
SUBSTITUTE SENATE BILL 5599

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Lias, C. Wilson, Dhingra, Lovelett, Nguyen, and Randall)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to supporting youth and young adults seeking
2 protected health care services; amending RCW 13.32A.082 and
3 74.15.020; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that unsheltered
6 homelessness for youth poses a serious threat to their health and
7 safety. The Trevor project has found that one in three transgender
8 youth report attempting suicide. Homelessness amongst transgender
9 youth can further endanger an already at-risk population. The
10 legislature further finds that barriers to accessing shelter can
11 place a chilling effect on exiting unsheltered homelessness and
12 therefore create additional risk and dangers for youth. Youth seeking
13 certain medical services are especially at risk and vulnerable.
14 Therefore, the legislature intends to remove barriers to accessing
15 temporary, licensed shelter accommodations for youth seeking certain
16 protected health care services.

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

19 (1)(a) Except as provided in (b) of this subsection, any person,
20 unlicensed youth shelter, or runaway and homeless youth program that,

1 without legal authorization, provides shelter to a minor and that
2 knows at the time of providing the shelter that the minor is away
3 from a lawfully prescribed residence or home without parental
4 permission, shall promptly report the location of the child to the
5 parent, the law enforcement agency of the jurisdiction in which the
6 person lives, or the department.

7 (b) (i) If a licensed overnight youth shelter, or another licensed
8 organization with a stated mission to provide services to homeless or
9 runaway youth and their families, shelters a child and knows at the
10 time of providing the shelter that the child is away from a lawfully
11 prescribed residence or home without parental permission, it must
12 contact the youth's parent within seventy-two hours, but preferably
13 within twenty-four hours, following the time that the youth is
14 admitted to the shelter or other licensed organization's program. The
15 notification must include the whereabouts of the youth, a description
16 of the youth's physical and emotional condition, and the
17 circumstances surrounding the youth's contact with the shelter or
18 organization. If there are compelling reasons not to notify the
19 parent, the shelter or organization must instead notify the
20 department.

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

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

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

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

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

1 (c) "Compelling reasons" include, but are not limited to((7
2 circumstances)):

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

6 (ii) When a minor is seeking or receiving protected health care
7 services.

8 (d) "Protected health care services" has the same meaning as
9 provided in chapter . . . , Laws of 2023(Senate Bill No. 5489).

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

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

19 (5) Nothing in this section limits a person's duty to report
20 child abuse or neglect as required by RCW 26.44.030.

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

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

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

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

37 (b) "Community facility" means a group care facility operated for
38 the care of juveniles committed to the department under RCW
39 13.40.185. A county detention facility that houses juveniles

1 committed to the department under RCW 13.40.185 pursuant to a
2 contract with the department is not a community facility;

3 (c) "Crisis residential center" means an agency which is a
4 temporary protective residential facility operated to perform the
5 duties specified in chapter 13.32A RCW, in the manner provided in RCW
6 43.185C.295 through 43.185C.310;

7 (d) "Emergency respite center" is an agency that may be commonly
8 known as a crisis nursery, that provides emergency and crisis care
9 for up to seventy-two hours to children who have been admitted by
10 their parents or guardians to prevent abuse or neglect. Emergency
11 respite centers may operate for up to twenty-four hours a day, and
12 for up to seven days a week. Emergency respite centers may provide
13 care for children ages birth through seventeen, and for persons
14 eighteen through twenty with developmental disabilities who are
15 admitted with a sibling or siblings through age seventeen. Emergency
16 respite centers may not substitute for crisis residential centers or
17 HOPE centers, or any other services defined under this section, and
18 may not substitute for services which are required under chapter
19 13.32A or 13.34 RCW;

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

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

30 (i) Qualified residential treatment programs as defined in RCW
31 13.34.030;

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

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

37 (g) "HOPE center" means an agency licensed by the secretary to
38 provide temporary residential placement and other services to street
39 youth. A street youth may remain in a HOPE center for thirty days
40 while services are arranged and permanent placement is coordinated.

1 No street youth may stay longer than thirty days unless approved by
2 the department and any additional days approved by the department
3 must be based on the unavailability of a long-term placement option.
4 A street youth whose parent wants him or her returned to home may
5 remain in a HOPE center until his or her parent arranges return of
6 the youth, not longer. All other street youth must have court
7 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
8 up to thirty days;

9 (h) "Maternity service" means an agency which provides or
10 arranges for care or services to expectant mothers, before or during
11 confinement, or which provides care as needed to mothers and their
12 infants after confinement;

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

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

27 (k) "Service provider" means the entity that operates a community
28 facility.

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

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

32 (i) Any blood relative, including those of half-blood, and
33 including first cousins, second cousins, nephews or nieces, and
34 persons of preceding generations as denoted by prefixes of grand,
35 great, or great-great;

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

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

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

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

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

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

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

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

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

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

33 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
34 performing functions defined in chapter 70.41 RCW, nursing homes
35 licensed under chapter 18.51 RCW and assisted living facilities
36 licensed under chapter 18.20 RCW;

37 (h) Licensed physicians or lawyers;

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

39 (j) Any agency having been in operation in this state ten years
40 prior to June 8, 1967, and not seeking or accepting moneys or

1 assistance from any state or federal agency, and is supported in part
2 by an endowment or trust fund;

3 (k) Persons who have a child in their home for purposes of
4 adoption, if the child was placed in such home by a licensed child-
5 placing agency, an authorized public or tribal agency or court or if
6 a replacement report has been filed under chapter 26.33 RCW and the
7 placement has been approved by the court;

8 (l) An agency operated by any unit of local, state, or federal
9 government or an agency licensed by an Indian tribe pursuant to RCW
10 74.15.190;

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

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

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

33 (ii) For purposes of this section, ~~((a—"host"))~~ the following
34 definitions apply:

35 (A) "Host home" ~~((is))~~ means a private home that volunteers to
36 host youth in need of temporary placement that is associated with a
37 host home program.

38 ~~((iii) For purposes of this section, a "host"))~~ (B) "Host home
39 program" is a program that provides support to individual host homes
40 and meets the requirements of (o)(i) of this subsection.

1 (~~(iv)~~) (C) "Compelling reason" means the youth is in the host
2 home or seeking placement in a host home while seeking or receiving
3 protected health care services.

4 (D) "Protected health care services" has the same meaning as
5 provided in chapter . . ., Laws of 2023 (Senate Bill No. 5489).

6 (iii) Any host home program that receives local, state, or
7 government funding shall report the following information to the
8 office of homeless youth prevention and protection programs annually
9 by December 1st of each year: The number of children the program
10 served, why the child was placed with a host home, and where the
11 child went after leaving the host home, including but not limited to
12 returning to the parents, running away, reaching the age of majority,
13 or becoming a dependent of the state;

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

15 (3) "Department" means the department of children, youth, and
16 families.

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

20 (5) "Performance-based contracts" or "contracting" means the
21 structuring of all aspects of the procurement of services around the
22 purpose of the work to be performed and the desired results with the
23 contract requirements set forth in clear, specific, and objective
24 terms with measurable outcomes. Contracts may also include provisions
25 that link the performance of the contractor to the level and timing
26 of the reimbursement.

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

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

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

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

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

39 (a) Educational services, including basic literacy and
40 computational skills training, either in local alternative or public

1 high schools or in a high school equivalency program that leads to
2 obtaining a high school equivalency degree;

3 (b) Assistance and counseling related to obtaining vocational
4 training or higher education, job readiness, job search assistance,
5 and placement programs;

6 (c) Counseling and instruction in life skills such as money
7 management, home management, consumer skills, parenting, health care,
8 access to community resources, and transportation and housing
9 options;

10 (d) Individual and group counseling; and

11 (e) Establishing networks with federal agencies and state and
12 local organizations such as the United States department of labor,
13 employment and training administration programs including the
14 workforce innovation and opportunity act which administers private
15 industry councils and the job corps; vocational rehabilitation; and
16 volunteer programs.

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