

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1406

68th Legislature
2023 Regular Session

Passed by the House March 2, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 8, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1406** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1406

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio, and Davis)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to youth seeking housing assistance and other
2 related services; amending RCW 13.32A.040, 13.32A.082, 43.185C.010,
3 and 43.185C.265; and adding a new section to chapter 43.330 RCW.

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

5 **Sec. 1.** RCW 13.32A.040 and 2020 c 51 s 2 are each amended to
6 read as follows:

7 (1) The department, or a designated contractor of the department,
8 shall (~~offer~~):

9 (a) Offer family reconciliation services to families or youth who
10 are experiencing conflict and who may be in need of services upon
11 request from the family or youth and subject to the availability of
12 funding appropriated for this specific purpose; and

13 (b) Offer family reconciliation services to families or youth
14 after receiving a report that a youth is away from a lawfully
15 prescribed residence or home without parental permission under RCW
16 13.32A.082(1). If the family or youth is being served by the
17 community support team created under section 5 of this act, the
18 department or designated contractor of the department must:

19 (i) Still offer family reconciliation services; and

20 (ii) Coordinate with the community support team created in
21 section 5 of this act.

1 (2) The department may involve a local multidisciplinary team in
2 its response in determining the services to be provided and in
3 providing those services. Such services shall be provided to
4 alleviate personal or family situations which present a serious and
5 imminent threat to the health or stability of the child or family and
6 to maintain families intact wherever possible.

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

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

17 (b)(i) If a licensed overnight youth shelter, or another licensed
18 organization with a stated mission to provide services to homeless or
19 runaway youth and their families, shelters a child and knows at the
20 time of providing the shelter that the child is away from a lawfully
21 prescribed residence or home without parental permission, it must
22 contact the youth's parent within (~~seventy-two~~) 72 hours, but
23 preferably within (~~twenty-four~~) 24 hours, following the time that
24 the youth is admitted to the shelter or other licensed organization's
25 program. The notification must include the whereabouts of the youth,
26 a description of the youth's physical and emotional condition, and
27 the circumstances surrounding the youth's contact with the shelter or
28 organization. If there are compelling reasons not to notify the
29 parent, the shelter or organization must instead notify the
30 department. When a minor remains in a licensed overnight youth
31 shelter or with another licensed organization with a stated mission
32 to provide services to homeless or runaway youth and their families
33 under subsection (1)(b)(i)(A) and (B) of this section, the shelter or
34 organization must also notify the department. A minor may provide
35 authorization to remain in a licensed overnight youth shelter or with
36 another licensed organization with a stated mission to provide
37 services to homeless or runaway youth and their families, subject to
38 any limits established by those licensed shelters or organizations,
39 for up to 90 days if:

1 (A) The licensed overnight youth shelter or other licensed
2 organization with a stated mission to provide services to homeless or
3 runaway youth and their families is unable to make contact with a
4 parent despite their notification efforts required under this
5 section; or

6 (B) The licensed overnight youth shelter or other licensed
7 organization with a stated mission to provide services to homeless or
8 runaway youth and their families makes contact with a parent, but the
9 parent does not request that the child return home even if the parent
10 does not provide consent for the minor remaining in the licensed
11 overnight youth shelter or other licensed organization with a stated
12 mission to provide services to homeless or runaway youth.

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

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

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

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

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

32 (c) "Compelling reasons" include, but are not limited to,
33 circumstances that indicate that notifying the parent or legal
34 guardian will subject the minor to abuse or neglect as defined in RCW
35 26.44.020.

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

1 family. The department shall offer services under this subsection as
2 soon as possible, but no later than three days, excluding weekends
3 and holidays, following the receipt of a report under subsection (1)
4 of this section.

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

10 **Sec. 3.** RCW 43.185C.010 and 2019 c 124 s 2 are each amended to
11 read as follows:

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

14 (1) "Administrator" means the individual who has the daily
15 administrative responsibility of a crisis residential center.

16 (2) "Child in need of services petition" means a petition filed
17 in juvenile court by a parent, child, or the department of children,
18 youth, and families seeking adjudication of placement of the child.

19 (3) "Community action agency" means a nonprofit private or public
20 organization established under the economic opportunity act of 1964.

21 (4) "Crisis residential center" means a secure or semi-secure
22 facility established pursuant to chapter 74.13 RCW.

23 (5) "Department" means the department of commerce.

24 (6) "Director" means the director of the department of commerce.

25 (7) "Home security fund account" means the state treasury account
26 receiving the state's portion of income from revenue from the sources
27 established by RCW 36.22.179 and 36.22.1791, and all other sources
28 directed to the homeless housing and assistance program.

29 (8) "Homeless housing grant program" means the vehicle by which
30 competitive grants are awarded by the department, utilizing moneys
31 from the home security fund account, to local governments for
32 programs directly related to housing homeless individuals and
33 families, addressing the root causes of homelessness, preventing
34 homelessness, collecting data on homeless individuals, and other
35 efforts directly related to housing homeless persons.

36 (9) "Homeless housing plan" means the five-year plan developed by
37 the county or other local government to address housing for homeless
38 persons.

1 (10) "Homeless housing program" means the program authorized
2 under this chapter as administered by the department at the state
3 level and by the local government or its designated subcontractor at
4 the local level.

5 (11) "Homeless housing strategic plan" means the five-year plan
6 developed by the department, in consultation with the interagency
7 council on homelessness, the affordable housing advisory board, and
8 the state advisory council on homelessness.

9 (12) "Homeless person" means an individual living outside or in a
10 building not meant for human habitation or which they have no legal
11 right to occupy, in an emergency shelter, or in a temporary housing
12 program which may include a transitional and supportive housing
13 program if habitation time limits exist. This definition includes
14 substance abusers, people with mental illness, and sex offenders who
15 are homeless.

16 (13) "HOPE center" means an agency licensed by the secretary of
17 the department of children, youth, and families to provide temporary
18 residential placement and other services to street youth. A street
19 youth may remain in a HOPE center for (~~thirty~~) 90 days while
20 services are arranged and permanent placement is coordinated. No
21 street youth may stay longer than (~~thirty~~) 90 days unless approved
22 by the department and any additional days approved by the department
23 must be based on the unavailability of a long-term placement option.
24 A street youth whose parent wants him or her returned to home may
25 remain in a HOPE center until his or her parent arranges return of
26 the youth, not longer. All other street youth must have court
27 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
28 up to (~~thirty~~) 90 days.

29 (14) "Housing authority" means any of the public corporations
30 created by chapter 35.82 RCW.

31 (15) "Housing continuum" means the progression of individuals
32 along a housing-focused continuum with homelessness at one end and
33 homeownership at the other.

34 (16) "Interagency council on homelessness" means a committee
35 appointed by the governor and consisting of, at least, policy level
36 representatives of the following entities: (a) The department of
37 commerce; (b) the department of corrections; (c) the department of
38 children, youth, and families; (d) the department of veterans
39 affairs; and (e) the department of health.

1 (17) "Local government" means a county government in the state of
2 Washington or a city government, if the legislative authority of the
3 city affirmatively elects to accept the responsibility for housing
4 homeless persons within its borders.

5 (18) "Local homeless housing task force" means a voluntary local
6 committee created to advise a local government on the creation of a
7 local homeless housing plan and participate in a local homeless
8 housing program. It must include a representative of the county, a
9 representative of the largest city located within the county, at
10 least one homeless or formerly homeless person, such other members as
11 may be required to maintain eligibility for federal funding related
12 to housing programs and services and if feasible, a representative of
13 a private nonprofit organization with experience in low-income
14 housing.

15 (19) "Long-term private or public housing" means subsidized and
16 unsubsidized rental or owner-occupied housing in which there is no
17 established time limit for habitation of less than two years.

18 (20) "Performance measurement" means the process of comparing
19 specific measures of success against ultimate and interim goals.

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

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

38 (23) "Staff secure facility" means a structured group care
39 facility licensed under rules adopted by the department of children,

1 youth, and families with a ratio of at least one adult staff member
2 to every two children.

3 (24) "Street outreach services" means a program that provides
4 services and resources either directly or through referral to street
5 youth and unaccompanied young adults as defined in RCW 43.330.702.
6 Services including crisis intervention, emergency supplies, case
7 management, and referrals may be provided through community-based
8 outreach or drop-in centers.

9 (25) "Washington homeless census" means an annual statewide
10 census conducted as a collaborative effort by towns, cities,
11 counties, community-based organizations, and state agencies, with the
12 technical support and coordination of the department, to count and
13 collect data on all homeless individuals in Washington.

14 (26) "Washington homeless client management information system"
15 means a database of information about homeless individuals in the
16 state used to coordinate resources to assist homeless clients to
17 obtain and retain housing and reach greater levels of self-
18 sufficiency or economic independence when appropriate, depending upon
19 their individual situations.

20 **Sec. 4.** RCW 43.185C.265 and 2019 c 312 s 16 are each amended to
21 read as follows:

22 (1) An officer taking a child into custody under RCW
23 43.185C.260(1) (a) or (b) shall inform the child of the reason for
24 such custody and shall:

25 (a) Transport the child to his or her home or to a parent at his
26 or her place of employment, if no parent is at home. The parent may
27 request that the officer take the child to the home of an adult
28 extended family member, responsible adult, crisis residential center,
29 the department of children, youth, and families, or a licensed youth
30 shelter. In responding to the request of the parent, the officer
31 shall take the child to a requested place which, in the officer's
32 belief, is within a reasonable distance of the parent's home. The
33 officer releasing a child into the custody of a parent, an adult
34 extended family member, responsible adult, or a licensed youth
35 shelter shall inform the person receiving the child of the reason for
36 taking the child into custody and inform all parties of the nature
37 and location of appropriate services available in the community; or

38 (b) After attempting to notify the parent, take the child to a
39 designated crisis residential center's secure facility or a center's

1 semi-secure facility if a secure facility is full, not available, or
2 not located within a reasonable distance if:

3 (i) The child expresses fear or distress at the prospect of being
4 returned to his or her home which leads the officer to believe there
5 is a possibility that the child is experiencing some type of abuse or
6 neglect;

7 (ii) It is not practical to transport the child to his or her
8 home or place of the parent's employment; or

9 (iii) There is no parent available to accept custody of the
10 child; or

11 (c) After attempting to notify the parent, if a crisis
12 residential center is full, not available, or not located within a
13 reasonable distance, request the department of children, youth, and
14 families to accept custody of the child. If the department of
15 children, youth, and families determines that an appropriate
16 placement is currently available, the department of children, youth,
17 and families shall accept custody and place the child in an out-of-
18 home placement. Upon accepting custody of a child from the officer,
19 the department of children, youth, and families may place the child
20 in an out-of-home placement for up to seventy-two hours, excluding
21 Saturdays, Sundays, and holidays, without filing a child in need of
22 services petition, obtaining parental consent, or obtaining an order
23 for placement under chapter 13.34 RCW. Upon transferring a child to
24 the department of children, youth, and families' custody, the officer
25 shall provide written documentation of the reasons and the statutory
26 basis for taking the child into custody. If the department of
27 children, youth, and families declines to accept custody of the
28 child, the officer may release the child after attempting to take the
29 child to the following, in the order listed: The home of an adult
30 extended family member; a responsible adult; or a licensed youth
31 shelter. The officer shall immediately notify the department of
32 children, youth, and families if no placement option is available and
33 the child is released.

34 (2) An officer taking a child into custody under RCW
35 43.185C.260(1)(c) shall inform the child of the reason for custody.
36 An officer taking a child into custody under RCW 43.185C.260(1)(c)
37 may release the child to the supervising agency, may return the child
38 to the placement authorized by the supervising agency, or shall take
39 the child to a designated crisis residential center.

1 (3) Every officer taking a child into custody shall provide the
2 child and his or her parent or parents or responsible adult with a
3 copy of the statement specified in RCW 43.185C.290(6).

4 (4) Whenever an officer transfers custody of a child to a crisis
5 residential center or the department of children, youth, and
6 families, the child may reside in the crisis residential center or
7 may be placed by the department of children, youth, and families in
8 an out-of-home placement for an aggregate total period of time not to
9 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.
10 Thereafter, the child may continue in out-of-home placement only if
11 the (~~parents have consented~~) parent has not requested that the
12 child return home, a child in need of services petition has been
13 filed, or an order for placement has been entered under chapter 13.34
14 RCW.

15 (5) The department of children, youth, and families shall ensure
16 that all law enforcement authorities are informed on a regular basis
17 as to the location of all designated secure and semi-secure
18 facilities within centers in their jurisdiction, where children taken
19 into custody under RCW 43.185C.260 may be taken.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330
21 RCW to read as follows:

22 (1) Subject to the amounts appropriated for this specific
23 purpose, the office of homeless youth prevention and protection
24 programs shall provide additional funding and assistance to
25 contracted youth service providers or other entities who convene a
26 community support team as described in this section. The purpose of
27 the community support team is to help identify supports for a youth
28 focused on resolving family conflict and obtaining or maintaining
29 long-term and stable housing.

30 (a) The community support team is required to prioritize
31 reunification between the youth and the youth's family to the extent
32 possible without endangering the health, safety, or welfare of the
33 child.

34 (b) The community support team may not engage with a family
35 member other than the youth if the parent, guardian, or legal
36 custodian objects to the support or assistance that is offered or
37 provided.

38 (2) A community support team under this section must include:

39 (a) The youth; and

- 1 (b) Supportive adults identified by the youth, which may include:
2 (i) Licensed shelter staff;
3 (ii) A case manager;
4 (iii) Individuals from the youth's school;
5 (iv) Juvenile court staff;
6 (v) The youth's attorney;
7 (vi) Behavioral health providers;
8 (vii) Community support providers;
9 (viii) Family members;
10 (ix) Mentors;
11 (x) Peer support;
12 (xi) Housing navigation;
13 (xii) Legal assistance; or
14 (xiii) Other community members.

15 (3) The community support team described in this section shall
16 develop a process that allows youth who enter a licensed overnight
17 youth shelter, or another licensed organization with a stated mission
18 to provide services to homeless or runaway youth and their families
19 to request assistance from the community support team.

20 (4) Any youth who enters a licensed overnight youth shelter, or
21 another licensed organization with a stated mission to provide
22 services to homeless or runaway youth and their families in an area
23 served by the community support team is eligible for the community
24 support team.

25 (5) The community support team described in this section shall
26 coordinate efforts, if appropriate, with:

27 (a) The department or the designated contractor of the department
28 providing family reconciliation services to a youth or family;

29 (b) Multidisciplinary teams established under RCW 43.185C.250 and
30 43.185C.255; and

31 (c) Other nearby youth homelessness assistance programs that may
32 provide assistance to the youth.

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