, which is maintained and operated for the care of a group
24 of children on a twenty-four hour basis. "Group care facility"
25 includes but is not limited to:

26 (i) Qualified residential treatment programs as defined in RCW
27 13.34.030;

28 (ii) Facilities specializing in providing prenatal, postpartum,
29 or parenting supports for youth; and

30 (iii) Facilities providing high quality residential care and
31 supportive services to children who are, or who are at risk of
32 becoming, victims of sex trafficking;

33 (g) "HOPE center" means an agency licensed by the secretary to
34 provide temporary residential placement and other services to street
35 youth. A street youth may remain in a HOPE center for thirty days
36 while services are arranged and permanent placement is coordinated.
37 No street youth may stay longer than thirty days unless approved by
38 the department and any additional days approved by the department
39 must be based on the unavailability of a long-term placement option.
40 A street youth whose parent wants him or her returned to home may

1 remain in a HOPE center until his or her parent arranges return of
2 the youth, not longer. All other street youth must have court
3 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
4 up to thirty days;

5 (h) "Maternity service" means an agency which provides or
6 arranges for care or services to expectant mothers, before or during
7 confinement, or which provides care as needed to mothers and their
8 infants after confinement;

9 (i) "Resource and assessment center" means an agency that
10 provides short-term emergency and crisis care for a period up to
11 seventy-two hours, excluding Saturdays, Sundays, and holidays to
12 children who have been removed from their parent's or guardian's care
13 by child protective services or law enforcement;

14 (j) "Responsible living skills program" means an agency licensed
15 by the secretary that provides residential and transitional living
16 services to persons ages sixteen to eighteen who are dependent under
17 chapter 13.34 RCW and who have been unable to live in his or her
18 legally authorized residence and, as a result, the minor lived
19 outdoors or in another unsafe location not intended for occupancy by
20 the minor. Dependent minors ages fourteen and fifteen may be eligible
21 if no other placement alternative is available and the department
22 approves the placement;

23 (k) "Service provider" means the entity that operates a community
24 facility.

25 (2) "Agency" shall not include the following:

26 (a) Persons related to the child, expectant mother, or person
27 with developmental disability in the following ways:

28 (i) Any blood relative, including those of half-blood, and
29 including first cousins, second cousins, nephews or nieces, and
30 persons of preceding generations as denoted by prefixes of grand,
31 great, or great-great;

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

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

37 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
38 this subsection (2), even after the marriage is terminated;

39 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
40 subsection (2), of any half sibling of the child; or

1 (vi) Extended family members, as defined by the law or custom of
2 the Indian child's tribe or, in the absence of such law or custom, a
3 person who has reached the age of eighteen and who is the Indian
4 child's grandparent, aunt or uncle, brother or sister, brother-in-law
5 or sister-in-law, niece or nephew, first or second cousin, or
6 stepparent who provides care in the family abode on a twenty-four-
7 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant
9 mother, or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where the parent and person
12 providing care on a twenty-four-hour basis have agreed to the
13 placement in writing and the state is not providing any payment for
14 the care;

15 (d) A person, partnership, corporation, or other entity that
16 provides placement or similar services to exchange students or
17 international student exchange visitors or persons who have the care
18 of an exchange student in their home;

19 (e) A person, partnership, corporation, or other entity that
20 provides placement or similar services to international children who
21 have entered the country by obtaining visas that meet the criteria
22 for medical care as established by the United States citizenship and
23 immigration services, or persons who have the care of such an
24 international child in their home;

25 (f) Schools, including boarding schools, which are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, accept only school-age children
28 and do not accept custody of children;

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
30 performing functions defined in chapter 70.41 RCW, nursing homes
31 licensed under chapter 18.51 RCW and assisted living facilities
32 licensed under chapter 18.20 RCW;

33 (h) Licensed physicians or lawyers;

34 (i) Facilities approved and certified under chapter 71A.22 RCW;

35 (j) Any agency having been in operation in this state ten years
36 prior to June 8, 1967, and not seeking or accepting moneys or
37 assistance from any state or federal agency, and is supported in part
38 by an endowment or trust fund;

39 (k) Persons who have a child in their home for purposes of
40 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if
2 a replacement report has been filed under chapter 26.33 RCW and the
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal
5 government or an agency licensed by an Indian tribe pursuant to RCW
6 74.15.190;

7 (m) A maximum or medium security program for juvenile offenders
8 operated by or under contract with the department;

9 (n) An agency located on a federal military reservation, except
10 where the military authorities request that such agency be subject to
11 the licensing requirements of this chapter;

12 (o)(i) A host home program, and host home, operated by a tax
13 exempt organization for youth not in the care of or receiving
14 services from the department except as provided in subsection
15 (2)(o)(iii) of this section, if that program: (A) Recruits and
16 screens potential homes in the program, including performing
17 background checks on individuals over the age of eighteen residing in
18 the home through the Washington state patrol or equivalent law
19 enforcement agency and performing physical inspections of the home;
20 (B) screens and provides case management services to youth in the
21 program; (C) obtains a notarized permission slip or limited power of
22 attorney from the parent or legal guardian of the youth authorizing
23 the youth to participate in the program and the authorization is
24 updated every six months when a youth remains in a host home longer
25 than six months, unless there is a compelling reason to not contact
26 the parent or guardian; (D) obtains insurance for the program through
27 an insurance provider authorized under Title 48 RCW; (E) provides
28 mandatory reporter and confidentiality training; and (F) registers
29 with the secretary of state under RCW 74.15.315.

30 (ii) If a host home program serves a child without parental
31 authorization who is seeking or receiving protected health care
32 services, the host home program must:

33 (A) Report to the department within 72 hours of the youth's
34 participation in the program and following this report the department
35 shall make a good faith attempt to notify the parent of this report
36 and offer services designed to resolve the conflict and accomplish a
37 reunification of the family;

38 (B) Report to the department the youth's participation in the
39 host home program at least once every month when the youth remains in
40 the host home longer than one month; and

1 (C) Provide case management outside of the host home and away
2 from any individuals residing in the home at least once per month.

3 (iii) A host home program and host home that meets the other
4 requirements of subsection (2)(o) of this section may provide care
5 for a youth who is receiving services from the department if the
6 youth is:

7 (A) Not subject to a dependency proceeding under chapter 13.34
8 RCW; and

9 (B) Seeking or receiving protected health care services.

10 (iv) For purposes of this section, ((a—"host")) the following
11 definitions apply:

12 (A) "Host home" ((is)) means a private home that volunteers to
13 host youth in need of temporary placement that is associated with a
14 host home program.

15 ((-iii) For purposes of this section, a "host)) (B) "Host home
16 program" is a program that provides support to individual host homes
17 and meets the requirements of (o)(i) of this subsection.

18 ((-iv)) (C) "Compelling reason" means the youth is in the host
19 home or seeking placement in a host home while seeking or receiving
20 protected health care services.

21 (D) "Protected health care services" means gender affirming
22 treatment as defined in RCW 74.09.675 and reproductive health care
23 services as defined in RCW 74.09.875.

24 (v) Any host home program that receives local, state, or
25 government funding shall report the following information to the
26 office of homeless youth prevention and protection programs annually
27 by December 1st of each year: The number of children the program
28 served, why the child was placed with a host home, and where the
29 child went after leaving the host home, including but not limited to
30 returning to the parents, running away, reaching the age of majority,
31 or becoming a dependent of the state;

32 (p) Receiving centers as defined in RCW 7.68.380.

33 (3) "Department" means the department of children, youth, and
34 families.

35 (4) "Juvenile" means a person under the age of twenty-one who has
36 been sentenced to a term of confinement under the supervision of the
37 department under RCW 13.40.185.

38 (5) "Performance-based contracts" or "contracting" means the
39 structuring of all aspects of the procurement of services around the
40 purpose of the work to be performed and the desired results with the

1 contract requirements set forth in clear, specific, and objective
2 terms with measurable outcomes. Contracts may also include provisions
3 that link the performance of the contractor to the level and timing
4 of the reimbursement.

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

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

10 (8) "Secretary" means the secretary of the department.

11 (9) "Street youth" means a person under the age of eighteen who
12 lives outdoors or in another unsafe location not intended for
13 occupancy by the minor and who is not residing with his or her parent
14 or at his or her legally authorized residence.

15 (10) "Transitional living services" means at a minimum, to the
16 extent funds are available, the following:

17 (a) Educational services, including basic literacy and
18 computational skills training, either in local alternative or public
19 high schools or in a high school equivalency program that leads to
20 obtaining a high school equivalency degree;

21 (b) Assistance and counseling related to obtaining vocational
22 training or higher education, job readiness, job search assistance,
23 and placement programs;

24 (c) Counseling and instruction in life skills such as money
25 management, home management, consumer skills, parenting, health care,
26 access to community resources, and transportation and housing
27 options;

28 (d) Individual and group counseling; and

29 (e) Establishing networks with federal agencies and state and
30 local organizations such as the United States department of labor,
31 employment and training administration programs including the
32 workforce innovation and opportunity act which administers private
33 industry councils and the job corps; vocational rehabilitation; and
34 volunteer programs.

35 NEW SECTION. **Sec. 4.** (1) The office of homeless youth
36 prevention and protection programs shall contract with an outside
37 entity to:

38 (a) Gather data regarding the number of unsheltered homeless
39 youth under age 18 in Washington state; and

1 (b) Develop recommendations for supporting unsheltered homeless
2 youth under age 18 in Washington state.

3 (2) By July 1, 2024, and in compliance with RCW 43.01.036, the
4 office of homeless youth prevention and protection programs shall
5 submit the information and recommendations described in subsection
6 (1) of this section to the appropriate committees of the
7 legislature."

8 Correct the title.

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