
ENGROSSED SUBSTITUTE HOUSE BILL 2253

State of Washington

69th Legislature

2026 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Bernbaum, Reed, Leavitt, Zahn, and Fosse; by request of Department of Children, Youth, and Families)

READ FIRST TIME 01/28/26.

1 AN ACT Relating to updates to the licensing division of the
2 department of children, youth, and families; amending RCW 74.15.125,
3 74.13.289, 74.15.020, 74.15.100, 74.15.030, 43.185C.295, 43.216.305,
4 43.216.325, and 43.216.822; reenacting and amending RCW 74.15.020;
5 providing an effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 74.15.125 and 2023 c 127 s 1 are each amended to
8 read as follows:

9 (1) The department may issue a probationary license to a licensee
10 who has had a license but is temporarily unable to comply with a rule
11 or has been the subject of multiple complaints or concerns about
12 noncompliance if:

13 (a) The noncompliance does not present an immediate threat to the
14 health and well-being of the children but would be likely to do so if
15 allowed to continue; and

16 (b) The licensee has a plan approved by the department to correct
17 the area of noncompliance within the probationary period.

18 (2) A probationary license may be issued for up to six months,
19 and at the discretion of the department it may be extended for an
20 additional six months. The department shall immediately terminate the
21 probationary license, if at any time the noncompliance for which the

1 probationary license was issued presents an immediate threat to the
2 health or well-being of the children, including when high-potency
3 synthetic opioids or illicit substances are present in the home.

4 (3) The department may, at any time, issue a probationary license
5 for due cause that states the conditions of probation.

6 (4) An existing license is invalidated when a probationary
7 license is issued.

8 (5) At the expiration of the probationary license, the department
9 shall reinstate the original license for the remainder of its term,
10 issue a new license, or revoke the original license.

11 (6) A right to an adjudicative proceeding shall not accrue to the
12 licensee whose license has been placed on probationary status unless
13 the licensee does not agree with the placement on probationary status
14 and the department then suspends, revokes, or modifies the license.

15 (7) (a) The department may issue a child-specific license to:

16 (i) A relative, as defined in RCW 13.36.020, or a suitable
17 person, as defined in RCW 13.36.020, who opts to become licensed for
18 placement of a specific child and that child's siblings or relatives
19 in the department's care, custody, and control; ~~((~~or~~))~~

20 (ii) An Indian child's family or extended family member as
21 defined in RCW 13.38.040 who opts to become licensed for placement of
22 a specific Indian child and that child's siblings or relatives in the
23 custody of an Indian tribe as defined in RCW 43.376.010 or the
24 tribe's child placing agency; or

25 (iii) A relative, as defined in RCW 13.36.020, or close family
26 friend for a placement of a specific child in the care and custody of
27 another state and who is to be placed in Washington state through the
28 interstate compact on placement of children, chapter 26.34 RCW.

29 (b) Such individuals must meet all minimum licensing requirements
30 for foster family homes established pursuant to RCW 74.15.030 and are
31 subject to child-specific license criteria, which the department is
32 authorized to establish by rule.

33 (c) For purposes of federal funding, a child-specific license is
34 considered a full license with all of the rights and responsibilities
35 of a foster family home license, except that at the discretion of the
36 department the licensee may only receive placement of specific
37 children pursuant to (a) of this subsection.

38 (d) A child-specific license does not confer upon the licensee a
39 right to placement of a particular child, nor does it confer party
40 status in any proceeding under chapter 13.34 RCW.

1 (e) The department shall seek input from the following
2 stakeholders during the development and adoption of rules necessary
3 to implement this section: Representatives from the kinship care
4 oversight committee, an organization that represents current and
5 former foster youth, an organization that represents child placing
6 agencies, and a statewide advisory group of foster youth and alumni
7 of foster care. The department shall seek tribal input as outlined in
8 the department's government-to-government policy, per RCW 43.376.020.

9 **Sec. 2.** RCW 74.13.289 and 2018 c 284 s 48 are each amended to
10 read as follows:

11 (1) Upon any placement, the department shall inform each out-of-
12 home care provider if the child to be placed in that provider's care
13 is infected with a blood-borne pathogen, and shall identify the
14 specific blood-borne pathogen for which the child was tested if known
15 by the department.

16 (2) All (~~out-of-home~~) foster family homes and group care
17 providers licensed by the department shall receive training related
18 to blood-borne pathogens, including prevention, transmission,
19 infection control, treatment, testing, and confidentiality.

20 (3) Any disclosure of information related to HIV must be in
21 accordance with RCW 70.02.220.

22 (4) The department of health shall identify by rule the term
23 "blood-borne pathogen" as used in this section.

24 **Sec. 3.** RCW 74.15.020 and 2023 c 408 s 3 are each amended to
25 read as follows:

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

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

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

3 (b) "Community facility" means a group care facility operated for
4 the care of juveniles committed to the department under RCW
5 13.40.185. A county detention facility that houses juveniles
6 committed to the department under RCW 13.40.185 pursuant to a
7 contract with the department is not a community facility;

8 (c) "Crisis residential center" means an agency which is a
9 temporary protective residential facility operated to perform the
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW
11 43.185C.295 through 43.185C.310;

12 (d) "Emergency respite center" is an agency that may be commonly
13 known as a crisis nursery, that provides emergency and crisis care
14 for up to seventy-two hours to children who have been admitted by
15 their parents or guardians to prevent abuse or neglect. Emergency
16 respite centers may operate for up to twenty-four hours a day, and
17 for up to seven days a week. Emergency respite centers may provide
18 care for children ages birth through seventeen, and for persons
19 eighteen through twenty with developmental disabilities who are
20 admitted with a sibling or siblings through age seventeen. Emergency
21 respite centers may not substitute for crisis residential centers or
22 HOPE centers, or any other services defined under this section, and
23 may not substitute for services which are required under chapter
24 13.32A or 13.34 RCW;

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

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

35 (i) Qualified residential treatment programs as defined in RCW
36 13.34.030;

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

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

4 (g) "HOPE center" means an agency licensed by the secretary to
5 provide temporary residential placement and other services to street
6 youth. A street youth may remain in a HOPE center for thirty days
7 while services are arranged and permanent placement is coordinated.
8 No street youth may stay longer than thirty days unless approved by
9 the department and any additional days approved by the department
10 must be based on the unavailability of a long-term placement option.
11 A street youth whose parent wants him or her returned to home may
12 remain in a HOPE center until his or her parent arranges return of
13 the youth, not longer. All other street youth must have court
14 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
15 up to thirty days;

16 (h) "Maternity service" means an agency which provides or
17 arranges for care or services to expectant mothers, before or during
18 confinement, or which provides care as needed to mothers and their
19 infants after confinement;

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

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

34 (k) "Service provider" means the entity that operates a community
35 facility.

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

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

39 (i) Any blood relative, including those of half-blood, and
40 including first cousins, second cousins, nephews or nieces, and

1 persons of preceding generations as denoted by prefixes of grand,
2 great, or great-great;

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

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

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

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

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

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

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

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

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

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

1 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
2 performing functions defined in chapter 70.41 RCW, nursing homes
3 licensed under chapter 18.51 RCW and assisted living facilities
4 licensed under chapter 18.20 RCW;

5 ~~((h))~~ ~~((i))~~ ~~((j))~~ ~~((k))~~ ~~((l))~~ ~~((m))~~ ~~((n))~~ ~~((o))~~ ~~((p))~~ ~~((q))~~ ~~((r))~~ ~~((s))~~ ~~((t))~~ ~~((u))~~ ~~((v))~~ ~~((w))~~ ~~((x))~~ ~~((y))~~ ~~((z))~~
6 ~~((i))~~ Facilities approved and certified under chapter 71A.22 RCW;

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

11 ~~((k))~~ (j) Persons who have a child in their home for purposes
12 of adoption, if the child was placed in such home by a licensed
13 child-placing agency, an authorized public or tribal agency or court
14 or if a replacement report has been filed under chapter 26.33 RCW and
15 the placement has been approved by the court;

16 ~~((l))~~ (k) An agency operated by any unit of local, state, or
17 federal government or an agency licensed by an Indian tribe pursuant
18 to RCW 74.15.190;

19 ~~((m))~~ (l) A maximum or medium security program for juvenile
20 offenders operated by or under contract with the department;

21 ~~((n))~~ (m) An agency located on a federal military reservation,
22 except where the military authorities request that such agency be
23 subject to the licensing requirements of this chapter;

24 ~~((o))~~ (n)(i) A host home program, and host home, operated by a
25 tax exempt organization for youth not in the care of or receiving
26 services from the department except as provided in ~~((subsection~~
27 ~~(2)(o)(iii) of this section [(o)(iii) of this subsection])~~) (n)(iii)
28 of this subsection, if that program: (A) Recruits and screens
29 potential homes in the program, including performing background
30 checks on individuals over the age of eighteen residing in the home
31 through the Washington state patrol or equivalent law enforcement
32 agency and performing physical inspections of the home; (B) screens
33 and provides case management services to youth in the program; (C)
34 obtains a notarized permission slip or limited power of attorney from
35 the parent or legal guardian of the youth authorizing the youth to
36 participate in the program and the authorization is updated every six
37 months when a youth remains in a host home longer than six months,
38 unless there is a compelling reason to not contact the parent or
39 guardian; (D) obtains insurance for the program through an insurance
40 provider authorized under Title 48 RCW; (E) provides mandatory

1 reporter and confidentiality training; and (F) registers with the
2 secretary of state under RCW 74.15.315.

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

6 (A) Report to the department within 72 hours of the youth's
7 participation in the program and following this report the department
8 shall make a good faith attempt to notify the parent of this report
9 and offer services designed to resolve the conflict and accomplish a
10 reunification of the family;

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

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

16 (iii) A host home program and host home that meets the other
17 requirements of (~~(subsection (2)(e) of this section [this subsection~~
18 ~~(2)(e)]~~) this subsection (2)(n) may provide care for a youth who is
19 receiving services from the department if the youth is:

20 (A) Not subject to a dependency proceeding under chapter 13.34
21 RCW; and

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

23 (iv) For purposes of this section, the following definitions
24 apply:

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

28 (B) "Host home program" is a program that provides support to
29 individual host homes and meets the requirements of (~~(e)~~) (n)(i) of
30 this subsection.

31 (C) "Compelling reason" means the youth is in the host home or
32 seeking placement in a host home while seeking or receiving protected
33 health care 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 (v) Any host home program that receives local, state, or
38 government funding shall report the following information to the
39 office of homeless youth prevention and protection programs annually
40 by December 1st of each year: The number of children the program

1 served, why the child was placed with a host home, and where the
2 child went after leaving the host home, including but not limited to
3 returning to the parents, running away, reaching the age of majority,
4 or becoming a dependent of the state;

5 (~~(p)~~) (o) Receiving centers as defined in RCW 7.68.380.

6 (3) "Department" means the department of children, youth, and
7 families.

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

11 (5) "Performance-based contracts" or "contracting" means the
12 structuring of all aspects of the procurement of services around the
13 purpose of the work to be performed and the desired results with the
14 contract requirements set forth in clear, specific, and objective
15 terms with measurable outcomes. Contracts may also include provisions
16 that link the performance of the contractor to the level and timing
17 of the reimbursement.

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

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

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

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

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

30 (a) Educational services, including basic literacy and
31 computational skills training, either in local alternative or public
32 high schools or in a high school equivalency program that leads to
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational
35 training or higher education, job readiness, job search assistance,
36 and placement programs;

37 (c) Counseling and instruction in life skills such as money
38 management, home management, consumer skills, parenting, health care,
39 access to community resources, and transportation and housing
40 options;

- 1 (d) Individual and group counseling; and
- 2 (e) Establishing networks with federal agencies and state and
- 3 local organizations such as the United States department of labor,
- 4 employment and training administration programs including the
- 5 workforce innovation and opportunity act which administers private
- 6 industry councils and the job corps; vocational rehabilitation; and
- 7 volunteer programs.

8 **Sec. 4.** RCW 74.15.020 and 2023 c 441 s 4 and 2023 c 408 s 3 are
9 each reenacted and amended to read as follows:

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

12 (1) "Agency" means any person, firm, partnership, association,
13 corporation, facility, or residential private school which receives
14 children, expectant mothers, or persons with developmental
15 disabilities for control, care, or maintenance outside their own
16 homes, or which places, arranges the placement of, or assists in the
17 placement of children, expectant mothers, or persons with
18 developmental disabilities for foster care or placement of children
19 for adoption, and shall include the following irrespective of whether
20 there is compensation to the agency or to the children, expectant
21 mothers, or persons with developmental disabilities for services
22 rendered:

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

25 (b) "Community facility" means a group care facility operated for
26 the care of juveniles committed to the department under RCW
27 13.40.185. A county detention facility that houses juveniles
28 committed to the department under RCW 13.40.185 pursuant to a
29 contract with the department is not a community facility;

30 (c) "Crisis residential center" means an agency which is a
31 temporary protective residential facility operated to perform the
32 duties specified in chapter 13.32A RCW, in the manner provided in RCW
33 43.185C.295 through 43.185C.310;

34 (d) "Emergency respite center" is an agency that may be commonly
35 known as a crisis nursery, that provides emergency and crisis care
36 for up to seventy-two hours to children who have been admitted by
37 their parents or guardians to prevent abuse or neglect. Emergency
38 respite centers may operate for up to twenty-four hours a day, and
39 for up to seven days a week. Emergency respite centers may provide

1 care for children ages birth through seventeen, and for persons
2 eighteen through twenty with developmental disabilities who are
3 admitted with a sibling or siblings through age seventeen. Emergency
4 respite centers may not substitute for crisis residential centers or
5 HOPE centers, or any other services defined under this section, and
6 may not substitute for services which are required under chapter
7 13.32A or 13.34 RCW;

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

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

18 (i) Qualified residential treatment programs as defined in RCW
19 13.34.030;

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

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

25 (g) "HOPE center" means an agency licensed by the secretary to
26 provide temporary residential placement and other services to street
27 youth. A street youth may remain in a HOPE center for thirty days
28 while services are arranged and permanent placement is coordinated.
29 No street youth may stay longer than thirty days unless approved by
30 the department and any additional days approved by the department
31 must be based on the unavailability of a long-term placement option.
32 A street youth whose parent wants him or her returned to home may
33 remain in a HOPE center until his or her parent arranges return of
34 the youth, not longer. All other street youth must have court
35 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
36 up to thirty days;

37 (h) "Maternity service" means an agency which provides or
38 arranges for care or services to expectant mothers, before or during
39 confinement, or which provides care as needed to mothers and their
40 infants after confinement;

1 (i) "Residential private school" means a nonpublic school or
2 nonpublic school district subject to approval by the state board of
3 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that
4 provides sleeping and living facilities or residential accommodations
5 for enrolled students;

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

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

20 (l) "Service provider" means the entity that operates a community
21 facility.

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

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

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

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

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

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

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

38 (vi) Extended family members, as defined by the law or custom of
39 the Indian child's tribe or, in the absence of such law or custom, a
40 person who has reached the age of eighteen and who is the Indian

1 child's grandparent, aunt or uncle, brother or sister, brother-in-law
2 or sister-in-law, niece or nephew, first or second cousin, or
3 stepparent who provides care in the family abode on a twenty-four-
4 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

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

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

22 (f) Nonresidential schools, which are engaged primarily in
23 education, operate on a definite school year schedule, follow a
24 stated academic curriculum, accept only school-age children and do
25 not accept custody of children;

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

30 (h) ~~((Licensed physicians or lawyers;~~

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

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

36 ~~((k)))~~ (j) Persons who have a child in their home for purposes
37 of adoption, if the child was placed in such home by a licensed
38 child-placing agency, an authorized public or tribal agency or court
39 or if a replacement report has been filed under chapter 26.33 RCW and
40 the placement has been approved by the court;

1 ~~((1))~~ (k) An agency operated by any unit of local, state, or
2 federal government or an agency licensed by an Indian tribe pursuant
3 to RCW 74.15.190;

4 ~~((m))~~ (l) A maximum or medium security program for juvenile
5 offenders operated by or under contract with the department;

6 ~~((n))~~ (m) An agency located on a federal military reservation,
7 except where the military authorities request that such agency be
8 subject to the licensing requirements of this chapter;

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

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

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

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

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

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

5 (A) Not subject to a dependency proceeding under chapter 13.34
6 RCW; and

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

8 (iv) For purposes of this section, the following definitions
9 apply:

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

13 (B) "Host home program" is a program that provides support to
14 individual host homes and meets the requirements of (~~(+o)~~) (n)(i) of
15 this subsection.

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

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

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

30 (~~(+p)~~) (o) Receiving centers as defined in RCW 7.68.380.

31 (3) "Department" means the department of children, youth, and
32 families.

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

36 (5) "Performance-based contracts" or "contracting" means the
37 structuring of all aspects of the procurement of services around the
38 purpose of the work to be performed and the desired results with the
39 contract requirements set forth in clear, specific, and objective
40 terms with measurable outcomes. Contracts may also include provisions

1 that link the performance of the contractor to the level and timing
2 of the reimbursement.

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

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

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

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

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

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

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

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

26 (d) Individual and group counseling; and

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

33 **Sec. 5.** RCW 74.15.100 and 2020 c 73 s 2 are each amended to read
34 as follows:

35 (1) Each agency shall make application for a license or renewal
36 of license to the department on forms prescribed by the department. A
37 licensed agency having foster family homes under its supervision may
38 make application for a license on behalf of any such foster family
39 home. Such a foster home license shall cease to be valid when the

1 home is no longer under the supervision of that agency. Upon receipt
2 of such application, the department shall either grant or deny a
3 license within ninety days unless the application is for licensure as
4 a foster family home, in which case RCW 74.15.040 shall govern. A
5 license shall be granted if the agency meets the minimum requirements
6 set forth in this chapter and RCW 74.13.031 and the departmental
7 requirements consistent herewith, except that an initial license may
8 be issued as provided in RCW 74.15.120. Licenses provided for in this
9 chapter and RCW 74.13.031 shall be issued for a period of three
10 years, unless the license has been inactive. The licensee, however,
11 shall advise the secretary of any material change in circumstances
12 which might constitute grounds for reclassification of license as to
13 category. The license issued under this chapter is not transferable
14 and applies only to the licensee. The license shall be limited to a
15 particular location which shall be stated on the license. For
16 licensed foster family homes having an acceptable history of child
17 care, the license may remain in effect for thirty days after a move,
18 except that this will apply only if the family remains intact and
19 children are placed in their care. Licensees must notify their
20 licensor before moving to a new location and may request a
21 continuation of the license at the new location. The department shall
22 conduct a home inspection following notification that a foster family
23 home has moved to a new location. Provided the new location and
24 licensees meet minimum licensing standards, the licensor shall amend
25 the license to reflect the new location. Licensees whose family
26 remains intact and have no children placed in their care at the time
27 of a move to a new location shall notify their licensor within ninety
28 days of moving. If the licensee is in good standing at the time of
29 the move, the licensor shall place the home on no-referral status and
30 complete a home inspection within thirty days of notification. Such
31 licensees shall remain on no-referral status and no new placements
32 may be made in their home until the inspection is complete and the
33 licensor determines that the new location meets minimum licensing
34 standards.

35 (2) The department shall develop rules in collaboration with
36 impacted groups, which will include a definition of "inactive," a
37 process to assess, and exceptions.

38 (3) Closure due to inactivity is considered an enforcement action
39 as outlined in RCW 74.15.130 and defined in RCW 74.15.300 and is
40 subject to appeal.

1 **Sec. 6.** RCW 74.15.030 and 2024 c 300 s 3 are each amended to
2 read as follows:

3 The secretary shall have the power and it shall be the
4 secretary's duty:

5 (1) In consultation with the children's services advisory
6 committee, and with the advice and assistance of persons
7 representative of the various type agencies to be licensed, to
8 designate categories of facilities for which separate or different
9 requirements shall be developed as may be appropriate whether because
10 of variations in the ages, sex and other characteristics of persons
11 served, variations in the purposes and services offered or size or
12 structure of the agencies to be licensed hereunder, or because of any
13 other factor relevant thereto;

14 (2) In consultation with the children's services advisory
15 committee, and with the advice and assistance of persons
16 representative of the various type agencies to be licensed, to adopt
17 and publish minimum requirements for licensing applicable to each of
18 the various categories of agencies to be licensed.

19 The minimum requirements shall be limited to:

20 (a) The size and suitability of a facility and the plan of
21 operation for carrying out the purpose for which an applicant seeks a
22 license;

23 (b) Obtaining background information and any out-of-state
24 equivalent, to determine whether the applicant or service provider is
25 disqualified and to determine the character, competence, and
26 suitability of an agency, the agency's employees, volunteers, and
27 other persons associated with an agency;

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

32 (d) Obtaining child protective services information or records
33 maintained in the department case management information system. No
34 unfounded allegation of child abuse or neglect as defined in RCW
35 26.44.020 may be disclosed to a child-placing agency, private
36 adoption agency, or any other provider licensed under this chapter;

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

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

3 (ii) Foster care and adoption placements; and

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

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

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

11 (h) The capacity to roll, print, or scan fingerprints in the
12 department's early learning and child welfare offices for the
13 purposes of Washington state patrol and federal bureau of
14 investigation fingerprint-based background checks as provided in RCW
15 43.216.270(5);

16 (i) National and state background information must be used solely
17 for the purpose of determining eligibility for a license and for
18 determining the character, suitability, and competence of those
19 persons or agencies, excluding parents, not required to be licensed
20 who are authorized to care for children or expectant mothers;

21 (j) The number of qualified persons required to render the type
22 of care and treatment for which an agency seeks a license;

23 (k) The safety, cleanliness, and general adequacy of the premises
24 to provide for the comfort, care and well-being of children or
25 expectant mothers;

26 (l) The provision of necessary care, including food, clothing,
27 supervision and discipline; physical, mental and social well-being;
28 and educational, recreational and spiritual opportunities for those
29 served;

30 (m) The financial ability of an agency to comply with minimum
31 requirements established pursuant to this chapter and RCW 74.13.031;
32 and

33 (n) The maintenance of records pertaining to the admission,
34 progress, health and discharge of persons served;

35 (3) To investigate any person, including relatives by blood or
36 marriage except for parents, for character, suitability, and
37 competence in the care and treatment of children or expectant mothers
38 prior to authorizing that person to care for children or expectant
39 mothers. However, if a child is placed with a relative under RCW
40 13.34.065 or 13.34.130, and if such relative appears otherwise

1 suitable and competent to provide care and treatment the criminal
2 history background check required by this section need not be
3 completed before placement, but shall be completed as soon as
4 possible after placement;

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

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

16 (6) To prescribe the procedures and the form and contents of
17 reports necessary for the administration of this chapter and RCW
18 74.13.031 and to require regular reports from each licensee;

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

22 (8) To review requirements adopted hereunder at least every two
23 years and to adopt appropriate changes after consultation with
24 affected groups for child day-care requirements and with the
25 children's services advisory committee for requirements for other
26 agencies; and

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

30 **Sec. 7.** RCW 43.185C.295 and 2017 c 277 s 6 are each amended to
31 read as follows:

32 (1) The department shall establish, through performance-based
33 contracts with private or public vendors, regional crisis residential
34 centers with semi-secure facilities. These facilities shall be
35 structured group care facilities licensed under rules adopted by the
36 department of social and health services and shall have an average of
37 at least (~~(four adult staff members and in no event less than three~~
38 ~~adult staff members to every eight children)) one staff member to~~

1 every four children during working hours and one staff member to
2 every six children during sleeping hours.

3 (2) Crisis residential centers must record client information
4 into a homeless management information system specified by the
5 department.

6 (3) Within available funds appropriated for this purpose, the
7 department shall establish, through performance-based contracts with
8 private or public vendors, regional crisis residential centers with
9 secure facilities. These facilities shall be facilities licensed
10 under rules adopted by the department of social and health services.
11 These centers may also include semi-secure facilities and to such
12 extent shall be subject to subsection (1) of this section.

13 (4) The department shall, in addition to the facilities
14 established under subsections (1) and (2) of this section, establish
15 additional crisis residential centers pursuant to performance-based
16 contracts with licensed private group care facilities.

17 (5) The department is authorized to allow contracting entities to
18 include a combination of secure or semi-secure crisis residential
19 centers as defined in RCW 13.32A.030 and/or HOPE centers pursuant to
20 RCW 43.185C.315 in the same building or structure. The department of
21 social and health services shall permit the colocation of these
22 centers only if the entity operating the facility agrees to designate
23 a particular number of beds to each type of center that is located
24 within the building or structure.

25 (6) The staff at the facilities established under this section
26 shall be trained so that they may effectively counsel juveniles
27 admitted to the centers, provide treatment, supervision, and
28 structure to the juveniles that recognize the need for support and
29 the varying circumstances that cause children to leave their
30 families, and carry out the responsibilities stated in RCW
31 43.185C.280.

32 (7) The secure facilities located within crisis residential
33 centers shall be operated to conform with the definition in RCW
34 13.32A.030. The facilities shall have an average of no less than one
35 adult staff member to every ten children. The staffing ratio shall
36 continue to ensure the safety of the children.

37 (8) If a secure crisis residential center is located in or
38 adjacent to a secure juvenile detention facility, the center shall be
39 operated in a manner that prevents in-person contact between the
40 residents of the center and the persons held in such facility.

1 **Sec. 8.** RCW 43.216.305 and 2021 c 304 s 14 are each amended to
2 read as follows:

3 (1) Each agency shall make application for a license or the
4 continuation of a full license to the department using a method
5 prescribed by the department. Upon receipt of such application, the
6 department shall either grant or deny a license or continuation of a
7 full license within ninety days. A license or continuation shall be
8 granted if the agency meets the minimum requirements set forth in
9 this chapter and the departmental requirements consistent with this
10 chapter, except that an initial license may be issued as provided in
11 RCW 43.216.315. The department shall consider whether an agency is in
12 good standing, as defined in subsection (4)(b) of this section,
13 before granting a continuation of a full license. Full licenses
14 provided for in this chapter shall continue to remain valid so long
15 as the licensee meets the requirements for a nonexpiring license in
16 subsection (2) of this section and may be transferred to a new
17 licensee in the event of a transfer of ownership of a child care
18 operation. The licensee, however, shall advise the secretary of any
19 material change in circumstances which might constitute grounds for
20 reclassification of license as to category. The license issued under
21 this chapter applies only to the licensee and the location stated in
22 the application. For licensed family day care homes having an
23 acceptable history of child care, the license may remain in effect
24 for two weeks after a move.

25 (2) In order to qualify for a nonexpiring full license, a
26 licensee must meet the following requirements on an annual basis as
27 established from the date of initial licensure:

28 (a) Submit the annual licensing fee;

29 (b) Submit a declaration to the department indicating the
30 licensee's intent to continue operating a licensed child care
31 program, or the intent to cease operation on a date certain;

32 (c) Submit a declaration of compliance with all licensing rules;
33 (~~and~~)

34 (d) For all current employees of the agency and as defined by
35 department rule, submit background check applications into the
36 department's electronic workforce registry on the schedule
37 established by the department; and

38 (e) For licensees accepting state subsidy, utilize an electronic
39 attendance system that captures the daily check-in and check-out time

1 of each child, verified by a parent or authorized guardian's
2 electronic signature or biometric identifier.

3 (3) If a licensee fails to meet the requirements in subsection
4 (2) of this section for continuation of a full license the license
5 expires and the licensee must submit a new application for licensure
6 under this chapter.

7 (4)(a) Nothing about the nonexpiring license process may
8 interfere with the department's established monitoring practice.

9 (b) For the purpose of this section, an agency is considered to
10 be in good standing if in the intervening period between monitoring
11 visits the agency does not have any of the following:

12 (i) Valid complaints;

13 (ii) A history of noncompliance related to those valid complaints
14 or pending from prior monitoring visits; or

15 (iii) Other information that when evaluated would result in a
16 finding of noncompliance with this section.

17 (c) The department shall consider whether an agency is in good
18 standing when determining the most appropriate approach and process
19 for monitoring visits, for the purposes of administrative efficiency
20 while protecting children, consistent with this chapter. If the
21 department determines that an agency is not in good standing, the
22 department may issue a probationary license, as provided in RCW
23 43.216.320.

24 **Sec. 9.** RCW 43.216.325 and 2021 c 304 s 15 are each amended to
25 read as follows:

26 (1) (a) An agency may be denied a license, or any license issued
27 pursuant to this chapter may be suspended, revoked, modified, or not
28 renewed by the secretary upon proof (~~((a) that the)~~) that:

29 (i) The agency has failed or refused to comply with the
30 provisions of this chapter or the requirements adopted pursuant to
31 this chapter; (~~(or (b) that the)~~)

32 (ii) The conditions required for the issuance of a license under
33 this chapter have ceased to exist with respect to such licenses (~~(-~~
34 ~~RCW 43.216.327 governs notice of a license denial, revocation,~~
35 ~~suspension, or modification and provides the right to an adjudicative~~
36 ~~proceeding)) ; or~~

37 (iii) The agency has exceeded its licensed capacity. If the
38 department has evidence that an agency has exceeded its licensed

1 capacity, the department shall conduct an investigation that may
2 result in the revocation of the agency's license.

3 (b) A license issued pursuant to this chapter must be revoked
4 under the circumstances identified in RCW 43.216.822(2).

5 (2) RCW 43.216.327 governs notice of a license denial,
6 revocation, suspension, or modification and provides the right to an
7 adjudicative proceeding. In any adjudicative proceeding regarding the
8 denial, modification, suspension, or revocation of any license under
9 this chapter, the department's decision shall be upheld if it is
10 supported by a preponderance of the evidence.

11 (3) (a) The department may assess civil monetary penalties upon
12 proof that an agency has failed or refused to comply with the rules
13 adopted under this chapter or that an agency subject to licensing
14 under this chapter is operating without a license except that civil
15 monetary penalties shall not be levied against a licensed foster
16 home.

17 (b) Monetary penalties levied against unlicensed agencies that
18 submit an application for licensure within thirty days of
19 notification and subsequently become licensed will be forgiven. These
20 penalties may be assessed in addition to or in lieu of other
21 disciplinary actions. Civil monetary penalties, if imposed, may be
22 assessed and collected, with interest, for each day an agency is or
23 was out of compliance.

24 (c) Civil monetary penalties shall not exceed one hundred fifty
25 dollars per violation for a family day care home and two hundred
26 fifty dollars per violation for child day care centers or outdoor
27 nature-based child care programs. Each day upon which the same or
28 substantially similar action occurs is a separate violation subject
29 to the assessment of a separate penalty.

30 (d) The department shall provide a notification period before a
31 monetary penalty is effective and may forgive the penalty levied if
32 the agency comes into compliance during this period.

33 (e) The department may suspend, revoke, or not renew a license
34 for failure to pay a civil monetary penalty it has assessed pursuant
35 to this chapter within ten days after such assessment becomes final.
36 RCW 43.216.335 governs notice of a civil monetary penalty and
37 provides the right to an adjudicative proceeding. The preponderance
38 of evidence standard shall apply in adjudicative proceedings related
39 to assessment of civil monetary penalties.

1 (4) (a) In addition to or in lieu of an enforcement action being
2 taken, the department may place a child day care center, outdoor
3 nature-based child care provider, or family day care provider on
4 nonreferral status if the center or provider has failed or refused to
5 comply with this chapter or rules adopted under this chapter or an
6 enforcement action has been taken. The nonreferral status may
7 continue until the department determines that: (i) No enforcement
8 action is appropriate; or (ii) a corrective action plan has been
9 successfully concluded.

10 (b) Whenever a child day care center, outdoor nature-based child
11 care provider, or family day care provider is placed on nonreferral
12 status, the department shall provide written notification to the
13 child day care center, outdoor nature-based child care provider, or
14 family day care provider.

15 (5) The department shall notify appropriate public and private
16 child care resource and referral agencies of the department's
17 decision to: (a) Take an enforcement action against a child day care
18 center, outdoor nature-based child care provider, or family day care
19 provider; or (b) place or remove a child day care center, outdoor
20 nature-based child care provider, or family day care provider on
21 nonreferral status.

22 **Sec. 10.** RCW 43.216.822 and 2013 2nd sp.s. c 29 s 2 are each
23 amended to read as follows:

24 (1) The department must refer all suspected incidents of child
25 care subsidy fraud to the department of social and health services
26 office of fraud and accountability for appropriate investigation and
27 action.

28 (2) An agency found to have committed child care subsidy fraud is
29 permanently disqualified from licensure, including probationary
30 licensure, under this chapter. Current licenses must be revoked under
31 the process outlined in RCW 43.216.325 and 43.216.327, and may not be
32 suspended or modified.

33 (3) For the purposes of this section, "fraud" has the definition
34 in RCW 74.04.004.

35 (~~(3)~~) (4) This section does not limit or preclude the
36 department or the department of social and health services from
37 establishing and collecting overpayments consistent with federal
38 regulation or seek other remedies that may be legally available,
39 including but not limited to criminal investigation or prosecution.

1 NEW SECTION. **Sec. 11.** Section 3 of this act expires July 1,
2 2026.

3 NEW SECTION. **Sec. 12.** Section 4 of this act takes effect July
4 1, 2026.

--- END ---