
SUBSTITUTE SENATE BILL 5498

State of Washington**65th Legislature****2017 Regular Session**

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Darneille, Warnick, Rivers, Billig, Zeiger, Carlyle, Walsh, Mullet, Miloscia, Lias, Keiser, Hunt, and Saldaña; by request of Office of the Governor)

1 AN ACT Relating to creating the department of children, youth,
2 and families; amending RCW 43.215.030, 43.17.010, 43.17.020,
3 43.06A.030, 43.215.020, 43.215.065, 43.215.070, 43.215.200,
4 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420,
5 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065,
6 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010,
7 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090,
8 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820,
9 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030,
10 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040,
11 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800,
12 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160,
13 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051,
14 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070,
15 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030,
16 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005,
17 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080,
18 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116,
19 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220,
20 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462,
21 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540,
22 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100,
23 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415,

1 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040,
2 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030,
3 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040,
4 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410,
5 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.20A.090,
6 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and
7 amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230,
8 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030,
9 13.40.020, and 13.40.280; adding a new section to chapter 41.06 RCW;
10 adding a new chapter to Title 43 RCW; creating new sections;
11 recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050,
12 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090,
13 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102,
14 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130,
15 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137,
16 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195,
17 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215,
18 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230,
19 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270,
20 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307,
21 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335,
22 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370,
23 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415,
24 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440,
25 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457,
26 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476,
27 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502,
28 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530,
29 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550,
30 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900,
31 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909;
32 decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907,
33 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, and
34 43.215.040; providing effective dates; providing an expiration date;
35 and declaring an emergency.

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

37 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that early
38 learning, child welfare, and juvenile justice services for and

1 involvement with children and families in this state are somewhat
2 fragmented because those services are housed in separate state
3 agencies and, as a result, not always well-coordinated. The
4 legislature believes that to improve the delivery of services as well
5 as the outcomes achieved for children and families through the
6 delivery of these services, they should be housed in one state
7 agency.

8 The legislature also finds that historically the state agencies
9 responsible for the provision of early learning, child welfare, and
10 juvenile justice services have not been resourced or mandated to
11 offer services or assistance designed to prevent high-risk families
12 from entering the state systems. To reduce the number of high-risk
13 children and families who come into the state system, the legislature
14 finds that an additional focus of this new agency should be on
15 prevention.

16 The legislature further finds that other states have successfully
17 established integrated departments dedicated to serving children and
18 families. These departments have improved the visibility of
19 children's issues, increased authority and accountability, enabled
20 system improvements, and created a stronger focus on serving
21 children, youth, and families.

22 **PART I**

23 **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES CREATED**

24 NEW SECTION. **Sec. 101.** (1) The department of children, youth,
25 and families is created as an executive branch agency. The department
26 is vested with all powers and duties transferred to it under this act
27 and such other powers and duties as may be authorized by law. The
28 department, in partnership with state and local agencies, tribes, and
29 communities, shall protect children, youth, and family well-being
30 with effective, high quality prevention, intervention, and early
31 education services delivered in an equitable manner.

32 (2)(a) The department is responsible for developing definitions
33 for, work plans to address, and metrics to measure the outcomes of
34 the department. The department must establish short and long-term
35 population-level outcome measures, including metrics regarding
36 reducing disparities by income and race in each outcome. The
37 department must report on outcome measures and progress towards these
38 goals at least annually, beginning December 1, 2018.

1 (b) The outcome measures must include, but are not limited to:

2 (i) Improving child and youth safety, permanency, and well-being
3 as measured by: (A) Reducing a child's length of stay in out-of-home
4 care; (B) reducing maltreatment of youth while in out-of-home care;
5 (C) licensing more foster care placements than there are children in
6 foster care; and (D) reducing the number of children that reenter
7 out-of-home care within twelve months;

8 (ii) Improving reconciliation of children and youth with their
9 families as measured by: (A) Increasing family reunification; (B)
10 increasing the availability of family reconciliation services; and
11 (C) increasing the number of youth, including unaccompanied homeless
12 youth, who are reunified with their family of origin;

13 (iii) Reducing criminal justice involvement and recidivism as
14 measured by: (A) Increasing the number of youth who successfully
15 complete the terms of his or her diversion or alternative sentencing
16 options; (B) a decrease in the number of youth who commit subsequent
17 crimes; and (C) not discharging youth from institutional settings
18 into homelessness; and

19 (iv) Improving child development and school readiness through
20 voluntary, high quality early learning opportunities as measured by:
21 (A) Increasing the number and proportion of children kindergarten-
22 ready as measured by the Washington kindergarten inventory of
23 developing skills (WAKids) assessment; and (B) increasing the
24 proportion of children in state-funded early learning programs that
25 have achieved the level 3 or higher early achiever quality standard.

26 (3) The department is accountable to the public. To ensure
27 transparency, agency performance data, including outcome data for
28 contracted services, must be available to the public, consistent with
29 protecting the confidentiality of the individuals. Publicly available
30 data must include budget and funding decisions and performance data
31 on metrics identified in this section. Such data must be readily
32 accessible on the department's web site. To further ensure
33 transparency, effectiveness, and quality of contracted and granted
34 services, no funds may be expended by the department unless made
35 pursuant to performance-based contracts or grants.

36 (4)(a) The department shall establish the oversight board for
37 children, youth, and families. The board is authorized for the
38 purpose of monitoring and ensuring the department's compliance with
39 administrative acts, relevant statutes, rules, and policies
40 pertaining to early learning, juvenile rehabilitation, juvenile

1 justice, and children and family services. To the extent possible,
2 the board shall be collocated with the office of the family and
3 children's ombuds.

4 (b)(i) The oversight board for children, youth, and families
5 shall consist of two senators and two representatives from the
6 legislature with one member from each caucus, three subject matter
7 experts in early learning, child welfare, or juvenile rehabilitation
8 and justice, two parent stakeholder group representatives, including
9 one current or former foster parent and one alumni of the child
10 welfare system, one law enforcement representative, and one judicial
11 representative practicing in family law or other children's matters.

12 (ii) The senate members of the board shall be appointed by the
13 leaders of the two major caucuses of the senate. The house of
14 representatives members of the board shall be appointed by the
15 leaders of the two major caucuses of the house. Members shall be
16 appointed before the close of each regular session of the legislature
17 during an odd-numbered year.

18 (iii) The remaining board members shall be nominated by the
19 governor, subject to the approval of the appointed legislators, and
20 serve four-year terms.

21 (c) The oversight board for children, youth, and families has the
22 following powers:

23 (i) Selection of its officers and adoption rules for orderly
24 procedure;

25 (ii) To request investigations by the family and children's
26 ombuds of administrative acts;

27 (iii) To receive reports of the family and children's ombuds;

28 (iv)(A) To obtain access to all relevant records in the
29 possession of the family and children's ombuds, except as prohibited
30 by law; and (B) to make recommendations to all branches of
31 government;

32 (v) To identify potential policy changes and, if necessary,
33 request legislation;

34 (vi) To conduct hearings into such matters as it deems necessary;

35 (vii) To request and receive information, outcomes data,
36 documents, materials, and records from the department relating to
37 children and family welfare, juvenile rehabilitation, juvenile
38 justice, and early learning;

39 (viii) To request audits by the state auditor of the department
40 relating to all areas of departmental performance including statutory

1 compliance, progress towards meeting stated performance measures and
2 outcomes, personnel matters, and other issues deemed appropriate by
3 the oversight board for children, youth, and families. Upon the
4 receipt of a finding by the auditor that the department is failing to
5 meet its obligation regarding the performance-based contract
6 requirements as provided for in this section, the oversight board for
7 children, youth, and families may notify and direct the director of
8 the office of financial management to revise allotments and
9 appropriation levels for the department;

10 (ix) In conjunction with the secretary, to identify and establish
11 desired outcomes, performance metrics as stated in this section, and
12 personnel objectives for the department;

13 (x) To conduct annual reviews of provider contracts and grants to
14 ensure that each contract and grant is performance based and to
15 assess the measures included in each contract.

16 (d) Upon receipt of records or data from the family and
17 children's ombuds or the department, the oversight board for
18 children, youth, and families is subject to the same confidentiality
19 restrictions as the family and children's ombuds is under RCW
20 43.06A.050.

21 (e) The oversight board for children, youth, and families has all
22 general oversight over the performance and policies of the department
23 by providing advice and input to the department. The board shall
24 issue an annual report to the governor and legislature by December
25 1st of each year with an initial report delivered by December 1,
26 2018. The initial report shall include information regarding the
27 office of innovation and alignment's progress and report on the work
28 of the department as is practicable. Subsequent reports shall include
29 information regarding the department's progress towards meeting
30 stated performance measures, desired performance outcomes, and
31 personnel matters and objectives. The report must also include a
32 review of the department's strategic plan, performance and
33 performance measures, policies, and rules.

34 (f) The oversight board for children, youth, and families must
35 convene annual stakeholder meetings wherein potentially aggrieved
36 parties may provide feedback to the board regarding contracting with
37 the department, departmental use of local, state, private, and
38 federal funds, and other matters as relating to carrying out the
39 duties of the department.

1 (g) The oversight board for children, youth, and families shall
2 engage in an annual random sampling of surveys from agencies,
3 providers, customers, parent groups, and external services to assess
4 whether the department is meeting annual benchmarks.

5 (h) The oversight board for children, youth, and families is
6 subject to the open public meetings act, chapter 42.30 RCW.

7 (i) The oversight board for children, youth, and families members
8 shall receive no compensation for their service on the board, but
9 shall be reimbursed for travel expenses incurred while attending
10 meetings of the board when authorized by the board in accordance with
11 RCW 43.03.050 and 43.03.060.

12 (j) The oversight board for children, youth, and families shall
13 elect, by majority vote, an executive director who shall be the chief
14 administrative officer of the board and shall be responsible for
15 carrying out the policies adopted by the board. The executive
16 director is exempt from the provisions of the state civil service
17 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
18 established in this section.

19 (k) The oversight board for children, youth, and families shall
20 maintain a staff not to exceed three full-time equivalent employees.
21 The board-selected executive director of the board is responsible for
22 coordinating staff appointments.

23 (5) As used in subsection (3) of this section, "performance-based
24 contract" means results-oriented contracting that focuses on the
25 quality or outcomes that tie at least a portion of the contractor's
26 payment, contract extensions, or contract renewals to the achievement
27 of specific measurable performance standards and requirements.

28 **Sec. 102.** RCW 43.215.030 and 2006 c 265 s 104 are each amended
29 to read as follows:

30 (1) The executive head and appointing authority of the department
31 is the ~~((director))~~ secretary. The ~~((director))~~ secretary shall be
32 appointed by the governor with the consent of the senate, and shall
33 serve at the pleasure of the governor. ~~((The governor shall solicit
34 input from all parties involved in the private public partnership
35 concerning this appointment.))~~ The ~~((director))~~ secretary shall be
36 paid a salary to be fixed by the governor in accordance with RCW
37 43.03.040. If a vacancy occurs in the position of ~~((director))~~
38 secretary while the senate is not in session, the governor shall make
39 a temporary appointment until the next meeting of the senate when the

1 governor's nomination for the office of (~~director~~) secretary shall
2 be presented.

3 (2) The (~~director~~) secretary may employ staff members, who
4 shall be exempt from chapter 41.06 RCW, and any additional staff
5 members as are necessary to administer this chapter and such other
6 duties as may be authorized by law. The employment of such additional
7 staff shall be in accordance with chapter 41.06 RCW, except as
8 otherwise provided. The (~~director~~) secretary may delegate any power
9 or duty vested in him or her by (~~this~~) chapter . . . , Laws of 2017
10 (this act) or other law, including authority to make final decisions
11 and enter final orders in hearings conducted under chapter 34.05 RCW.

12 (3) The internal affairs of the department are under the control
13 of the secretary in order that the secretary may manage the
14 department in a flexible and intelligent manner as dictated by
15 changing contemporary circumstances. Unless specifically limited by
16 law, the secretary has the complete charge and supervisory powers
17 over the department. The secretary may create the administrative
18 structures as the secretary deems appropriate, except as otherwise
19 specified in law, and the secretary may employ personnel as may be
20 necessary in accordance with chapter 41.06 RCW, except as otherwise
21 provided by law.

22 NEW SECTION. Sec. 103. (1) The office of innovation and
23 alignment is created within the office of the governor.

24 (2) The primary duties and focus of the office of innovation and
25 alignment is on developing and presenting a plan for the
26 establishment of the department of children, youth, and families,
27 including the functions in this subsection:

28 (a) Coordination between the department of early learning, the
29 department of social and health services, and the juvenile
30 rehabilitation administration including technical and policy work
31 groups to aid in the development of the items in (c) of this
32 subsection;

33 (b) To convene research institutions, including the education
34 data center, the department of social and health services' research
35 and data analysis office, the Washington state institute for public
36 policy, and the Washington state center for court research, to
37 establish priorities for (c) of this subsection;

1 (c) Development of an integrated portfolio management and
2 administrative structure for the department of children, youth, and
3 families, to include:

4 (i) Establishment of mechanisms for effectively partnering with
5 communities, small businesses, providers of services for children and
6 families, and families themselves;

7 (ii) Establishment of a definition of outcomes that the
8 department of children, youth, and families will be held accountable
9 to in order to measure the performance of the department reforms and
10 the priorities of the department;

11 (d) Development of a stakeholder advisory system for the
12 department of children, youth, and families. The office of innovation
13 and alignment must review and consult with stakeholder and advisory
14 bodies from the department of early learning, the children's
15 administration, and the juvenile rehabilitation administration in
16 order to devise this system. The office will further develop an
17 external review protocol for the department to ensure effective
18 implementation of the policies and practices established by the
19 office;

20 (e) In coordination with the office of the chief information
21 officer and the department of social and health services, the
22 development of an information technology design and investment plan
23 required to effectively integrate the department of early learning,
24 the children's administration, and the juvenile rehabilitation
25 administration, and to meet other goals of this section to be
26 provided to the governor and to the legislature for consideration in
27 the 2018 supplemental budget;

28 (f) Development of a consultation policy and protocol with the
29 twenty-nine federally recognized tribes in the state of Washington.
30 The office of innovation and alignment must strive to honor and
31 integrate the existing agreements between these tribes and the
32 department of early learning, the children's administration, and the
33 juvenile rehabilitation administration; and

34 (g) Review existing statutes affecting the department of early
35 learning and the department of social and health services and
36 identify any conflicts or barriers that these statutes present in the
37 execution of the plan in this section.

38 (3) This section expires July 1, 2018.

1 NEW SECTION. **Sec. 104.** (1) The office of innovation and
2 alignment is transitioned from the office of the governor to be an
3 office within the department. The secretary shall set the agenda and
4 oversee the office.

5 (2) The primary duties and focus of the office is on continuous
6 improvement to include the functions in this subsection:

7 (a) To review and recommend implementation of advancements in
8 research;

9 (b) Alignment and measuring of outcomes including, but not
10 limited to, the use of evidence-based and research-based practices;

11 (c) Quality assurance and evaluation of programs and services
12 within the department;

13 (d) To lead partnerships with the community, research and
14 teaching institutions, philanthropic organizations, and nonprofit
15 organizations; and

16 (e) To produce an annual work plan that includes priorities for
17 ongoing policy, practice and system reform, tracking, and reporting
18 out on the performance of department reforms.

19 NEW SECTION. **Sec. 105.** A new section is added to chapter 41.06
20 RCW to read as follows:

21 In addition to the exemptions under RCW 41.06.070, this chapter
22 does not apply in the department of children, youth, and families to
23 the secretary; the secretary's confidential secretary; deputy,
24 assistant, and regional secretaries, one confidential secretary for
25 each of the aforesaid officers; and any other exempt staff members
26 provided for in chapter . . . , Laws of 2017 (this act).

27 NEW SECTION. **Sec. 106.** (1) The secretary or the secretary's
28 designee has the full authority to administer oaths and take
29 testimony, to issue subpoenas requiring the attendance of witnesses
30 before him or her together with all books, memoranda, papers, and
31 other documents, articles, or instruments, and to compel the
32 disclosure by those witnesses of all facts known to them relative to
33 the matters under investigation.

34 (2) Subpoenas issued in adjudicative proceedings are governed by
35 RCW 34.05.588(1).

36 (3) Subpoenas issued in the conduct of investigations required or
37 authorized by other statutory provisions or necessary in the

1 enforcement of other statutory provisions are governed by RCW
2 34.05.588(2).

3 (4) When a judicially approved subpoena is required by law, the
4 secretary or the secretary's designee may apply for and obtain a
5 superior court order approving and authorizing a subpoena in advance
6 of its issuance. The application may be made in the county where the
7 subpoenaed person resides or is found, or in the county where the
8 subpoenaed documents, records, or evidence are located, or in
9 Thurston county. The application must:

10 (a) State that an order is sought under this section;

11 (b) Adequately specify the documents, records, evidence, or
12 testimony; and

13 (c) Include a declaration made under oath that an investigation
14 is being conducted for a lawfully authorized purpose related to an
15 investigation within the department's authority and that the
16 subpoenaed documents, records, evidence, or testimony are reasonably
17 related to an investigation within the department's authority.

18 (5) When an application under subsection (4) of this section is
19 made to the satisfaction of the court, the court must issue an order
20 approving the subpoena. When a judicially approved subpoena is
21 required by law, an order under this subsection constitutes authority
22 of law for the agency to subpoena the documents, records, evidence,
23 or testimony.

24 (6) The secretary or the secretary's designee may seek approval
25 and a court may issue an order under this section without prior
26 notice to any person, including the person to whom the subpoena is
27 directed and the person who is the subject of an investigation. An
28 application for court approval is subject to the fee and process set
29 forth in RCW 36.18.012(3).

30 NEW SECTION. **Sec. 107.** The secretary shall administer family
31 services and programs to promote the state's policy as provided in
32 RCW 74.14A.025.

33 NEW SECTION. **Sec. 108.** The secretary shall make all of the
34 department's evaluation and research materials and data on private
35 nonprofit group homes available to group home contractors. The
36 department may delete any information from the materials that
37 identifies a specific client or contractor, other than the contractor
38 requesting the materials.

1 **Sec. 109.** RCW 43.17.010 and 2011 1st sp.s. c 43 s 107 are each
2 amended to read as follows:

3 There shall be departments of the state government which shall be
4 known as (1) the department of social and health services, (2) the
5 department of ecology, (3) the department of labor and industries,
6 (4) the department of agriculture, (5) the department of fish and
7 wildlife, (6) the department of transportation, (7) the department of
8 licensing, (8) the department of enterprise services, (9) the
9 department of commerce, (10) the department of veterans affairs, (11)
10 the department of revenue, (12) the department of retirement systems,
11 (13) the department of corrections, (14) the department of health,
12 (15) the department of financial institutions, (16) the department of
13 archaeology and historic preservation, (17) the department of (~~early~~
14 ~~learning~~) children, youth, and families, and (18) the Puget Sound
15 partnership, which shall be charged with the execution, enforcement,
16 and administration of such laws, and invested with such powers and
17 required to perform such duties, as the legislature may provide.

18 **Sec. 110.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each
19 amended to read as follows:

20 There shall be a chief executive officer of each department to be
21 known as: (1) The secretary of social and health services, (2) the
22 director of ecology, (3) the director of labor and industries, (4)
23 the director of agriculture, (5) the director of fish and wildlife,
24 (6) the secretary of transportation, (7) the director of licensing,
25 (8) the director of enterprise services, (9) the director of
26 commerce, (10) the director of veterans affairs, (11) the director of
27 revenue, (12) the director of retirement systems, (13) the secretary
28 of corrections, (14) the secretary of health, (15) the director of
29 financial institutions, (16) the director of the department of
30 archaeology and historic preservation, (17) the (~~director~~)
31 secretary of (~~early learning~~) children, youth, and families, and
32 (18) the executive director of the Puget Sound partnership.

33 Such officers, except the director of fish and wildlife, shall be
34 appointed by the governor, with the consent of the senate, and hold
35 office at the pleasure of the governor. The director of fish and
36 wildlife shall be appointed by the fish and wildlife commission as
37 prescribed by RCW 77.04.055.

1 **Sec. 111.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015
2 3rd sp.s. c 1 s 317 are each reenacted and amended to read as
3 follows:

4 For the purposes of RCW 42.17A.700, "executive state officer"
5 includes:

6 (1) The chief administrative law judge, the director of
7 agriculture, the director of the department of services for the
8 blind, the secretary of children, youth, and families, the director
9 of the state system of community and technical colleges, the director
10 of commerce, the director of the consolidated technology services
11 agency, the secretary of corrections, (~~the director of early~~
12 ~~learning,~~) the director of ecology, the commissioner of employment
13 security, the chair of the energy facility site evaluation council,
14 the director of enterprise services, the secretary of the state
15 finance committee, the director of financial management, the director
16 of fish and wildlife, the executive secretary of the forest practices
17 appeals board, the director of the gambling commission, the secretary
18 of health, the administrator of the Washington state health care
19 authority, the executive secretary of the health care facilities
20 authority, the executive secretary of the higher education facilities
21 authority, the executive secretary of the horse racing commission,
22 the executive secretary of the human rights commission, the executive
23 secretary of the indeterminate sentence review board, the executive
24 director of the state investment board, the director of labor and
25 industries, the director of licensing, the director of the lottery
26 commission, the director of the office of minority and women's
27 business enterprises, the director of parks and recreation, the
28 executive director of the public disclosure commission, the executive
29 director of the Puget Sound partnership, the director of the
30 recreation and conservation office, the director of retirement
31 systems, the director of revenue, the secretary of social and health
32 services, the chief of the Washington state patrol, the executive
33 secretary of the board of tax appeals, the secretary of
34 transportation, the secretary of the utilities and transportation
35 commission, the director of veterans affairs, the president of each
36 of the regional and state universities and the president of The
37 Evergreen State College, and each district and each campus president
38 of each state community college;

39 (2) Each professional staff member of the office of the governor;

40 (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, the boards
2 of trustees of each community college and each technical college,
3 each member of the state board for community and technical colleges,
4 state convention and trade center board of directors, Eastern
5 Washington University board of trustees, Washington economic
6 development finance authority, Washington energy northwest executive
7 board, The Evergreen State College board of trustees, executive
8 ethics board, fish and wildlife commission, forest practices appeals
9 board, forest practices board, gambling commission, Washington health
10 care facilities authority, student achievement council, higher
11 education facilities authority, horse racing commission, state
12 housing finance commission, human rights commission, indeterminate
13 sentence review board, board of industrial insurance appeals, state
14 investment board, commission on judicial conduct, legislative ethics
15 board, life sciences discovery fund authority board of trustees,
16 state liquor ((control)) and cannabis board, lottery commission,
17 Pacific Northwest electric power and conservation planning council,
18 parks and recreation commission, Washington personnel resources
19 board, board of pilotage commissioners, pollution control hearings
20 board, public disclosure commission, public employees' benefits
21 board, recreation and conservation funding board, salmon recovery
22 funding board, shorelines hearings board, board of tax appeals,
23 transportation commission, University of Washington board of regents,
24 utilities and transportation commission, Washington State University
25 board of regents, and Western Washington University board of
26 trustees.

27 **Sec. 112.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to
28 read as follows:

29 The ombuds shall perform the following duties:

30 (1) Provide information as appropriate on the rights and
31 responsibilities of individuals receiving family and children's
32 services, juvenile justice, juvenile rehabilitation, and child early
33 learning, and on the procedures for providing these services;

34 (2) Investigate, upon his or her own initiative or upon receipt
35 of a complaint, an administrative act alleged to be contrary to law,
36 rule, or policy, imposed without an adequate statement of reason, or
37 based on irrelevant, immaterial, or erroneous grounds; however, the
38 ombuds may decline to investigate any complaint as provided by rules
39 adopted under this chapter;

1 (3) Monitor the procedures as established, implemented, and
2 practiced by the department of children, youth, and families to carry
3 out its responsibilities in delivering family and children's services
4 with a view toward appropriate preservation of families and ensuring
5 children's health and safety, achieving juvenile rehabilitation
6 objectives, promoting juvenile justice, and enhancing child early
7 learning;

8 (4) Review periodically the facilities and procedures of state
9 institutions serving children, youth, and families, and state-
10 licensed facilities or residences;

11 (5) Recommend changes in the procedures for addressing the needs
12 of children, youth, and families (~~and children~~), juvenile
13 rehabilitation, juvenile justice, and child early learning;

14 (6) Submit annually to the (~~committee~~) oversight board for
15 children, youth, and families created in section 101 of this act and
16 to the governor by November 1st a report analyzing the work of the
17 (~~office~~) department of children, youth, and families, including
18 recommendations;

19 (7) Grant the committee access to all relevant records in the
20 possession of the ombuds unless prohibited by law; and

21 (8) Adopt rules necessary to implement this chapter.

22 PART II

23 POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF EARLY LEARNING

24 **Sec. 201.** RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3
25 are each reenacted and amended to read as follows:

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

28 (1) "Agency" means any person, firm, partnership, association,
29 corporation, or facility that provides child care and early learning
30 services outside a child's own home and includes the following
31 irrespective of whether there is compensation to the agency:

32 (a) "Child day care center" means an agency that regularly
33 provides early childhood education and early learning services for a
34 group of children for periods of less than twenty-four hours;

35 (b) "Early learning" includes but is not limited to programs and
36 services for child care; state, federal, private, and nonprofit
37 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

3 (c) "Family day care provider" means a child care provider who
4 regularly provides early childhood education and early learning
5 services for not more than twelve children in the provider's home in
6 the family living quarters;

7 (d) "Nongovernmental private-public partnership" means an entity
8 registered as a nonprofit corporation in Washington state with a
9 primary focus on early learning, school readiness, and parental
10 support, and an ability to raise a minimum of five million dollars in
11 contributions;

12 (e) "Service provider" means the entity that operates a community
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Persons related to the child in the following ways:

16 (i) Any blood relative, including those of half-blood, and
17 including first cousins, nephews or nieces, and persons of preceding
18 generations as denoted by prefixes of grand, great, or great-great;

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

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

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

26 (b) Persons who are legal guardians of the child;

27 (c) Persons who care for a neighbor's or friend's child or
28 children, with or without compensation, where the person providing
29 care for periods of less than twenty-four hours does not conduct such
30 activity on an ongoing, regularly scheduled basis for the purpose of
31 engaging in business, which includes, but is not limited to,
32 advertising such care;

33 (d) Parents on a mutually cooperative basis exchange care of one
34 another's children;

35 (e) Nursery schools that are engaged primarily in early childhood
36 education with preschool children and in which no child is enrolled
37 on a regular basis for more than four hours per day;

38 (f) Schools, including boarding schools, that are engaged
39 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, and accept only school age
2 children;

3 (g) Seasonal camps of three months' or less duration engaged
4 primarily in recreational or educational activities;

5 (h) Facilities providing child care for periods of less than
6 twenty-four hours when a parent or legal guardian of the child
7 remains on the premises of the facility for the purpose of
8 participating in:

9 (i) Activities other than employment; or

10 (ii) Employment of up to two hours per day when the facility is
11 operated by a nonprofit entity that also operates a licensed child
12 care program at the same facility in another location or at another
13 facility;

14 (i) Any entity that provides recreational or educational
15 programming for school age children only and the entity meets all of
16 the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where
18 children are able to attend during any or all program hours without a
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;
23 and

24 (iv) The entity is in compliance with all safety and quality
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal
27 government;

28 (k) A program located within the boundaries of a federally
29 recognized Indian reservation, licensed by the Indian tribe;

30 (l) A program located on a federal military reservation, except
31 where the military authorities request that such agency be subject to
32 the licensing requirements of this chapter;

33 (m) A program that offers early learning and support services,
34 such as parent education, and does not provide child care services on
35 a regular basis.

36 (3) "Applicant" means a person who requests or seeks employment
37 in an agency.

38 (4) "Conviction information" means criminal history record
39 information relating to an incident which has led to a conviction or
40 other disposition adverse to the applicant.

1 (5) "Department" means the department of (~~early learning~~)
2 children, youth, and families.

3 (6) (~~"Director" means the director~~) "Secretary" means the
4 secretary of the department.

5 (7) "Early achievers" means a program that improves the quality
6 of early learning programs and supports and rewards providers for
7 their participation.

8 (8) "Early childhood education and assistance program contractor"
9 means an organization that provides early childhood education and
10 assistance program services under a signed contract with the
11 department.

12 (9) "Early childhood education and assistance program provider"
13 means an organization that provides site level, direct, and high
14 quality early childhood education and assistance program services
15 under the direction of an early childhood education and assistance
16 program contractor.

17 (10) "Early start" means an integrated high quality continuum of
18 early learning programs for children birth-to-five years of age.
19 Components of early start include, but are not limited to, the
20 following:

21 (a) Home visiting and parent education and support programs;

22 (b) The early achievers program described in RCW 43.215.100 (as
23 recodified by this act);

24 (c) Integrated full-day and part-day high quality early learning
25 programs; and

26 (d) High quality preschool for children whose family income is at
27 or below one hundred ten percent of the federal poverty level.

28 (11) "Education data center" means the education data center
29 established in RCW 43.41.400, commonly referred to as the education
30 research and data center.

31 (12) "Employer" means a person or business that engages the
32 services of one or more people, especially for wages or salary to
33 work in an agency.

34 (13) "Enforcement action" means denial, suspension, revocation,
35 modification, or nonrenewal of a license pursuant to RCW
36 43.215.300(1) (as recodified by this act) or assessment of civil
37 monetary penalties pursuant to RCW 43.215.300(3) (as recodified by
38 this act).

39 (14) "Extended day program" means an early childhood education
40 and assistance program that offers early learning education for at

1 least ten hours per day, a minimum of two thousand hours per year, at
2 least four days per week, and operates year round.

3 (15) "Full day program" means an early childhood education and
4 assistance program that offers early learning education for a minimum
5 of one thousand hours per year.

6 (16) "Low-income child care provider" means a person who
7 administers a child care program that consists of at least eighty
8 percent of children receiving working connections child care subsidy.

9 (17) "Low-income neighborhood" means a district or community
10 where more than twenty percent of households are below the federal
11 poverty level.

12 (18) "Negative action" means a court order, court judgment, or an
13 adverse action taken by an agency, in any state, federal, tribal, or
14 foreign jurisdiction, which results in a finding against the
15 applicant reasonably related to the individual's character,
16 suitability, and competence to care for or have unsupervised access
17 to children in child care. This may include, but is not limited to:

18 (a) A decision issued by an administrative law judge;

19 (b) A final determination, decision, or finding made by an agency
20 following an investigation;

21 (c) An adverse agency action, including termination, revocation,
22 or denial of a license or certification, or if pending adverse agency
23 action, the voluntary surrender of a license, certification, or
24 contract in lieu of the adverse action;

25 (d) A revocation, denial, or restriction placed on any
26 professional license; or

27 (e) A final decision of a disciplinary board.

28 (19) "Nonconviction information" means arrest, founded
29 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
30 or other negative action adverse to the applicant.

31 (20) "Nonschool age child" means a child who is age six years or
32 younger and who is not enrolled in a public or private school.

33 (21) "Part day program" means an early childhood education and
34 assistance program that offers early learning education for at least
35 two and one-half hours per class session, at least three hundred
36 twenty hours per year, for a minimum of thirty weeks per year.

37 (22) "Private school" means a private school approved by the
38 state under chapter 28A.195 RCW.

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

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

6 (25) "School age child" means a child who is five years of age
7 through twelve years of age and is attending a public or private
8 school or is receiving home-based instruction under chapter 28A.200
9 RCW.

10 (26) "Washington state preschool program" means an education
11 program for children three-to-five years of age who have not yet
12 entered kindergarten, such as the early childhood education and
13 assistance program.

14 **Sec. 202.** RCW 43.215.020 and 2016 c 57 s 5 are each amended to
15 read as follows:

16 (1) ~~The department ((of early learning is created as an executive~~
17 ~~branch agency. The department is vested with all powers and duties~~
18 ~~transferred to it under this chapter and such other powers and duties~~
19 ~~as may be authorized by law.~~

20 (2) ~~The primary duties of the department are to~~) shall implement
21 state early learning policy and ((~~to~~)) coordinate, consolidate, and
22 integrate child care and early learning programs in order to
23 administer programs and funding as efficiently as possible. The
24 department's duties include, but are not limited to, the following:

25 (a) To support both public and private sectors toward a
26 comprehensive and collaborative system of early learning that serves
27 parents, children, and providers and to encourage best practices in
28 child care and early learning programs;

29 (b) To make early learning resources available to parents and
30 caregivers;

31 (c) To carry out activities, including providing clear and easily
32 accessible information about quality and improving the quality of
33 early learning opportunities for young children, in cooperation with
34 the nongovernmental private-public partnership;

35 (d) To administer child care and early learning programs;

36 (e) To apply data already collected comparing the following
37 factors and make biennial recommendations to the legislature
38 regarding working connections subsidy and state-funded preschool

1 rates and compensation models that would attract and retain high
2 quality early learning professionals:

3 (i) State-funded early learning subsidy rates and market rates of
4 licensed early learning homes and centers;

5 (ii) Compensation of early learning educators in licensed centers
6 and homes and early learning teachers at state higher education
7 institutions;

8 (iii) State-funded preschool program compensation rates and
9 Washington state head start program compensation rates; and

10 (iv) State-funded preschool program compensation to compensation
11 in similar comprehensive programs in other states;

12 (f) To serve as the state lead agency for Part C of the federal
13 individuals with disabilities education act (IDEA) and to develop and
14 adopt rules that establish minimum requirements for the services
15 offered through Part C programs, including allowable allocations and
16 expenditures for transition into Part B of the federal individuals
17 with disabilities education act (IDEA);

18 (g) To standardize internal financial audits, oversight visits,
19 performance benchmarks, and licensing criteria, so that programs can
20 function in an integrated fashion;

21 (h) To support the implementation of the nongovernmental private-
22 public partnership and cooperate with that partnership in pursuing
23 its goals including providing data and support necessary for the
24 successful work of the partnership;

25 (i) To work cooperatively and in coordination with the early
26 learning council;

27 (j) To collaborate with the K-12 school system at the state and
28 local levels to ensure appropriate connections and smooth transitions
29 between early learning and K-12 programs;

30 (k) To develop and adopt rules for administration of the program
31 of early learning established in RCW 43.215.455 (as recodified by
32 this act);

33 (l) To develop a comprehensive birth-to-three plan to provide
34 education and support through a continuum of options including, but
35 not limited to, services such as: Home visiting; quality incentives
36 for infant and toddler child care subsidies; quality improvements for
37 family home and center-based child care programs serving infants and
38 toddlers; professional development; early literacy programs; and
39 informal supports for family, friend, and neighbor caregivers; and

1 (m) Upon the development of an early learning information system,
2 to make available to parents timely inspection and licensing action
3 information and provider comments through the internet and other
4 means.

5 ~~((3))~~ (2) When additional funds are appropriated for the
6 specific purpose of home visiting and parent and caregiver support,
7 the department must reserve at least eighty percent for home visiting
8 services to be deposited into the home visiting services account and
9 up to twenty percent of the new funds for other parent or caregiver
10 support.

11 ~~((4))~~ (3) Home visiting services must include programs that
12 serve families involved in the child welfare system.

13 ~~((5) Subject to the availability of amounts appropriated for
14 this specific purpose, the legislature shall fund the expansion in
15 the Washington state preschool program pursuant to RCW 43.215.456 in
16 fiscal year 2014.~~

17 ~~(6))~~ (4) The department's programs shall be designed in a way
18 that respects and preserves the ability of parents and legal
19 guardians to direct the education, development, and upbringing of
20 their children, and that recognizes and honors cultural and
21 linguistic diversity. The department shall include parents and legal
22 guardians in the development of policies and program decisions
23 affecting their children.

24 **Sec. 203.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
25 read as follows:

26 (1)(a) The ~~((director of the department of early learning))~~
27 secretary shall review current department policies and assess the
28 adequacy and availability of programs targeted at persons who receive
29 assistance who are the children and families of a person who is
30 incarcerated in a department of corrections facility. Great attention
31 shall be focused on programs and policies affecting foster youth who
32 have a parent who is incarcerated.

33 (b) The ~~((director))~~ secretary shall adopt policies that support
34 the children of incarcerated parents and meet their needs with the
35 goal of facilitating normal child development, while reducing
36 intergenerational incarceration.

37 (2) The ~~((director))~~ secretary shall conduct the following
38 activities to assist in implementing the requirements of subsection
39 (1) of this section:

1 (a) Gather information and data on the recipients of assistance
2 who are the children and families of inmates incarcerated in
3 department of corrections facilities; and

4 (b) Participate in the children of incarcerated parents advisory
5 committee and report information obtained under this section to the
6 advisory committee.

7 **Sec. 204.** RCW 43.215.070 and 2006 c 265 s 108 are each amended
8 to read as follows:

9 (1) In addition to other duties under this chapter, the
10 (~~director~~) secretary shall actively participate in a
11 nongovernmental private-public partnership focused on supporting
12 government's investments in early learning and ensuring that every
13 child in the state is prepared to succeed in school and in life.
14 Except for licensing as required by Washington state law and to the
15 extent permitted by federal law, the (~~director of the department of~~
16 ~~early learning~~) secretary shall grant waivers from the rules of
17 state agencies for the operation of early learning programs requested
18 by the nongovernmental private-public partnership to allow for
19 flexibility to pursue market-based approaches to achieving the best
20 outcomes for children and families.

21 (2) In addition to other powers granted to the (~~director~~)
22 secretary, the (~~director~~) secretary may:

23 (a) Enter into contracts on behalf of the department to carry out
24 the purposes of this chapter; and

25 (b) Accept gifts, grants, or other funds for the purposes of this
26 chapter(~~;~~and

27 ~~(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary~~
28 ~~to implement this chapter, including rules governing child day care~~
29 ~~and early learning programs under this chapter. This section does not~~
30 ~~expand the rule-making authority of the director beyond that~~
31 ~~necessary to implement and administer programs and services existing~~
32 ~~July 1, 2006, as transferred to the department of early learning~~
33 ~~under section 501, chapter 265, Laws of 2006. The rule-making~~
34 ~~authority does not include any authority to set mandatory curriculum~~
35 ~~or establish what must be taught in child day care centers or by~~
36 ~~family day care providers)).~~

37 **Sec. 205.** RCW 43.215.200 and 2015 3rd sp.s. c 7 s 4 are each
38 amended to read as follows:

1 It shall be the (~~director's~~) secretary's duty with regard to
2 licensing under this chapter:

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

11 (2)(a) In consultation with the state fire marshal's office, the
12 (~~director~~) secretary shall use an interagency process to address
13 health and safety requirements for child care programs that serve
14 school-age children and are operated in buildings that contain public
15 or private schools that safely serve children during times in which
16 school is in session;

17 (b) Any requirements in (a) of this subsection as they relate to
18 the physical facility, including outdoor playgrounds, do not apply to
19 before-school and after-school programs that serve only school-age
20 children and operate in the same facilities used by public or private
21 schools;

22 (3) In consultation and with the advice and assistance of parents
23 or guardians, and persons representative of the various type agencies
24 to be licensed, to adopt and publish minimum requirements for
25 licensing applicable to each of the various categories of agencies to
26 be licensed under this chapter;

27 (4) In consultation with law enforcement personnel, the
28 (~~director~~) secretary shall investigate the conviction record or
29 pending charges of each agency and its staff seeking licensure or
30 relicensure, and other persons having unsupervised access to children
31 in care;

32 (5) To satisfy the shared background check requirements provided
33 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
34 department of (~~early learning~~) children, youth, and families and
35 the department of social and health services shall share federal
36 fingerprint-based background check results as permitted under the
37 law. The purpose of this provision is to allow both departments to
38 fulfill their joint background check responsibility of checking any
39 individual who may have unsupervised access to vulnerable adults,

1 children, or juveniles. Neither department may share the federal
2 background check results with any other state agency or person;

3 (6) To issue, revoke, or deny licenses to agencies pursuant to
4 this chapter. Licenses shall specify the category of care that an
5 agency is authorized to render and the ages and number of children to
6 be served;

7 (7) To prescribe the procedures and the form and contents of
8 reports necessary for the administration of this chapter and to
9 require regular reports from each licensee;

10 (8) To inspect agencies periodically to determine whether or not
11 there is compliance with this chapter and the requirements adopted
12 under this chapter;

13 (9) To review requirements adopted under this chapter at least
14 every two years and to adopt appropriate changes after consultation
15 with affected groups for child day care requirements; and

16 (10) To consult with public and private agencies in order to help
17 them improve their methods and facilities for the care and early
18 learning of children.

19 **Sec. 206.** RCW 43.215.215 and 2011 c 295 s 2 and 2011 c 253 s 4
20 are each reenacted and amended to read as follows:

21 (1) In determining whether an individual is of appropriate
22 character, suitability, and competence to provide child care and
23 early learning services to children, the department may consider the
24 history of past involvement of child protective services or law
25 enforcement agencies with the individual for the purpose of
26 establishing a pattern of conduct, behavior, or inaction with regard
27 to the health, safety, or welfare of a child. No report of child
28 abuse or neglect that has been destroyed or expunged under RCW
29 26.44.031 may be used for such purposes. No unfounded or inconclusive
30 allegation of child abuse or neglect as defined in RCW 26.44.020 may
31 be disclosed to a provider licensed under this chapter.

32 (2) In order to determine the suitability of individuals newly
33 applying for an agency license, new licensees, their new employees,
34 and other persons who newly have unsupervised access to children in
35 care, shall be fingerprinted.

36 (a) The fingerprints shall be forwarded to the Washington state
37 patrol and federal bureau of investigation for a criminal history
38 record check.

1 (b)(i) (~~Effective July 1, 2012,~~) All individuals applying for
2 first-time agency licenses, all new employees, and other persons who
3 have not been previously qualified by the department to have
4 unsupervised access to children in care must be fingerprinted and
5 obtain a criminal history record check pursuant to this section.

6 (ii) Persons required to be fingerprinted and obtain a criminal
7 (~~history~~) history record check pursuant to this section must pay
8 for the cost of this check as follows: The fee established by the
9 Washington state patrol for the criminal background history check,
10 including the cost of obtaining the fingerprints; and a fee paid to
11 the department for the cost of administering the individual-based/
12 portable background check clearance registry. The fee paid to the
13 department must be deposited into the individual-based/portable
14 background check clearance account established in RCW 43.215.218 (as
15 recodified by this act). The licensee may, but need not, pay these
16 costs on behalf of a prospective employee or reimburse the
17 prospective employee for these costs. The licensee and the
18 prospective employee may share these costs.

19 (c) The (~~director~~) secretary shall use the fingerprint criminal
20 history record check information solely for the purpose of
21 determining eligibility for a license and for determining the
22 character, suitability, and competence of those persons or agencies,
23 excluding parents, not required to be licensed who are authorized to
24 care for children.

25 (d) Criminal justice agencies shall provide the (~~director~~)
26 secretary such information as they may have and that the (~~director~~)
27 secretary may require for such purpose.

28 (e) No later than July 1, 2013, all agency licensees holding
29 licenses prior to July 1, 2012, persons who were employees before
30 July 1, 2012, and persons who have been qualified by the department
31 before July 1, 2012, to have unsupervised access to children in care,
32 must submit a new background application to the department. The
33 department must require persons submitting a new background
34 application pursuant to this subsection (2)(e) to pay a fee to the
35 department for the cost of administering the individual-based/
36 portable background check clearance registry. This fee must be paid
37 into the individual-based/portable background check clearance account
38 established in RCW 43.215.218 (as recodified by this act). The
39 licensee may, but need not, pay these costs on behalf of a
40 prospective employee or reimburse the prospective employee for these

1 costs. The licensee and the prospective employee may share these
2 costs.

3 (f) The department shall issue a background check clearance card
4 or certificate to the applicant if after the completion of a
5 background check the department concludes the applicant is qualified
6 for unsupervised access to children in child care. The background
7 check clearance card or certificate is valid for three years from the
8 date of issuance. A valid card or certificate must be accepted by a
9 potential employer as proof that the applicant has successfully
10 completed a background check as required under this chapter.

11 (g) The original applicant for an agency license, licensees,
12 their employees, and other persons who have unsupervised access to
13 children in care shall submit a new background check application to
14 the department, on a form and by a date as determined by the
15 department.

16 (h) The applicant and agency shall maintain on-site for
17 inspection a copy of the background check clearance card or
18 certificate.

19 (i) Individuals who have been issued a background check clearance
20 card or certificate shall report nonconviction and conviction
21 information to the department within twenty-four hours of the event
22 constituting the nonconviction or conviction information.

23 (j) The department shall investigate and conduct a
24 redetermination of an applicant's or licensee's background clearance
25 if the department receives a complaint or information from
26 individuals, a law enforcement agency, or other federal, state, or
27 local government agency. Subject to the requirements contained in RCW
28 43.215.300 and 43.215.305 (as recodified by this act) and based on a
29 determination that an individual lacks the appropriate character,
30 suitability, or competence to provide child care or early learning
31 services to children, the department may: (i) Invalidate the
32 background card or certificate; or (ii) suspend, modify, or revoke
33 any license authorized by this chapter.

34 (3) To satisfy the shared background check requirements of the
35 department of (~~early learning~~) children, youth, and families and
36 the department of social and health services, each department shall
37 share federal fingerprint-based background check results as permitted
38 under the law. The purpose of this provision is to allow both
39 departments to fulfill their joint background check responsibility of
40 checking any individual who may have unsupervised access to

1 vulnerable adults, children, or juveniles. Neither department may
2 share the federal background check results with any other state
3 agency or person.

4 **Sec. 207.** RCW 43.215.216 and 2011 c 295 s 1 are each amended to
5 read as follows:

6 Subject to appropriation, the department (~~of early learning~~)
7 shall (~~establish and~~) maintain an individual-based or portable
8 background check clearance registry (~~by July 1, 2012~~). Any
9 individual seeking a child care license or employment in any child
10 care facility licensed or regulated under current law shall submit a
11 background application on a form prescribed by the department in
12 rule.

13 **Sec. 208.** RCW 43.215.217 and 2011 c 295 s 4 are each amended to
14 read as follows:

15 (~~Effective July 1, 2011,~~) All agency licensees shall pay the
16 department a one-time fee established by the department. When
17 establishing the fee, the department must consider the cost of
18 developing and administering the registry, and shall not set a fee
19 which is estimated to generate revenue beyond estimated costs for the
20 development and administration of the registry. Fee revenues must be
21 deposited in the individual-based/portable background check clearance
22 account created in RCW 43.215.218 (as recodified by this act) and may
23 be expended only for the costs of developing and administering the
24 individual-based/portable background check clearance registry created
25 in RCW 43.215.216 (as recodified by this act).

26 **Sec. 209.** RCW 43.215.218 and 2011 c 295 s 5 are each amended to
27 read as follows:

28 The individual-based/portable background check clearance account
29 is created in the custody of the state treasurer. All fees collected
30 pursuant to RCW 43.215.215 and 43.215.217 (as recodified by this act)
31 must be deposited in the account. Expenditures from the account may
32 be made only for development and administration, and implementation
33 of the individual-based/portable background check registry
34 established in RCW 43.215.216 (as recodified by this act). Only the
35 (~~director of the department of early learning or the director's~~)
36 secretary or the secretary's designee may authorize expenditures from
37 the account. The account is subject to allotment procedures under

1 chapter 43.88 RCW, but an appropriation is not required for
2 expenditures.

3 **Sec. 210.** RCW 43.215.405 and 2014 c 160 s 4 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout RCW 43.215.400 through 43.215.457 and
7 43.215.900 through 43.215.903 (as recodified by this act).

8 (1) "Advisory committee" means the advisory committee under RCW
9 43.215.420 (as recodified by this act).

10 (2) "Approved programs" means those state-supported education and
11 special assistance programs which are recognized by the department as
12 meeting the minimum program rules adopted by the department to
13 qualify under RCW 43.215.400 through 43.215.450 and 43.215.900
14 through 43.215.903 (as recodified by this act) and are designated as
15 eligible for funding by the department under RCW 43.215.430 and
16 43.215.440 (as recodified by this act).

17 (3) "Comprehensive" means an assistance program that focuses on
18 the needs of the child and includes education, health, and family
19 support services.

20 (4) (~~("Department" means the department of early learning.~~

21 ~~(5))~~) "Eligible child" means a child not eligible for
22 kindergarten whose family income is at or below one hundred ten
23 percent of the federal poverty level, as published annually by the
24 federal department of health and human services, and includes a child
25 whose family is eligible for public assistance, and who is not a
26 participant in a federal or state program providing comprehensive
27 services; a child eligible for special education due to disability
28 under RCW 28A.155.020; and may include children who are eligible
29 under rules adopted by the department if the number of such children
30 equals not more than ten percent of the total enrollment in the early
31 childhood program. Priority for enrollment shall be given to children
32 from families with the lowest income, children in foster care, or to
33 eligible children from families with multiple needs.

34 (~~(6))~~) (5) "Family support services" means providing
35 opportunities for parents to:

36 (a) Actively participate in their child's early childhood
37 program;

38 (b) Increase their knowledge of child development and parenting
39 skills;

1 (c) Further their education and training;

2 (d) Increase their ability to use needed services in the
3 community;

4 (e) Increase their self-reliance.

5 **Sec. 211.** RCW 43.215.420 and 2006 c 263 s 413 are each amended
6 to read as follows:

7 The department shall establish an advisory committee composed of
8 interested parents and representatives from the office of the
9 superintendent of public instruction, (~~the division of children and~~
10 ~~family services within the department of social and health~~
11 ~~services,~~) early childhood education and development staff
12 preparation programs, the head start programs, school districts, and
13 such other community and business organizations as deemed necessary
14 by the department to assist with the establishment of the preschool
15 program and advise the department on matters regarding the ongoing
16 promotion and operation of the program.

17 **Sec. 212.** RCW 43.215.495 and 2006 c 265 s 202 are each amended
18 to read as follows:

19 It shall be the policy of the state of Washington to:

20 (1) Recognize the family as the most important social and
21 economic unit of society and support the central role parents play in
22 child rearing. All parents are encouraged to care for and nurture
23 their children through the traditional methods of parental care at
24 home. The availability of quality, affordable child care is a concern
25 for working parents, the costs of care are often beyond the resources
26 of working parents, and child care facilities are not located
27 conveniently to workplaces and neighborhoods. Parents are encouraged
28 to participate fully in the effort to improve the quality of child
29 care services.

30 (2) Promote a variety of culturally and developmentally
31 appropriate child care settings and services of the highest possible
32 quality in accordance with the basic principle of continuity of care.
33 These settings shall include, but not be limited to, family day care
34 homes, mini-centers, centers and schools.

35 (3) Promote the growth, development and safety of children by
36 working with community groups including providers and parents to
37 establish standards for quality service, training of child care

1 providers, fair and equitable monitoring, and salary levels
2 commensurate with provider responsibilities and support services.

3 (4) Promote equal access to quality, affordable, socio-
4 economically integrated child care for all children and families.

5 (5) Facilitate broad community and private sector involvement in
6 the provision of quality child care services to foster economic
7 development and assist industry through the department (~~(of early~~
8 ~~learning)~~)).

9 **Sec. 213.** RCW 43.215.545 and 2013 c 323 s 8 are each amended to
10 read as follows:

11 The department (~~(of early learning)~~) shall:

12 (1) Work in conjunction with the statewide child care resource
13 and referral network as well as local governments, nonprofit
14 organizations, businesses, and community child care advocates to
15 create local child care resource and referral organizations. These
16 organizations may carry out needs assessments, resource development,
17 provider training, technical assistance, and parent information and
18 training;

19 (2) Actively seek public and private money for distribution as
20 grants to the statewide child care resource and referral network and
21 to existing or potential local child care resource and referral
22 organizations;

23 (3) Adopt rules regarding the application for and distribution of
24 grants to local child care resource and referral organizations. The
25 rules shall, at a minimum, require an applicant to submit a plan for
26 achieving the following objectives:

27 (a) Provide parents with information about child care resources,
28 including location of services and subsidies;

29 (b) Carry out child care provider recruitment and training
30 programs, including training under RCW 74.25.040;

31 (c) Offer support services, such as parent and provider seminars,
32 toy-lending libraries, and substitute banks;

33 (d) Provide information for businesses regarding child care
34 supply and demand;

35 (e) Advocate for increased public and private sector resources
36 devoted to child care;

37 (f) Provide technical assistance to employers regarding employee
38 child care services; and

1 (g) Serve recipients of temporary assistance for needy families
2 and working parents with incomes at or below household incomes of two
3 hundred percent of the federal poverty line;

4 (4) Provide staff support and technical assistance to the
5 statewide child care resource and referral network and local child
6 care resource and referral organizations;

7 (5) Maintain a statewide child care licensing data bank and work
8 with department licensors to provide information to local child care
9 resource and referral organizations about licensed child care
10 providers in the state;

11 (6) Through the statewide child care resource and referral
12 network and local resource and referral organizations, compile data
13 about local child care needs and availability for future planning and
14 development;

15 (7) Coordinate with the statewide child care resource and
16 referral network and local child care resource and referral
17 organizations for the provision of training and technical assistance
18 to child care providers;

19 (8) Collect and assemble information regarding the availability
20 of insurance and of federal and other child care funding to assist
21 state and local agencies, businesses, and other child care providers
22 in offering child care services;

23 (9) Subject to the availability of amounts appropriated for this
24 specific purpose, (~~beginning September 1, 2013,~~) increase the base
25 rate for all child care providers by ten percent;

26 (10) Subject to the availability of amounts appropriated for this
27 specific purpose, provide tiered subsidy rate enhancements to child
28 care providers if the provider meets the following requirements:

29 (a) The provider enrolls in quality rating and improvement system
30 levels 2, 3, 4, or 5;

31 (b) The provider is actively participating in the early achievers
32 program;

33 (c) The provider continues to advance towards level 5 of the
34 early achievers program; and

35 (d) The provider must complete level 2 within thirty months or
36 the reimbursement rate returns the level 1 rate; and

37 (11) Require exempt providers to participate in continuing
38 education, if adequate funding is available.

1 **Sec. 214.** RCW 43.215.550 and 2006 c 265 s 203 are each amended
2 to read as follows:

3 An employer liaison position is established in the department
4 (~~(of early learning)~~) to be colocated with the department of
5 (~~(community, trade, and economic development)~~) commerce. The employer
6 liaison shall, within appropriated funds:

7 (1) Staff and assist the child care partnership in the
8 implementation of its duties;

9 (2) Provide technical assistance to employers regarding child
10 care services, working with and through local resource and referral
11 organizations whenever possible. Such technical assistance shall
12 include at a minimum:

13 (a) Assessing the child care needs of employees and prospective
14 employees;

15 (b) Reviewing options available to employers interested in
16 increasing access to child care for their employees;

17 (c) Developing techniques to permit small businesses to increase
18 access to child care for their employees;

19 (d) Reviewing methods of evaluating the impact of child care
20 activities on employers; and

21 (e) Preparing, collecting, and distributing current information
22 for employers on options for increasing involvement in child care;
23 and

24 (3) Provide assistance to local child care resource and referral
25 organizations to increase their capacity to provide quality technical
26 assistance to employers in their community.

27 **Sec. 215.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to
28 read as follows:

29 (1) Beginning with the 2007-08 school year, funding for voluntary
30 all-day kindergarten programs shall be phased-in beginning with
31 schools with the highest poverty levels, defined as those schools
32 with the highest percentages of students qualifying for free and
33 reduced-price lunch support in the prior school year. During the
34 2011-2013 biennium, funding shall continue to be phased-in each year
35 until full statewide implementation of all-day kindergarten is
36 achieved in the 2017-18 school year. Once a school receives funding
37 for the all-day kindergarten program, that school shall remain
38 eligible for funding in subsequent school years regardless of changes
39 in the school's percentage of students eligible for free and reduced-

1 price lunches as long as other program requirements are fulfilled.
2 Additionally, schools receiving all-day kindergarten program support
3 shall agree to the following conditions:

4 (a) Provide at least a one thousand-hour instructional program;

5 (b) Provide a curriculum that offers a rich, varied set of
6 experiences that assist students in:

7 (i) Developing initial skills in the academic areas of reading,
8 mathematics, and writing;

9 (ii) Developing a variety of communication skills;

10 (iii) Providing experiences in science, social studies, arts,
11 health and physical education, and a world language other than
12 English;

13 (iv) Acquiring large and small motor skills;

14 (v) Acquiring social and emotional skills including successful
15 participation in learning activities as an individual and as part of
16 a group; and

17 (vi) Learning through hands-on experiences;

18 (c) Establish learning environments that are developmentally
19 appropriate and promote creativity;

20 (d) Demonstrate strong connections and communication with early
21 learning community providers; and

22 (e) Participate in kindergarten program readiness activities with
23 early learning providers and parents.

24 (2)(a) It is the intent of the legislature that administration of
25 the Washington kindergarten inventory of developing skills as
26 required in this subsection (2) and RCW 28A.655.080 replace
27 administration of other assessments being required by school
28 districts or that other assessments only be administered if they seek
29 to obtain information not covered by the Washington kindergarten
30 inventory of developing skills.

31 (b) In addition to the requirements in subsection (1) of this
32 section and to the extent funds are available, beginning with the
33 2011-12 school year on a voluntary basis, schools must identify the
34 skills, knowledge, and characteristics of kindergarten students at
35 the beginning of the school year in order to support social-
36 emotional, physical, and cognitive growth and development of
37 individual children; support early learning provider and parent
38 involvement; and inform instruction. Kindergarten teachers shall
39 administer the Washington kindergarten inventory of developing
40 skills, as directed by the superintendent of public instruction in

1 consultation with the department of (~~early-learning~~) children,
2 youth, and families and in collaboration with the nongovernmental
3 private-public partnership designated in RCW 43.215.070 (as
4 recodified by this act), and report the results to the
5 superintendent. The superintendent shall share the results with the
6 (~~director~~) secretary of the department of (~~early-learning~~)
7 children, youth, and families.

8 (c) School districts shall provide an opportunity for parents and
9 guardians to excuse their children from participation in the
10 Washington kindergarten inventory of developing skills.

11 (3) Subject to funds appropriated for this purpose, the
12 superintendent of public instruction shall designate one or more
13 school districts to serve as resources and examples of best practices
14 in designing and operating a high-quality all-day kindergarten
15 program. Designated school districts shall serve as lighthouse
16 programs and provide technical assistance to other school districts
17 in the initial stages of implementing an all-day kindergarten
18 program. Examples of topics addressed by the technical assistance
19 include strategic planning, developing the instructional program and
20 curriculum, working with early learning providers to identify
21 students and communicate with parents, and developing kindergarten
22 program readiness activities.

23 **Sec. 216.** RCW 28A.155.065 and 2016 c 57 s 3 are each amended to
24 read as follows:

25 (1) Each school district shall provide or contract for early
26 intervention services to all eligible children with disabilities from
27 birth to three years of age. Eligibility shall be determined
28 according to Part C of the federal individuals with disabilities
29 education act or other applicable federal and state laws, and as
30 specified in the Washington Administrative Code adopted by the state
31 lead agency, which is the department of (~~early-learning~~) children,
32 youth, and families. School districts shall provide or contract, or
33 both, for early intervention services in partnership with local
34 birth-to-three lead agencies and birth-to-three providers. Services
35 provided under this section shall not supplant services or funding
36 currently provided in the state for early intervention services to
37 eligible children with disabilities from birth to three years of age.
38 The state-designated birth-to-three lead agency shall be payor of

1 last resort for birth-to-three early intervention services provided
2 under this section.

3 (2)(a) By October 1, 2016, the office of the superintendent of
4 public instruction shall provide the department of early learning, in
5 its role as state lead agency, with a full accounting of the school
6 district expenditures from the 2013-14 and 2014-15 school years,
7 disaggregated by district, for birth-to-three early intervention
8 services provided under this section.

9 (b) The reported expenditures must include, but are not limited
10 to per student allocations, per student expenditures, the number of
11 children served, detailed information on services provided by school
12 districts and contracted for by school districts, coordination and
13 transition services, and administrative costs.

14 (3) The services in this section are not part of the state's
15 program of basic education pursuant to Article IX of the state
16 Constitution.

17 **Sec. 217.** RCW 28A.210.070 and 2006 c 263 s 908 are each amended
18 to read as follows:

19 As used in RCW 28A.210.060 through 28A.210.170:

20 (1) "Chief administrator" shall mean the person with the
21 authority and responsibility for the immediate supervision of the
22 operation of a school or day care center as defined in this section
23 or, in the alternative, such other person as may hereafter be
24 designated in writing for the purposes of RCW 28A.210.060 through
25 28A.210.170 by the statutory or corporate board of directors of the
26 school district, school, or day care center or, if none, such other
27 persons or person with the authority and responsibility for the
28 general supervision of the operation of the school district, school
29 or day care center.

30 (2) "Full immunization" shall mean immunization against certain
31 vaccine-preventable diseases in accordance with schedules and with
32 immunizing agents approved by the state board of health.

33 (3) "Local health department" shall mean the city, town, county,
34 district or combined city-county health department, board of health,
35 or health officer which provides public health services.

36 (4) "School" shall mean and include each building, facility, and
37 location at or within which any or all portions of a preschool,
38 kindergarten and grades one through twelve program of education and
39 related activities are conducted for two or more children by or in

1 behalf of any public school district and by or in behalf of any
2 private school or private institution subject to approval by the
3 state board of education pursuant to RCW 28A.305.130, 28A.195.010
4 through 28A.195.050, and 28A.410.120.

5 (5) "Day care center" shall mean an agency which regularly
6 provides care for a group of thirteen or more children for periods of
7 less than twenty-four hours and is licensed pursuant to chapter
8 ~~((74.15))~~ 43.215 RCW (as recodified by this act).

9 (6) "Child" shall mean any person, regardless of age, in
10 attendance at a public or private school or a licensed day care
11 center.

12 **Sec. 218.** RCW 28A.215.020 and 2006 c 263 s 411 are each amended
13 to read as follows:

14 Expenditures under federal funds and/or state appropriations made
15 to carry out the purposes of RCW 28A.215.010 through 28A.215.050
16 shall be made by warrants issued by the state treasurer upon order of
17 the superintendent of public instruction. The superintendent of
18 public instruction shall make necessary rules to carry out the
19 purpose of RCW 28A.215.010. ~~((After being notified by the office of
20 the governor that there is an agency or department responsible for
21 early learning,))~~ The superintendent shall consult with ~~((that
22 agency))~~ the department of children, youth, and families when
23 establishing relevant rules.

24 **Sec. 219.** RCW 28A.320.191 and 2010 c 231 s 5 are each amended to
25 read as follows:

26 For the program of early learning established in RCW
27 ~~((43.215.141))~~ 43.215.455 (as recodified by this act), school
28 districts:

29 (1) Shall work cooperatively with program providers to coordinate
30 the transition from preschool to kindergarten so that children and
31 their families are well-prepared and supported; and

32 (2) May contract with the department of ~~((early learning))~~
33 children, youth, and families to deliver services under the program.

34 **Sec. 220.** RCW 28A.400.303 and 2014 c 50 s 1 are each amended to
35 read as follows:

36 (1) School districts, educational service districts, the
37 Washington state center for childhood deafness and hearing loss, the

1 state school for the blind, and their contractors hiring employees
2 who will have regularly scheduled unsupervised access to children
3 shall require a record check through the Washington state patrol
4 criminal identification system under RCW 43.43.830 through 43.43.834,
5 10.97.030, and 10.97.050 and through the federal bureau of
6 investigation before hiring an employee. The record check shall
7 include a fingerprint check using a complete Washington state
8 criminal identification fingerprint card. The requesting entity shall
9 provide a copy of the record report to the applicant. When necessary,
10 applicants may be employed on a conditional basis pending completion
11 of the investigation. If the applicant has had a record check within
12 the previous two years, the district, the Washington state center for
13 childhood deafness and hearing loss, the state school for the blind,
14 or contractor may waive the requirement. Except as provided in
15 subsection (2) of this section, the district, pursuant to chapter
16 41.59 or 41.56 RCW, the Washington state center for childhood
17 deafness and hearing loss, the state school for the blind, or
18 contractor hiring the employee shall determine who shall pay costs
19 associated with the record check.

20 (2) Federal bureau of Indian affairs-funded schools may use the
21 process in subsection (1) of this section to perform record checks
22 for their employees and applicants for employment.

23 (3) Individuals who hold a valid portable background check
24 clearance card issued by the department of ~~((early—learning))~~
25 children, youth, and families consistent with RCW 43.215.215 (as
26 recodified by this act) can meet the requirements in subsection (1)
27 of this section by providing a true and accurate copy of their
28 Washington state patrol and federal bureau of investigation
29 background report results to the office of the superintendent of
30 public instruction.

31 **Sec. 221.** RCW 28A.410.010 and 2014 c 50 s 2 are each amended to
32 read as follows:

33 (1)(a) The Washington professional educator standards board shall
34 establish, publish, and enforce rules determining eligibility for and
35 certification of personnel employed in the common schools of this
36 state, including certification for emergency or temporary, substitute
37 or provisional duty and under such certificates or permits as the
38 board shall deem proper or as otherwise prescribed by law. The rules
39 shall require that the initial application for certification shall

1 require a record check of the applicant through the Washington state
2 patrol criminal identification system and through the federal bureau
3 of investigation at the applicant's expense. The record check shall
4 include a fingerprint check using a complete Washington state
5 criminal identification fingerprint card. An individual who holds a
6 valid portable background check clearance card issued by the
7 department of (~~early learning~~) children, youth, and families
8 consistent with RCW 43.215.215 (as recodified by this act) is exempt
9 from the office of the superintendent of public instruction
10 fingerprint background check if the individual provides a true and
11 accurate copy of his or her Washington state patrol and federal
12 bureau of investigation background report results to the office of
13 the superintendent of public instruction. The superintendent of
14 public instruction may waive the record check for any applicant who
15 has had a record check within the two years before application. The
16 rules shall permit a holder of a lapsed certificate but not a revoked
17 or suspended certificate to be employed on a conditional basis by a
18 school district with the requirement that the holder must complete
19 any certificate renewal requirements established by the state board
20 of education within two years of initial reemployment.

21 (b) In establishing rules pertaining to the qualifications of
22 instructors of American sign language the board shall consult with
23 the national association of the deaf, "sign instructors guidance
24 network" (s.i.g.n.), and the Washington state association of the deaf
25 for evaluation and certification of sign language instructors.

26 (c) The board shall develop rules consistent with RCW 18.340.020
27 for the certification of spouses of military personnel.

28 (2) The superintendent of public instruction shall act as the
29 administrator of any such rules and have the power to issue any
30 certificates or permits and revoke the same in accordance with board
31 rules.

32 **Sec. 222.** RCW 42.56.230 and 2015 c 224 s 2 and 2015 c 47 s 1 are
33 each reenacted and amended to read as follows:

34 The following personal information is exempt from public
35 inspection and copying under this chapter:

36 (1) Personal information in any files maintained for students in
37 public schools, patients or clients of public institutions or public
38 health agencies, or welfare recipients;

39 (2)(a) Personal information:

1 (i) For a child enrolled in licensed child care in any files
2 maintained by the department of (~~early learning~~) children, youth,
3 and families;

4 (ii) For a child enrolled in a public or nonprofit program
5 serving or pertaining to children, adolescents, or students,
6 including but not limited to early learning or child care services,
7 parks and recreation programs, youth development programs, and after-
8 school programs; or

9 (iii) For the family members or guardians of a child who is
10 subject to the exemption under this subsection (2) if the family
11 member or guardian has the same last name (~~of~~~~as~~) as the child or
12 if the family member or guardian resides at the same address (~~of~~
13 ~~as~~) as the child and disclosure of the family member's or
14 guardian's information would result in disclosure of the personal
15 information exempted under (a)(i) and (ii) of this subsection.

16 (b) Emergency contact information under this subsection (2) may
17 be provided to appropriate authorities and medical personnel for the
18 purpose of treating the individual during an emergency situation;

19 (3) Personal information in files maintained for employees,
20 appointees, or elected officials of any public agency to the extent
21 that disclosure would violate their right to privacy;

22 (4) Information required of any taxpayer in connection with the
23 assessment or collection of any tax if the disclosure of the
24 information to other persons would: (a) Be prohibited to such persons
25 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
26 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
27 to privacy or result in unfair competitive disadvantage to the
28 taxpayer;

29 (5) Credit card numbers, debit card numbers, electronic check
30 numbers, card expiration dates, or bank or other financial
31 information as defined in RCW 9.35.005 including social security
32 numbers, except when disclosure is expressly required by or governed
33 by other law;

34 (6) Personal and financial information related to a small loan or
35 any system of authorizing a small loan in RCW 31.45.093;

36 (7)(a) Any record used to prove identity, age, residential
37 address, social security number, or other personal information
38 required to apply for a driver's license or identicard.

39 (b) Information provided under RCW 46.20.111 that indicates that
40 an applicant declined to register with the selective service system.

1 (c) Any record pertaining to a vehicle license plate, driver's
2 license, or identicard issued under RCW 46.08.066 that, alone or in
3 combination with any other records, may reveal the identity of an
4 individual, or reveal that an individual is or was, performing an
5 undercover or covert law enforcement, confidential public health
6 work, public assistance fraud, or child support investigative
7 activity. This exemption does not prevent the release of the total
8 number of vehicle license plates, drivers' licenses, or identicards
9 that, under RCW 46.08.066, an agency or department has applied for,
10 been issued, denied, returned, destroyed, lost, and reported for
11 misuse.

12 (d) Any record pertaining to a vessel registration issued under
13 RCW 88.02.330 that, alone or in combination with any other records,
14 may reveal the identity of an individual, or reveal that an
15 individual is or was, performing an undercover or covert law
16 enforcement activity. This exemption does not prevent the release of
17 the total number of vessel registrations that, under RCW 88.02.330,
18 an agency or department has applied for, been issued, denied,
19 returned, destroyed, lost, and reported for misuse; (~~and~~)

20 (8) All information related to individual claims resolution
21 structured settlement agreements submitted to the board of industrial
22 insurance appeals under RCW 51.04.063, other than final orders from
23 the board of industrial insurance appeals.

24 Upon request by the legislature, the department of licensing
25 shall provide a report to the legislature containing all of the
26 information in subsection (7)(c) and (d) of this section that is
27 subject to public disclosure(~~(-)~~); and

28 (9) Voluntarily submitted information contained in a database
29 that is part of or associated with enhanced 911 emergency
30 communications systems, or information contained or used in emergency
31 notification systems as provided under RCW 38.52.575 and 38.52.577.

32 **Sec. 223.** RCW 43.41.400 and 2016 c 72 s 108 are each amended to
33 read as follows:

34 (1) An education data center shall be established in the office
35 of financial management. The education data center shall jointly,
36 with the legislative evaluation and accountability program committee,
37 conduct collaborative analyses of early learning, K-12, and higher
38 education programs and education issues across the P-20 system, which
39 includes the department of (~~early learning~~) children, youth, and

1 families, the superintendent of public instruction, the professional
2 educator standards board, the state board of education, the state
3 board for community and technical colleges, the workforce training
4 and education coordinating board, the student achievement council,
5 public and private nonprofit four-year institutions of higher
6 education, and the employment security department. The education data
7 center shall conduct collaborative analyses under this section with
8 the legislative evaluation and accountability program committee and
9 provide data electronically to the legislative evaluation and
10 accountability program committee, to the extent permitted by state
11 and federal confidentiality requirements. The education data center
12 shall be considered an authorized representative of the state
13 educational agencies in this section under applicable federal and
14 state statutes for purposes of accessing and compiling student record
15 data for research purposes.

16 (2) The education data center shall:

17 (a) In consultation with the legislative evaluation and
18 accountability program committee and the agencies and organizations
19 participating in the education data center, identify the critical
20 research and policy questions that are intended to be addressed by
21 the education data center and the data needed to address the
22 questions;

23 (b) Coordinate with other state education agencies to compile and
24 analyze education data, including data on student demographics that
25 is disaggregated by distinct ethnic categories within racial
26 subgroups, and complete P-20 research projects;

27 (c) Collaborate with the legislative evaluation and
28 accountability program committee and the education and fiscal
29 committees of the legislature in identifying the data to be compiled
30 and analyzed to ensure that legislative interests are served;

31 (d) Annually provide to the K-12 data governance group a list of
32 data elements and data quality improvements that are necessary to
33 answer the research and policy questions identified by the education
34 data center and have been identified by the legislative committees in
35 (c) of this subsection. Within three months of receiving the list,
36 the K-12 data governance group shall develop and transmit to the
37 education data center a feasibility analysis of obtaining or
38 improving the data, including the steps required, estimated time
39 frame, and the financial and other resources that would be required.
40 Based on the analysis, the education data center shall submit, if

1 necessary, a recommendation to the legislature regarding any
2 statutory changes or resources that would be needed to collect or
3 improve the data;

4 (e) Monitor and evaluate the education data collection systems of
5 the organizations and agencies represented in the education data
6 center ensuring that data systems are flexible, able to adapt to
7 evolving needs for information, and to the extent feasible and
8 necessary, include data that are needed to conduct the analyses and
9 provide answers to the research and policy questions identified in
10 (a) of this subsection;

11 (f) Track enrollment and outcomes through the public centralized
12 higher education enrollment system;

13 (g) Assist other state educational agencies' collaborative
14 efforts to develop a long-range enrollment plan for higher education
15 including estimates to meet demographic and workforce needs;

16 (h) Provide research that focuses on student transitions within
17 and among the early learning, K-12, and higher education sectors in
18 the P-20 system;

19 (i) Prepare a regular report on the educational and workforce
20 outcomes of youth in the juvenile justice system, using data
21 disaggregated by age, and by ethnic categories and racial subgroups
22 in accordance with RCW 28A.300.042; and

23 (j) Make recommendations to the legislature as necessary to help
24 ensure the goals and objectives of this section and RCW 28A.655.210
25 and 28A.300.507 are met.

26 (3) The department of (~~early learning~~) children, youth, and
27 families, superintendent of public instruction, professional educator
28 standards board, state board of education, state board for community
29 and technical colleges, workforce training and education coordinating
30 board, student achievement council, public four-year institutions of
31 higher education, department of social and health services, and
32 employment security department shall work with the education data
33 center to develop data-sharing and research agreements, consistent
34 with applicable security and confidentiality requirements, to
35 facilitate the work of the center. The education data center shall
36 also develop data-sharing and research agreements with the
37 administrative office of the courts to conduct research on
38 educational and workforce outcomes using data maintained under RCW
39 13.50.010(12) related to juveniles. Private, nonprofit institutions
40 of higher education that provide programs of education beyond the

1 high school level leading at least to the baccalaureate degree and
2 are accredited by the Northwest association of schools and colleges
3 or their peer accreditation bodies may also develop data-sharing and
4 research agreements with the education data center, consistent with
5 applicable security and confidentiality requirements. The education
6 data center shall make data from collaborative analyses available to
7 the education agencies and institutions that contribute data to the
8 education data center to the extent allowed by federal and state
9 security and confidentiality requirements applicable to the data of
10 each contributing agency or institution.

11 **Sec. 224.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
12 each reenacted and amended to read as follows:

13 (1) The Washington state patrol identification and criminal
14 history section shall disclose conviction records as follows:

15 (a) An applicant's conviction record, upon the request of a
16 business or organization as defined in RCW 43.43.830, a
17 developmentally disabled person, or a vulnerable adult as defined in
18 RCW 43.43.830 or his or her guardian;

19 (b) The conviction record of an applicant for certification, upon
20 the request of the Washington professional educator standards board;

21 (c) Any conviction record to aid in the investigation and
22 prosecution of child, developmentally disabled person, and vulnerable
23 adult abuse cases and to protect children and adults from further
24 incidents of abuse, upon the request of a law enforcement agency, the
25 office of the attorney general, prosecuting authority, or the
26 department of social and health services; and

27 (d) A prospective client's or resident's conviction record, upon
28 the request of a business or organization that qualifies for
29 exemption under section 501(c)(3) of the internal revenue code of
30 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
31 or transitional housing for children, persons with developmental
32 disabilities, or vulnerable adults.

33 (2) The secretary of the department of social and health services
34 and the secretary of children, youth, and families must establish
35 rules and set standards to require specific action when considering
36 the information received pursuant to subsection (1) of this section,
37 and when considering additional information including but not limited
38 to civil adjudication proceedings as defined in RCW 43.43.830 and any
39 out-of-state equivalent, in the following circumstances:

1 (a) When considering persons for state employment in positions
2 directly responsible for the supervision, care, or treatment of
3 children, vulnerable adults, or individuals with mental illness or
4 developmental disabilities;

5 (b) When considering persons for state positions involving
6 unsupervised access to vulnerable adults to conduct comprehensive
7 assessments, financial eligibility determinations, licensing and
8 certification activities, investigations, surveys, or case
9 management; or for state positions otherwise required by federal law
10 to meet employment standards;

11 (c) When licensing agencies or facilities with individuals in
12 positions directly responsible for the care, supervision, or
13 treatment of children, developmentally disabled persons, or
14 vulnerable adults, including but not limited to agencies or
15 facilities licensed under chapter 74.15 or 18.51 RCW;

16 (d) When contracting with individuals or businesses or
17 organizations for the care, supervision, case management, or
18 treatment, including peer counseling, of children, developmentally
19 disabled persons, or vulnerable adults, including but not limited to
20 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
21 or 74.39A RCW or Title 71A RCW;

22 (e) When individual providers are paid by the state or providers
23 are paid by home care agencies to provide in-home services involving
24 unsupervised access to persons with physical, mental, or
25 developmental disabilities or mental illness, or to vulnerable adults
26 as defined in chapter 74.34 RCW, including but not limited to
27 services provided under chapter 74.39 or 74.39A RCW.

28 (3) The (~~director~~) secretary of the department of (~~early~~
29 ~~learning~~) children, youth, and families shall investigate the
30 conviction records, pending charges, and other information including
31 civil adjudication proceeding records of current employees and of any
32 person actively being considered for any position with the department
33 who will or may have unsupervised access to children, or for state
34 positions otherwise required by federal law to meet employment
35 standards. "Considered for any position" includes decisions about (a)
36 initial hiring, layoffs, reallocations, transfers, promotions, or
37 demotions, or (b) other decisions that result in an individual being
38 in a position that will or may have unsupervised access to children
39 as an employee, an intern, or a volunteer.

1 (4) The (~~director~~) secretary of the department of (~~early~~
2 ~~learning~~) children, youth, and families shall adopt rules and
3 investigate conviction records, pending charges, and other
4 information including civil adjudication proceeding records, in the
5 following circumstances:

6 (a) When licensing or certifying agencies with individuals in
7 positions that will or may have unsupervised access to children who
8 are in child day care, in early learning programs, or receiving early
9 childhood education services, including but not limited to licensees,
10 agency staff, interns, volunteers, contracted providers, and persons
11 living on the premises who are sixteen years of age or older;

12 (b) When authorizing individuals who will or may have
13 unsupervised access to children who are in child day care, in early
14 learning programs, or receiving early childhood learning education
15 services in licensed or certified agencies, including but not limited
16 to licensees, agency staff, interns, volunteers, contracted
17 providers, and persons living on the premises who are sixteen years
18 of age or older;

19 (c) When contracting with any business or organization for
20 activities that will or may have unsupervised access to children who
21 are in child day care, in early learning programs, or receiving early
22 childhood learning education services;

23 (d) When establishing the eligibility criteria for individual
24 providers to receive state paid subsidies to provide child day care
25 or early learning services that will or may involve unsupervised
26 access to children.

27 (5) Whenever a state conviction record check is required by state
28 law, persons may be employed or engaged as volunteers or independent
29 contractors on a conditional basis pending completion of the state
30 background investigation. Whenever a national criminal record check
31 through the federal bureau of investigation is required by state law,
32 a person may be employed or engaged as a volunteer or independent
33 contractor on a conditional basis pending completion of the national
34 check. The Washington personnel resources board shall adopt rules to
35 accomplish the purposes of this subsection as it applies to state
36 employees.

37 (6)(a) For purposes of facilitating timely access to criminal
38 background information and to reasonably minimize the number of
39 requests made under this section, recognizing that certain health
40 care providers change employment frequently, health care facilities

1 may, upon request from another health care facility, share copies of
2 completed criminal background inquiry information.

3 (b) Completed criminal background inquiry information may be
4 shared by a willing health care facility only if the following
5 conditions are satisfied: The licensed health care facility sharing
6 the criminal background inquiry information is reasonably known to be
7 the person's most recent employer, no more than twelve months has
8 elapsed from the date the person was last employed at a licensed
9 health care facility to the date of their current employment
10 application, and the criminal background information is no more than
11 two years old.

12 (c) If criminal background inquiry information is shared, the
13 health care facility employing the subject of the inquiry must
14 require the applicant to sign a disclosure statement indicating that
15 there has been no conviction or finding as described in RCW 43.43.842
16 since the completion date of the most recent criminal background
17 inquiry.

18 (d) Any health care facility that knows or has reason to believe
19 that an applicant has or may have a disqualifying conviction or
20 finding as described in RCW 43.43.842, subsequent to the completion
21 date of their most recent criminal background inquiry, shall be
22 prohibited from relying on the applicant's previous employer's
23 criminal background inquiry information. A new criminal background
24 inquiry shall be requested pursuant to RCW 43.43.830 through
25 43.43.842.

26 (e) Health care facilities that share criminal background inquiry
27 information shall be immune from any claim of defamation, invasion of
28 privacy, negligence, or any other claim in connection with any
29 dissemination of this information in accordance with this subsection.

30 (f) Health care facilities shall transmit and receive the
31 criminal background inquiry information in a manner that reasonably
32 protects the subject's rights to privacy and confidentiality.

33 **Sec. 225.** RCW 43.43.837 and 2012 c 164 s 506 are each amended to
34 read as follows:

35 (1) Except as provided in subsection (2) of this section, in
36 order to determine the character, competence, and suitability of any
37 applicant or service provider to have unsupervised access, the
38 secretary of the department of social and health services and the
39 secretary of the department of children, youth, and families may

1 require a fingerprint-based background check through both the
2 Washington state patrol and the federal bureau of investigation at
3 any time, but shall require a fingerprint-based background check when
4 the applicant or service provider has resided in the state less than
5 three consecutive years before application, and:

6 (a) Is an applicant or service provider providing services to
7 children or people with developmental disabilities under RCW
8 74.15.030;

9 (b) Is an individual residing in an applicant or service
10 provider's home, facility, entity, agency, or business or who is
11 authorized by the department of social and health services or the
12 department of children, youth, and families to provide services to
13 children or people with developmental disabilities under RCW
14 74.15.030; or

15 (c) Is an applicant or service provider providing in-home
16 services funded by:

17 (i) Medicaid personal care under RCW 74.09.520;

18 (ii) Community options program entry system waiver services under
19 RCW 74.39A.030;

20 (iii) Chore services under RCW 74.39A.110; or

21 (iv) Other home and community long-term care programs,
22 established pursuant to chapters 74.39 and 74.39A RCW, administered
23 by the department of social and health services or the department of
24 children, youth, and families.

25 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
26 hired after January 7, 2012, are subject to background checks under
27 RCW 74.39A.056.

28 (3) To satisfy the shared background check requirements provided
29 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the
30 department of ~~((early learning))~~ children, youth, and families and
31 the department of social and health services shall share federal
32 fingerprint-based background check results as permitted under the
33 law. The purpose of this provision is to allow both departments to
34 fulfill their joint background check responsibility of checking any
35 individual who may have unsupervised access to vulnerable adults,
36 children, or juveniles. Neither department may share the federal
37 background check results with any other state agency or person.

38 (4) The secretary of the department of children, youth, and
39 families shall require a fingerprint-based background check through
40 the Washington state patrol identification and criminal history

1 section and the federal bureau of investigation when the department
2 seeks to approve an applicant or service provider for a foster or
3 adoptive placement of children in accordance with federal and state
4 law. Fees charged by the Washington state patrol and the federal
5 bureau of investigation for fingerprint-based background checks shall
6 be paid by the department of children, youth, and families for
7 applicant and service providers providing foster care as required in
8 RCW 74.15.030.

9 (5) Any secure facility operated by the department of social and
10 health services or the department of children, youth, and families
11 under chapter 71.09 RCW shall require applicants and service
12 providers to undergo a fingerprint-based background check through the
13 Washington state patrol identification and criminal history section
14 and the federal bureau of investigation.

15 (6) Service providers and service provider applicants who are
16 required to complete a fingerprint-based background check may be
17 hired for a one hundred twenty-day provisional period as allowed
18 under law or program rules when:

19 (a) A fingerprint-based background check is pending; and

20 (b) The applicant or service provider is not disqualified based
21 on the immediate result of the background check.

22 (7) Fees charged by the Washington state patrol and the federal
23 bureau of investigation for fingerprint-based background checks shall
24 be paid by the applicable department for applicants or service
25 providers providing:

26 (a) Services to people with a developmental disability under RCW
27 74.15.030;

28 (b) In-home services funded by medicaid personal care under RCW
29 74.09.520;

30 (c) Community options program entry system waiver services under
31 RCW 74.39A.030;

32 (d) Chore services under RCW 74.39A.110;

33 (e) Services under other home and community long-term care
34 programs, established pursuant to chapters 74.39 and 74.39A RCW,
35 administered by the department of social and health services or the
36 department of children, youth, and families; and

37 (f) Services in, or to residents of, a secure facility under RCW
38 71.09.115(~~and~~

39 ~~(g) Foster care as required under RCW 74.15.030)).~~

1 (8) Service providers licensed under RCW 74.15.030 must pay fees
2 charged by the Washington state patrol and the federal bureau of
3 investigation for conducting fingerprint-based background checks.

4 (9) (~~Children's administration~~) Department of children, youth,
5 and families service providers licensed under RCW 74.15.030 may not
6 pass on the cost of the background check fees to their applicants
7 unless the individual is determined to be disqualified due to the
8 background information.

9 (10) The department of social and health services and the
10 department of children, youth, and families shall develop rules
11 identifying the financial responsibility of service providers,
12 applicants, and the department for paying the fees charged by law
13 enforcement to roll, print, or scan fingerprints-based for the
14 purpose of a Washington state patrol or federal bureau of
15 investigation fingerprint-based background check.

16 (11) For purposes of this section, unless the context plainly
17 indicates otherwise:

18 (a) "Applicant" means a current or prospective department of
19 social and health services, department of children, youth, and
20 families, or service provider employee, volunteer, student, intern,
21 researcher, contractor, or any other individual who will or may have
22 unsupervised access because of the nature of the work or services he
23 or she provides. "Applicant" includes but is not limited to any
24 individual who will or may have unsupervised access and is:

25 (i) Applying for a license or certification from the department
26 of social and health services or the department of children, youth,
27 and families;

28 (ii) Seeking a contract with the department of social and health
29 services, the department of children, youth, and families, or a
30 service provider;

31 (iii) Applying for employment, promotion, reallocation, or
32 transfer;

33 (iv) An individual that a department of social and health
34 services or the department of children, youth, and families client or
35 guardian of a department of social and health services or department
36 of children, youth, and families client chooses to hire or engage to
37 provide services to himself or herself or another vulnerable adult,
38 juvenile, or child and who might be eligible to receive payment from
39 the department of social and health services or the department of
40 children, youth, and families for services rendered; or

1 (v) A department of social and health services or department of
2 children, youth, and families applicant who will or may work in a
3 department-covered position.

4 (b) "Authorized" means the department of social and health
5 services or the department of children, youth, and families grants an
6 applicant, home, or facility permission to:

7 (i) Conduct licensing, certification, or contracting activities;

8 (ii) Have unsupervised access to vulnerable adults, juveniles,
9 and children;

10 (iii) Receive payments from a department of social and health
11 services or department of children, youth, and families program; or

12 (iv) Work or serve in a department of social and health services
13 or department of children, youth, and families-covered position.

14 (c) (~~("Department" means the department of social and health~~
15 ~~services-~~

16 ~~(d))~~) "Secretary" means the secretary of the department of social
17 and health services.

18 (~~(e))~~) (d) "Secure facility" has the meaning provided in RCW
19 71.09.020.

20 (~~(f))~~) (e) "Service provider" means entities, facilities,
21 agencies, businesses, or individuals who are licensed, certified,
22 authorized, or regulated by, receive payment from, or have contracts
23 or agreements with the department of social and health services or
24 the department of children, youth, and families to provide services
25 to vulnerable adults, juveniles, or children. "Service provider"
26 includes individuals whom a department of social and health services
27 or department of children, youth, and families client or guardian of
28 a department of social and health services or department of children,
29 youth, and families client may choose to hire or engage to provide
30 services to himself or herself or another vulnerable adult, juvenile,
31 or child and who might be eligible to receive payment from the
32 department of social and health services or the department of
33 children, youth, and families for services rendered. "Service
34 provider" does not include those certified under chapter 70.96A RCW.

35 **Sec. 226.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to
36 read as follows:

37 (1) After January 1, 1988, and notwithstanding any provision of
38 RCW 43.43.700 through 43.43.810 to the contrary, the state patrol
39 shall furnish a transcript of the conviction record pertaining to any

1 person for whom the state patrol or the federal bureau of
2 investigation has a record upon the written request of:

3 (a) The subject of the inquiry;

4 (b) Any business or organization for the purpose of conducting
5 evaluations under RCW 43.43.832;

6 (c) The department of social and health services;

7 (d) Any law enforcement agency, prosecuting authority, or the
8 office of the attorney general;

9 (e) The department of social and health services for the purpose
10 of meeting responsibilities set forth in chapter ~~((74.15,))~~ 18.51,
11 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to
12 regulate or license a facility which handles vulnerable adults(~~(-~~
13 ~~However, access to conviction records pursuant to this subsection~~
14 ~~(1)(e) does not limit or restrict the ability of the department to~~
15 ~~obtain additional information regarding conviction records and~~
16 ~~pending charges as set forth in RCW 74.15.030(2)(b))~~); or

17 (f) The department of ~~((early learning))~~ children, youth, and
18 families for the purpose of meeting responsibilities in chapters
19 43.215 (as recodified by this act) and 74.15 RCW. However, access to
20 conviction records pursuant to this subsection (1)(f) does not limit
21 or restrict the ability of department of children, youth, and
22 families to obtain additional information regarding conviction
23 records and pending charges as provided in RCW 74.15.030(2)(b).

24 (2) The state patrol shall by rule establish fees for
25 disseminating records under this section to recipients identified in
26 subsection (1)(a) and (b) of this section. The state patrol shall
27 also by rule establish fees for disseminating records in the custody
28 of the national crime information center. The revenue from the fees
29 shall cover, as nearly as practicable, the direct and indirect costs
30 to the state patrol of disseminating the records. No fee shall be
31 charged to a nonprofit organization for the records check. Record
32 checks requested by school districts and educational service
33 districts using only name and date of birth will be provided free of
34 charge.

35 (3) No employee of the state, employee of a business or
36 organization, or the business or organization is liable for
37 defamation, invasion of privacy, negligence, or any other claim in
38 connection with any lawful dissemination of information under RCW
39 43.43.830 through 43.43.840 or 43.43.760.

1 (4) Before July 26, 1987, the state patrol shall adopt rules and
2 forms to implement this section and to provide for security and
3 privacy of information disseminated under this section, giving first
4 priority to the criminal justice requirements of this chapter. The
5 rules may include requirements for users, audits of users, and other
6 procedures to prevent use of civil adjudication record information or
7 criminal history record information inconsistent with this chapter.

8 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
9 employer to make an inquiry not specifically authorized by this
10 chapter, or be construed to affect the policy of the state declared
11 in chapter 9.96A RCW.

12 **Sec. 227.** RCW 43.88.096 and 2013 2nd sp.s. c 32 s 1 are each
13 amended to read as follows:

14 (1) As used in this section:

15 (a) "Designated state agency" means the department of social and
16 health services, the department of health, the health care authority,
17 the department of commerce, the department of ecology, the department
18 of fish and wildlife, the office of the superintendent of public
19 instruction, and the department of ((early learning)) children,
20 youth, and families.

21 (b) "Federal receipts" means the federal financial assistance, as
22 defined in 31 U.S.C. Sec. 7501 on September 28, 2013, that is
23 reported as part of a single audit.

24 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501 on
25 September 28, 2013.

26 (2) Subject to subsection (3) of this section, a designated state
27 agency shall prepare as part of the agency's biennial budget
28 submittal under this chapter a report that:

29 (a) Reports the aggregate value of federal receipts the
30 designated state agency estimated for the ensuing biennium;

31 (b) Calculates the percentage of the designated state agency's
32 total budget for the ensuing biennium that constitutes federal
33 receipts that the designated state agency received; and

34 (c) Develops plans for operating the designated state agency if
35 there is a reduction of:

36 (i) Five percent or more in the federal receipts that the
37 designated state agency receives; and

38 (ii) Twenty-five percent or more in the federal receipts that the
39 designated state agency receives.

1 (3) The report required by subsection (2) of this section
2 prepared by the superintendent of public instruction shall include
3 the information required by subsection (2)(a) through (c) of this
4 section for each school district within the state.

5 **PART III**

6 **TRANSFER OF CHILD WELFARE POLICIES AND PROGRAMS**

7 **Sec. 301.** RCW 4.24.595 and 2012 c 259 s 13 are each amended to
8 read as follows:

9 (1) Governmental entities, and their officers, agents, employees,
10 and volunteers, are not liable in tort for any of their acts or
11 omissions in emergent placement investigations of child abuse or
12 neglect under chapter 26.44 RCW including, but not limited to, any
13 determination to leave a child with a parent, custodian, or guardian,
14 or to return a child to a parent, custodian, or guardian, unless the
15 act or omission constitutes gross negligence. Emergent placement
16 investigations are those conducted prior to a shelter care hearing
17 under RCW 13.34.065.

18 (2) The department of (~~social and health services~~) children,
19 youth, and families and its employees shall comply with the orders of
20 the court, including shelter care and other dependency orders, and
21 are not liable for acts performed to comply with such court orders.
22 In providing reports and recommendations to the court, employees of
23 the department of (~~social and health services~~) children, youth, and
24 families are entitled to the same witness immunity as would be
25 provided to any other witness.

26 **Sec. 302.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2
27 are each reenacted and amended to read as follows:

28 (~~For purposes of~~) The definitions in this section apply
29 throughout this chapter((+)) unless the context clearly requires
30 otherwise.

31 (1) "Abandoned" means when the child's parent, guardian, or other
32 custodian has expressed, either by statement or conduct, an intent to
33 forego, for an extended period, parental rights or responsibilities
34 despite an ability to exercise such rights and responsibilities. If
35 the court finds that the petitioner has exercised due diligence in
36 attempting to locate the parent, no contact between the child and the
37 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean((s)):

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that
12 begins with the most recent date that the child was removed from the
13 home of the parent, guardian, or legal custodian for purposes of
14 placement in out-of-home care and continues until: (a) The child
15 returns home; (b) an adoption decree, a permanent custody order, or
16 guardianship order is entered; or (c) the dependency is dismissed,
17 whichever occurs first.

18 (4) "Department" means the department of (~~social and health~~
19 ~~services~~) children, youth, and families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
27 person legally responsible for the care of the child;

28 (c) Has no parent, guardian, or custodian capable of adequately
29 caring for the child, such that the child is in circumstances which
30 constitute a danger of substantial damage to the child's
31 psychological or physical development; or

32 (d) Is receiving extended foster care services, as authorized by
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the
37 secretary of the department of social and health services to be
38 closely related to an intellectual disability or to require treatment
39 similar to that required for individuals with intellectual
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to
2 continue indefinitely, and which constitutes a substantial limitation
3 to the individual.

4 (8) "Educational liaison" means a person who has been appointed
5 by the court to fulfill responsibilities outlined in RCW 13.34.046.

6 (9) "Extended foster care services" means residential and other
7 support services the department is authorized to provide under RCW
8 74.13.031. These services may include placement in licensed,
9 relative, or otherwise approved care, or supervised independent
10 living settings; assistance in meeting basic needs; independent
11 living services; medical assistance; and counseling or treatment.

12 (10) "Guardian" means the person or agency that: (a) Has been
13 appointed as the guardian of a child in a legal proceeding, including
14 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
15 legal right to custody of the child pursuant to such appointment. The
16 term "guardian" does not include a "dependency guardian" appointed
17 pursuant to a proceeding under this chapter.

18 (11) "Guardian ad litem" means a person, appointed by the court
19 to represent the best interests of a child in a proceeding under this
20 chapter, or in any matter which may be consolidated with a proceeding
21 under this chapter. A "court-appointed special advocate" appointed by
22 the court to be the guardian ad litem for the child, or to perform
23 substantially the same duties and functions as a guardian ad litem,
24 shall be deemed to be guardian ad litem for all purposes and uses of
25 this chapter.

26 (12) "Guardian ad litem program" means a court-authorized
27 volunteer program, which is or may be established by the superior
28 court of the county in which such proceeding is filed, to manage all
29 aspects of volunteer guardian ad litem representation for children
30 alleged or found to be dependent. Such management shall include but
31 is not limited to: Recruitment, screening, training, supervision,
32 assignment, and discharge of volunteers.

33 (13) "Housing assistance" means appropriate referrals by the
34 department or other supervising agencies to federal, state, local, or
35 private agencies or organizations, assistance with forms,
36 applications, or financial subsidies or other monetary assistance for
37 housing. For purposes of this chapter, "housing assistance" is not a
38 remedial service or time-limited family reunification service as
39 described in RCW 13.34.025(2).

1 (14) "Indigent" means a person who, at any stage of a court
2 proceeding, is:

3 (a) Receiving one of the following types of public assistance:
4 Temporary assistance for needy families, aged, blind, or disabled
5 assistance benefits, medical care services under RCW 74.09.035,
6 pregnant women assistance benefits, poverty-related veterans'
7 benefits, food stamps or food stamp benefits transferred
8 electronically, refugee resettlement benefits, medicaid, or
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility;
11 or

12 (c) Receiving an annual income, after taxes, of one hundred
13 twenty-five percent or less of the federally established poverty
14 level; or

15 (d) Unable to pay the anticipated cost of counsel for the matter
16 before the court because his or her available funds are insufficient
17 to pay any amount for the retention of counsel.

18 (15) "Nonminor dependent" means any individual age eighteen to
19 twenty-one years who is participating in extended foster care
20 services authorized under RCW 74.13.031.

21 (16) "Out-of-home care" means placement in a foster family home
22 or group care facility licensed pursuant to chapter 74.15 RCW or
23 placement in a home, other than that of the child's parent, guardian,
24 or legal custodian, not required to be licensed pursuant to chapter
25 74.15 RCW.

26 (17) "Preventive services" means preservation services, as
27 defined in chapter 74.14C RCW, and other reasonably available
28 services, including housing assistance, capable of preventing the
29 need for out-of-home placement while protecting the child.

30 (18) "Shelter care" means temporary physical care in a facility
31 licensed pursuant to RCW 74.15.030 or in a home not required to be
32 licensed pursuant to RCW 74.15.030.

33 (19) "Sibling" means a child's birth brother, birth sister,
34 adoptive brother, adoptive sister, half-brother, or half-sister, or
35 as defined by the law or custom of the Indian child's tribe for an
36 Indian child as defined in RCW 13.38.040.

37 (20) "Social study" means a written evaluation of matters
38 relevant to the disposition of the case and shall contain the
39 following information:

1 (a) A statement of the specific harm or harms to the child that
2 intervention is designed to alleviate;

3 (b) A description of the specific services and activities, for
4 both the parents and child, that are needed in order to prevent
5 serious harm to the child; the reasons why such services and
6 activities are likely to be useful; the availability of any proposed
7 services; and the agency's overall plan for ensuring that the
8 services will be delivered. The description shall identify the
9 services chosen and approved by the parent;

10 (c) If removal is recommended, a full description of the reasons
11 why the child cannot be protected adequately in the home, including a
12 description of any previous efforts to work with the parents and the
13 child in the home; the in-home treatment programs that have been
14 considered and rejected; the preventive services, including housing
15 assistance, that have been offered or provided and have failed to
16 prevent the need for out-of-home placement, unless the health,
17 safety, and welfare of the child cannot be protected adequately in
18 the home; and the parents' attitude toward placement of the child;

19 (d) A statement of the likely harms the child will suffer as a
20 result of removal;

21 (e) A description of the steps that will be taken to minimize the
22 harm to the child that may result if separation occurs including an
23 assessment of the child's relationship and emotional bond with any
24 siblings, and the agency's plan to provide ongoing contact between
25 the child and the child's siblings if appropriate; and

26 (f) Behavior that will be expected before determination that
27 supervision of the family or placement is no longer necessary.

28 (21) "Supervised independent living" includes, but is not limited
29 to, apartment living, room and board arrangements, college or
30 university dormitories, and shared roommate settings. Supervised
31 independent living settings must be approved by the children's
32 administration or the court.

33 (22) "Supervising agency" means an agency licensed by the state
34 under RCW 74.15.090, or licensed by a federally recognized Indian
35 tribe located in this state under RCW 74.15.190, that has entered
36 into a performance-based contract with the department to provide case
37 management for the delivery and documentation of child welfare
38 services as defined in RCW 74.13.020.

39 (23) "Voluntary placement agreement" means, for the purposes of
40 extended foster care services, a written voluntary agreement between

1 a nonminor dependent who agrees to submit to the care and authority
2 of the department for the purposes of participating in the extended
3 foster care program.

4 **Sec. 303.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to
5 read as follows:

6 (1) Any party has a right to be represented by an attorney in all
7 proceedings under this chapter, to introduce evidence, to be heard in
8 his or her own behalf, to examine witnesses, to receive a decision
9 based solely on the evidence adduced at the hearing, and to an
10 unbiased fact finder.

11 (2) At all stages of a proceeding in which a child is alleged to
12 be dependent, the child's parent, guardian, or legal custodian has
13 the right to be represented by counsel, and if indigent, to have
14 counsel appointed for him or her by the court. Unless waived in
15 court, counsel shall be provided to the child's parent, guardian, or
16 legal custodian, if such person (a) has appeared in the proceeding or
17 requested the court to appoint counsel and (b) is financially unable
18 to obtain counsel because of indigency.

19 (3) If a party to an action under this chapter is represented by
20 counsel, no order shall be provided to that party for his or her
21 signature without prior notice and provision of the order to counsel.

22 (4) Copies of department (~~of social and health services~~) or
23 supervising agency records to which parents have legal access
24 pursuant to chapter 13.50 RCW shall be given to the child's parent,
25 guardian, legal custodian, or his or her legal counsel, prior to any
26 shelter care hearing and within fifteen days after the department or
27 supervising agency receives a written request for such records from
28 the parent, guardian, legal custodian, or his or her legal counsel.
29 These records shall be provided to the child's parents, guardian,
30 legal custodian, or legal counsel a reasonable period of time prior
31 to the shelter care hearing in order to allow an opportunity to
32 review the records prior to the hearing. These records shall be
33 legible and shall be provided at no expense to the parents, guardian,
34 legal custodian, or his or her counsel. When the records are served
35 on legal counsel, legal counsel shall have the opportunity to review
36 the records with the parents and shall review the records with the
37 parents prior to the shelter care hearing.

1 **Sec. 304.** RCW 13.34.096 and 2016 c 180 s 1 are each amended to
2 read as follows:

3 (1) The department or supervising agency shall provide the
4 child's foster parents, preadoptive parents, or other caregivers with
5 timely and adequate notice of their right to be heard prior to each
6 proceeding held with respect to the child in juvenile court under
7 this chapter. For purposes of this section, "timely and adequate
8 notice" means notice at the time the department would be required to
9 give notice to parties to the case and by any means reasonably
10 certain of notifying the foster parents, preadoptive parents, or
11 other caregivers, including but not limited to written, telephone, or
12 in person oral notification. For emergency hearings, the department
13 shall give notice to foster parents, preadoptive parents, or other
14 caregivers as soon as is practicable. For six-month review and annual
15 permanency hearings, the department shall give notice to foster
16 parents upon placement or as soon as practicable.

17 (2) The court shall establish and include in the court record
18 after every hearing for which the department or supervising agency is
19 required to provide notice to the child's foster parents, preadoptive
20 parents, and caregivers whether the department provided adequate and
21 timely notice, whether a caregiver's report was received by the
22 court, and whether the court provided the child's foster parents,
23 preadoptive parents, or caregivers with an opportunity to be heard in
24 court. For purposes of this section, "caregiver's report" means a
25 form provided by the department (~~(of social and health services)~~) to
26 a child's foster parents, preadoptive parents, or caregivers that
27 provides an opportunity for those individuals to share information
28 about the child with the court before a court hearing. A caregiver's
29 report shall not include information related to a child's biological
30 parent that is not directly related to the child's well-being.

31 (3) Absent exigent circumstances, the department shall provide
32 the child's foster family home notice of expected placement changes
33 as required by RCW 74.13.300.

34 (4) The rights to notice and to be heard apply only to persons
35 with whom a child has been placed by the department or supervising
36 agency and who are providing care to the child at the time of the
37 proceeding. This section shall not be construed to grant party status
38 to any person solely on the basis of such notice and right to be
39 heard.

1 **Sec. 305.** RCW 13.34.110 and 2007 c 220 s 9 are each amended to
2 read as follows:

3 (1) The court shall hold a fact-finding hearing on the petition
4 and, unless the court dismisses the petition, shall make written
5 findings of fact, stating the reasons therefor. The rules of evidence
6 shall apply at the fact-finding hearing and the parent, guardian, or
7 legal custodian of the child shall have all of the rights provided in
8 RCW 13.34.090(1). The petitioner shall have the burden of
9 establishing by a preponderance of the evidence that the child is
10 dependent within the meaning of RCW 13.34.030.

11 (2) The court in a fact-finding hearing may consider the history
12 of past involvement of child protective services or law enforcement
13 agencies with the family for the purpose of establishing a pattern of
14 conduct, behavior, or inaction with regard to the health, safety, or
15 welfare of the child on the part of the child's parent, guardian, or
16 legal custodian, or for the purpose of establishing that reasonable
17 efforts have been made by the department to prevent or eliminate the
18 need for removal of the child from the child's home. No report of
19 child abuse or neglect that has been destroyed or expunged under RCW
20 26.44.031 may be used for such purposes.

21 (3)(a) The parent, guardian, or legal custodian of the child may
22 waive his or her right to a fact-finding hearing by stipulating or
23 agreeing to the entry of an order of dependency establishing that the
24 child is dependent within the meaning of RCW 13.34.030. The parent,
25 guardian, or legal custodian may also stipulate or agree to an order
26 of disposition pursuant to RCW 13.34.130 at the same time. Any
27 stipulated or agreed order of dependency or disposition must be
28 signed by the parent, guardian, or legal custodian and his or her
29 attorney, unless the parent, guardian, or legal custodian has waived
30 his or her right to an attorney in open court, and by the petitioner
31 and the attorney, guardian ad litem, or court-appointed special
32 advocate for the child, if any. If the department (~~of social and~~
33 ~~health services~~) is not the petitioner and is required by the order
34 to supervise the placement of the child or provide services to any
35 party, the department must also agree to and sign the order.

36 (b) Entry of any stipulated or agreed order of dependency or
37 disposition is subject to approval by the court. The court shall
38 receive and review a social study before entering a stipulated or
39 agreed order and shall consider whether the order is consistent with
40 the allegations of the dependency petition and the problems that

1 necessitated the child's placement in out-of-home care. No social
2 file or social study may be considered by the court in connection
3 with the fact-finding hearing or prior to factual determination,
4 except as otherwise admissible under the rules of evidence.

5 (c) Prior to the entry of any stipulated or agreed order of
6 dependency, the parent, guardian, or legal custodian of the child and
7 his or her attorney must appear before the court and the court within
8 available resources must inquire and establish on the record that:

9 (i) The parent, guardian, or legal custodian understands the
10 terms of the order or orders he or she has signed, including his or
11 her responsibility to participate in remedial services as provided in
12 any disposition order;

13 (ii) The parent, guardian, or legal custodian understands that
14 entry of the order starts a process that could result in the filing
15 of a petition to terminate his or her relationship with the child
16 within the time frames required by state and federal law if he or she
17 fails to comply with the terms of the dependency or disposition
18 orders or fails to substantially remedy the problems that
19 necessitated the child's placement in out-of-home care;

20 (iii) The parent, guardian, or legal custodian understands that
21 the entry of the stipulated or agreed order of dependency is an
22 admission that the child is dependent within the meaning of RCW
23 13.34.030 and shall have the same legal effect as a finding by the
24 court that the child is dependent by at least a preponderance of the
25 evidence, and that the parent, guardian, or legal custodian shall not
26 have the right in any subsequent proceeding for termination of
27 parental rights or dependency guardianship pursuant to this chapter
28 or nonparental custody pursuant to chapter 26.10 RCW to challenge or
29 dispute the fact that the child was found to be dependent; and

30 (iv) The parent, guardian, or legal custodian knowingly and
31 willingly stipulated and agreed to and signed the order or orders,
32 without duress, and without misrepresentation or fraud by any other
33 party.

34 If a parent, guardian, or legal custodian fails to appear before
35 the court after stipulating or agreeing to entry of an order of
36 dependency, the court may enter the order upon a finding that the
37 parent, guardian, or legal custodian had actual notice of the right
38 to appear before the court and chose not to do so. The court may
39 require other parties to the order, including the attorney for the
40 parent, guardian, or legal custodian, to appear and advise the court

1 of the parent's, guardian's, or legal custodian's notice of the right
2 to appear and understanding of the factors specified in this
3 subsection. A parent, guardian, or legal custodian may choose to
4 waive his or her presence at the in-court hearing for entry of the
5 stipulated or agreed order of dependency by submitting to the court
6 through counsel a completed stipulated or agreed dependency fact-
7 finding/disposition statement in a form determined by the Washington
8 state supreme court pursuant to General Rule GR 9.

9 (4) Immediately after the entry of the findings of fact, the
10 court shall hold a disposition hearing, unless there is good cause
11 for continuing the matter for up to fourteen days. If good cause is
12 shown, the case may be continued for longer than fourteen days.
13 Notice of the time and place of the continued hearing may be given in
14 open court. If notice in open court is not given to a party, that
15 party shall be notified by certified mail of the time and place of
16 any continued hearing. Unless there is reasonable cause to believe
17 the health, safety, or welfare of the child would be jeopardized or
18 efforts to reunite the parent and child would be hindered, the court
19 shall direct the department to notify those adult persons who: (a)
20 Are related by blood or marriage to the child in the following
21 degrees: Parent, grandparent, brother, sister, stepparent,
22 stepbrother, stepsister, uncle, or aunt; (b) are known to the
23 department as having been in contact with the family or child within
24 the past twelve months; and (c) would be an appropriate placement for
25 the child. Reasonable cause to dispense with notification to a parent
26 under this section must be proved by clear, cogent, and convincing
27 evidence.

28 The parties need not appear at the fact-finding or dispositional
29 hearing if the parties, their attorneys, the guardian ad litem, and
30 court-appointed special advocates, if any, are all in agreement.

31 **Sec. 306.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to
32 read as follows:

33 (1) Whenever a child is ordered removed from the home, a
34 permanency plan shall be developed no later than sixty days from the
35 time the supervising agency assumes responsibility for providing
36 services, including placing the child, or at the time of a hearing
37 under RCW 13.34.130, whichever occurs first. The permanency planning
38 process continues until a permanency planning goal is achieved or

1 dependency is dismissed. The planning process shall include
2 reasonable efforts to return the child to the parent's home.

3 (2) The agency supervising the dependency shall submit a written
4 permanency plan to all parties and the court not less than fourteen
5 days prior to the scheduled hearing. Responsive reports of parties
6 not in agreement with the department's or supervising agency's
7 proposed permanency plan must be provided to the department or
8 supervising agency, all other parties, and the court at least seven
9 days prior to the hearing.

10 The permanency plan shall include:

11 (a) A permanency plan of care that shall identify one of the
12 following outcomes as a primary goal and may identify additional
13 outcomes as alternative goals: Return of the child to the home of the
14 child's parent, guardian, or legal custodian; adoption, including a
15 tribal customary adoption as defined in RCW 13.38.040; guardianship;
16 permanent legal custody; long-term relative or foster care, if the
17 child is between ages sixteen and eighteen, with a written agreement
18 between the parties and the care provider; successful completion of a
19 responsible living skills program; or independent living, if
20 appropriate and if the child is age sixteen or older. Although a
21 permanency plan of care may only identify long-term relative or
22 foster care for children between ages sixteen and eighteen, children
23 under sixteen may remain placed with relatives or in foster care. The
24 department or supervising agency shall not discharge a child to an
25 independent living situation before the child is eighteen years of
26 age unless the child becomes emancipated pursuant to chapter 13.64
27 RCW;

28 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
29 that a termination petition be filed, a specific plan as to where the
30 child will be placed, what steps will be taken to return the child
31 home, what steps the supervising agency or the department will take
32 to promote existing appropriate sibling relationships and/or
33 facilitate placement together or contact in accordance with the best
34 interests of each child, and what actions the department or
35 supervising agency will take to maintain parent-child ties. All
36 aspects of the plan shall include the goal of achieving permanence
37 for the child.

38 (i) The department's or supervising agency's plan shall specify
39 what services the parents will be offered to enable them to resume

1 custody, what requirements the parents must meet to resume custody,
2 and a time limit for each service plan and parental requirement.

3 (A) If the parent is incarcerated, the plan must address how the
4 parent will participate in the case conference and permanency
5 planning meetings and, where possible, must include treatment that
6 reflects the resources available at the facility where the parent is
7 confined. The plan must provide for visitation opportunities, unless
8 visitation is not in the best interests of the child.

9 (B) If a parent has a developmental disability according to the
10 definition provided in RCW 71A.10.020, and that individual is
11 eligible for services provided by the department of social and health
12 services developmental disabilities administration, the department
13 shall make reasonable efforts to consult with the department of
14 social and health services developmental disabilities administration
15 to create an appropriate plan for services. For individuals who meet
16 the definition of developmental disability provided in RCW 71A.10.020
17 and who are eligible for services through the developmental
18 disabilities administration, the plan for services must be tailored
19 to correct the parental deficiency taking into consideration the
20 parent's disability and the department shall also determine an
21 appropriate method to offer those services based on the parent's
22 disability.

23 (ii)(A) Visitation is the right of the family, including the
24 child and the parent, in cases in which visitation is in the best
25 interest of the child. Early, consistent, and frequent visitation is
26 crucial for maintaining parent-child relationships and making it
27 possible for parents and children to safely reunify. The supervising
28 agency or department shall encourage the maximum parent and child and
29 sibling contact possible, when it is in the best interest of the
30 child, including regular visitation and participation by the parents
31 in the care of the child while the child is in placement.

32 (B) Visitation shall not be limited as a sanction for a parent's
33 failure to comply with court orders or services where the health,
34 safety, or welfare of the child is not at risk as a result of the
35 visitation.

36 (C) Visitation may be limited or denied only if the court
37 determines that such limitation or denial is necessary to protect the
38 child's health, safety, or welfare. When a parent or sibling has been
39 identified as a suspect in an active criminal investigation for a
40 violent crime that, if the allegations are true, would impact the

1 safety of the child, the department shall make a concerted effort to
2 consult with the assigned law enforcement officer in the criminal
3 case before recommending any changes in parent/child or child/sibling
4 contact. In the event that the law enforcement officer has
5 information pertaining to the criminal case that may have serious
6 implications for child safety or well-being, the law enforcement
7 officer shall provide this information to the department during the
8 consultation. The department may only use the information provided by
9 law enforcement during the consultation to inform family visitation
10 plans and may not share or otherwise distribute the information to
11 any person or entity. Any information provided to the department by
12 law enforcement during the consultation is considered investigative
13 information and is exempt from public inspection pursuant to RCW
14 42.56.240. The results of the consultation shall be communicated to
15 the court.

16 (D) The court and the department or supervising agency should
17 rely upon community resources, relatives, foster parents, and other
18 appropriate persons to provide transportation and supervision for
19 visitation to the extent that such resources are available, and
20 appropriate, and the child's safety would not be compromised.

21 (iii)(A) The department, court, or caregiver in the out-of-home
22 placement may not limit visitation or contact between a child and
23 sibling as a sanction for a child's behavior or as an incentive to
24 the child to change his or her behavior.

25 (B) Any exceptions, limitation, or denial of contacts or
26 visitation must be approved by the supervisor of the department
27 caseworker and documented. The child, parent, department, guardian ad
28 litem, or court-appointed special advocate may challenge the denial
29 of visits in court.

30 (iv) A child shall be placed as close to the child's home as
31 possible, preferably in the child's own neighborhood, unless the
32 court finds that placement at a greater distance is necessary to
33 promote the child's or parents' well-being.

34 (v) The plan shall state whether both in-state and, where
35 appropriate, out-of-state placement options have been considered by
36 the department or supervising agency.

37 (vi) Unless it is not in the best interests of the child,
38 whenever practical, the plan should ensure the child remains enrolled
39 in the school the child was attending at the time the child entered
40 foster care.

1 (vii) The supervising agency or department shall provide all
2 reasonable services that are available within the department or
3 supervising agency, or within the community, or those services which
4 the department has existing contracts to purchase. It shall report to
5 the court if it is unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
7 a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to achieve permanency
9 for the child, services to be offered or provided to the child, and,
10 if visitation would be in the best interests of the child, a
11 recommendation to the court regarding visitation between parent and
12 child pending a fact-finding hearing on the termination petition. The
13 department or supervising agency shall not be required to develop a
14 plan of services for the parents or provide services to the parents
15 if the court orders a termination petition be filed. However,
16 reasonable efforts to ensure visitation and contact between siblings
17 shall be made unless there is reasonable cause to believe the best
18 interests of the child or siblings would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest
20 possible date. If the child has been in out-of-home care for fifteen
21 of the most recent twenty-two months, and the court has not made a
22 good cause exception, the court shall require the department or
23 supervising agency to file a petition seeking termination of parental
24 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
25 parental rights have been terminated, the child is legally free for
26 adoption, and adoption has been identified as the primary permanency
27 planning goal, it shall be a goal to complete the adoption within six
28 months following entry of the termination order.

29 (4) If the court determines that the continuation of reasonable
30 efforts to prevent or eliminate the need to remove the child from his
31 or her home or to safely return the child home should not be part of
32 the permanency plan of care for the child, reasonable efforts shall
33 be made to place the child in a timely manner and to complete
34 whatever steps are necessary to finalize the permanent placement of
35 the child.

36 (5) The identified outcomes and goals of the permanency plan may
37 change over time based upon the circumstances of the particular case.

38 (6) The court shall consider the child's relationships with the
39 child's siblings in accordance with RCW 13.34.130(6). Whenever the
40 permanency plan for a child is adoption, the court shall encourage

1 the prospective adoptive parents, birth parents, foster parents,
2 kinship caregivers, and the department or other supervising agency to
3 seriously consider the long-term benefits to the child adoptee and
4 his or her siblings of providing for and facilitating continuing
5 postadoption contact between the siblings. To the extent that it is
6 feasible, and when it is in the best interests of the child adoptee
7 and his or her siblings, contact between the siblings should be
8 frequent and of a similar nature as that which existed prior to the
9 adoption. If the child adoptee or his or her siblings are represented
10 by an attorney or guardian ad litem in a proceeding under this
11 chapter or in any other child custody proceeding, the court shall
12 inquire of each attorney and guardian ad litem regarding the
13 potential benefits of continuing contact between the siblings and the
14 potential detriments of severing contact. This section does not
15 require the department (~~of social and health services~~) or other
16 supervising agency to agree to any specific provisions in an open
17 adoption agreement and does not create a new obligation for the
18 department to provide supervision or transportation for visits
19 between siblings separated by adoption from foster care.

20 (7) For purposes related to permanency planning:

21 (a) "Guardianship" means a dependency guardianship or a legal
22 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
23 another state or a federally recognized Indian tribe.

24 (b) "Permanent custody order" means a custody order entered
25 pursuant to chapter 26.10 RCW.

26 (c) "Permanent legal custody" means legal custody pursuant to
27 chapter 26.10 RCW or equivalent laws of another state or a federally
28 recognized Indian tribe.

29 **Sec. 307.** RCW 13.34.141 and 2009 c 484 s 1 are each amended to
30 read as follows:

31 (1) After entry of a dispositional order pursuant to RCW
32 13.34.130 ordering placement of a child in out-of-home care, the
33 department shall continue to encourage the parent, guardian, or
34 custodian of the child to engage in services and maintain contact
35 with the child, which shall be accomplished by attaching a standard
36 notice to the services and safety plan to be provided in advance of
37 hearings conducted pursuant to RCW 13.34.138.

1 (2) The notice shall be photocopied on contrasting paper to
2 distinguish it from the services and safety plan to which it is
3 attached, and shall be in substantially the following form:

4 "NOTICE

5 If you have not been maintaining consistent contact with your
6 child in out-of-home care, your ability to reunify with your child
7 may be jeopardized. If this is your situation, you need to be aware
8 that you have important legal rights and must take steps to protect
9 your interests.

10 1. The department of (~~social and health services~~) children,
11 youth, and families (or other supervising agency) and the court have
12 created a permanency plan for your child, including a primary
13 placement plan and a secondary placement plan, and recommending
14 services needed before your child can be placed in the primary or
15 secondary placement. If you want the court to order that your child
16 be reunified with you, you should notify your lawyer and the
17 department, and you should carefully comply with court orders for
18 services and participate regularly in visitation with your child.
19 Failure to promptly engage in services or to maintain contact with
20 your child may lead to the filing of a petition to terminate your
21 rights as a parent.

22 2. Primary and secondary permanency plans are intended to run at
23 the same time so that your child will have a permanent home as
24 quickly as possible. Even if you want another parent or person to be
25 the primary placement choice for your child, you should tell your
26 lawyer, the department, and the court if you want to be the secondary
27 placement option, and you should comply with any court orders for
28 services and participate in visitation with your child. Early and
29 consistent involvement in your child's case plan is important for the
30 well-being of your child.

31 3. Dependency review hearings, and all other dependency case
32 hearings, are legal proceedings with potentially serious
33 consequences. Failure to participate, respond, or comply with court
34 orders may lead to the loss of your parental rights."

35 **Sec. 308.** RCW 13.34.180 and 2013 c 173 s 4 are each amended to
36 read as follows:

37 (1) A petition seeking termination of a parent and child
38 relationship may be filed in juvenile court by any party, including

1 the supervising agency, to the dependency proceedings concerning that
2 child. Such petition shall conform to the requirements of RCW
3 13.34.040, shall be served upon the parties as provided in RCW
4 13.34.070(8), and shall allege all of the following unless subsection
5 (3) or (4) of this section applies:

6 (a) That the child has been found to be a dependent child;

7 (b) That the court has entered a dispositional order pursuant to
8 RCW 13.34.130;

9 (c) That the child has been removed or will, at the time of the
10 hearing, have been removed from the custody of the parent for a
11 period of at least six months pursuant to a finding of dependency;

12 (d) That the services ordered under RCW 13.34.136 have been
13 expressly and understandably offered or provided and all necessary
14 services, reasonably available, capable of correcting the parental
15 deficiencies within the foreseeable future have been expressly and
16 understandably offered or provided;

17 (e) That there is little likelihood that conditions will be
18 remedied so that the child can be returned to the parent in the near
19 future. A parent's failure to substantially improve parental
20 deficiencies within twelve months following entry of the
21 dispositional order shall give rise to a rebuttable presumption that
22 there is little likelihood that conditions will be remedied so that
23 the child can be returned to the parent in the near future. The
24 presumption shall not arise unless the petitioner makes a showing
25 that all necessary services reasonably capable of correcting the
26 parental deficiencies within the foreseeable future have been clearly
27 offered or provided. In determining whether the conditions will be
28 remedied the court may consider, but is not limited to, the following
29 factors:

30 (i) Use of intoxicating or controlled substances so as to render
31 the parent incapable of providing proper care for the child for
32 extended periods of time or for periods of time that present a risk
33 of imminent harm to the child, and documented unwillingness of the
34 parent to receive and complete treatment or documented multiple
35 failed treatment attempts;

36 (ii) Psychological incapacity or mental deficiency of the parent
37 that is so severe and chronic as to render the parent incapable of
38 providing proper care for the child for extended periods of time or
39 for periods of time that present a risk of imminent harm to the
40 child, and documented unwillingness of the parent to receive and

1 complete treatment or documentation that there is no treatment that
2 can render the parent capable of providing proper care for the child
3 in the near future; or

4 (iii) Failure of the parent to have contact with the child for an
5 extended period of time after the filing of the dependency petition
6 if the parent was provided an opportunity to have a relationship with
7 the child by the department or the court and received documented
8 notice of the potential consequences of this failure, except that the
9 actual inability of a parent to have visitation with the child
10 including, but not limited to, mitigating circumstances such as a
11 parent's current or prior incarceration or service in the military
12 does not in and of itself constitute failure to have contact with the
13 child; and

14 (f) That continuation of the parent and child relationship
15 clearly diminishes the child's prospects for early integration into a
16 stable and permanent home. If the parent is incarcerated, the court
17 shall consider whether a parent maintains a meaningful role in his or
18 her child's life based on factors identified in RCW 13.34.145(5)(b);
19 whether the department or supervising agency made reasonable efforts
20 as defined in this chapter; and whether particular barriers existed
21 as described in RCW 13.34.145(5)(b) including, but not limited to,
22 delays or barriers experienced in keeping the agency apprised of his
23 or her location and in accessing visitation or other meaningful
24 contact with the child.

25 (2) As evidence of rebuttal to any presumption established
26 pursuant to subsection (1)(e) of this section, the court may consider
27 the particular constraints of a parent's current or prior
28 incarceration. Such evidence may include, but is not limited to,
29 delays or barriers a parent may experience in keeping the agency
30 apprised of his or her location and in accessing visitation or other
31 meaningful contact with the child.

32 (3) In lieu of the allegations in subsection (1) of this section,
33 the petition may allege that the child was found under such
34 circumstances that the whereabouts of the child's parent are unknown
35 and no person has acknowledged paternity or maternity and requested
36 custody of the child within two months after the child was found.

37 (4) In lieu of the allegations in subsection (1)(b) through (f)
38 of this section, the petition may allege that the parent has been
39 convicted of:

1 (a) Murder in the first degree, murder in the second degree, or
2 homicide by abuse as defined in chapter 9A.32 RCW against another
3 child of the parent;

4 (b) Manslaughter in the first degree or manslaughter in the
5 second degree, as defined in chapter 9A.32 RCW against another child
6 of the parent;

7 (c) Attempting, conspiring, or soliciting another to commit one
8 or more of the crimes listed in (a) or (b) of this subsection; or

9 (d) Assault in the first or second degree, as defined in chapter
10 9A.36 RCW, against the surviving child or another child of the
11 parent.

12 (5) When a parent has been sentenced to a long-term incarceration
13 and has maintained a meaningful role in the child's life considering
14 the factors provided in RCW 13.34.145(5)(b), and it is in the best
15 interest of the child, the department should consider a permanent
16 placement that allows the parent to maintain a relationship with his
17 or her child, such as, but not limited to, a guardianship pursuant to
18 chapter 13.36 RCW.

19 (6) Notice of rights shall be served upon the parent, guardian,
20 or legal custodian with the petition and shall be in substantially
21 the following form:

22 "NOTICE

23 A petition for termination of parental rights has been filed
24 against you. You have important legal rights and you must
25 take steps to protect your interests. This petition could
26 result in permanent loss of your parental rights.

27 1. You have the right to a fact-finding hearing before a
28 judge.

29 2. You have the right to have a lawyer represent you at
30 the hearing. A lawyer can look at the files in your case,
31 talk to the department of (~~social and health services~~)
32 children, youth, and families or the supervising agency and
33 other agencies, tell you about the law, help you understand
34 your rights, and help you at hearings. If you cannot afford a
35 lawyer, the court will appoint one to represent you. To get a
36 court-appointed lawyer you must contact: _____ (explain local
37 procedure)_____.

38 3. At the hearing, you have the right to speak on your
39 own behalf, to introduce evidence, to examine witnesses, and

1 to receive a decision based solely on the evidence presented
2 to the judge.

3 You should be present at this hearing.

4 You may call (insert agency) for more information
5 about your child. The agency's name and telephone number are
6 (insert name and telephone number) ."

7 **Sec. 309.** RCW 13.34.820 and 2016 c 180 s 2 are each amended to
8 read as follows:

9 (1) The administrative office of the courts, in consultation with
10 the attorney general's office and the department (~~of social and~~
11 ~~health services~~), shall compile an annual report, providing
12 information about cases that fail to meet statutory guidelines to
13 achieve permanency for dependent children.

14 (2) The administrative office of the courts shall submit the
15 annual report required by this section to appropriate committees of
16 the legislature by December 1st of each year, beginning on December
17 1, 2007. The administrative office of the courts shall also submit
18 the annual report to a representative of the foster parent
19 association of Washington state.

20 (3) The annual report shall include information regarding whether
21 foster parents received timely notification of dependency hearings as
22 required by RCW 13.34.096 and 13.34.145 and whether caregivers
23 submitted reports to the court.

24 **Sec. 310.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
25 and amended to read as follows:

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

28 (1) "Child" means any individual under the age of eighteen years.

29 (2) "Department" means the department of (~~social and health~~
30 ~~services~~) children, youth, and families.

31 (3) "Dependent child" means a child who has been found by a court
32 to be dependent in a proceeding under chapter 13.34 RCW.

33 (4) "Guardian" means a person who: (a) Has been appointed by the
34 court as the guardian of a child in a legal proceeding under this
35 chapter; and (b) has the legal right to custody of the child pursuant
36 to court order. The term "guardian" does not include a "dependency
37 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
38 for the purpose of assisting the court in supervising the dependency.

1 (5) "Relative" means a person related to the child in the
2 following ways: (a) Any blood relative, including those of half-
3 blood, and including first cousins, second cousins, nephews or
4 nieces, and persons of preceding generations as denoted by prefixes
5 of grand, great, or great-great; (b) stepfather, stepmother,
6 stepbrother, and stepsister; (c) a person who legally adopts a child
7 or the child's parent as well as the natural and other legally
8 adopted children of such persons, and other relatives of the adoptive
9 parents in accordance with state law; (d) spouses of any persons
10 named in (a), (b), or (c) of this subsection, even after the marriage
11 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
12 this subsection, of any half sibling of the child; or (f) extended
13 family members, as defined by the law or custom of the Indian child's
14 tribe or, in the absence of such law or custom, a person who has
15 reached the age of eighteen and who is the Indian child's
16 grandparent, aunt or uncle, brother or sister, brother-in-law or
17 sister-in-law, niece or nephew, first or second cousin, or stepparent
18 who provides care in the family abode on a twenty-four hour basis to
19 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

20 (6) "Suitable person" means a nonrelative with whom the child or
21 the child's family has a preexisting relationship; who has completed
22 all required criminal history background checks and otherwise appears
23 to be suitable and competent to provide care for the child; and with
24 whom the child has been placed pursuant to RCW 13.34.130.

25 (7) "Supervising agency" means an agency licensed by the state
26 under RCW 74.15.090, or licensed by a federally recognized Indian
27 tribe located in this state under RCW 74.15.190, that has entered
28 into a performance-based contract with the department to provide case
29 management for the delivery and documentation of child welfare
30 services as defined in RCW 74.13.020.

31 **Sec. 311.** RCW 13.38.040 and 2011 c 309 s 4 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Active efforts" means the following:

36 (a) In any foster care placement or termination of parental
37 rights proceeding of an Indian child under chapter 13.34 RCW and this
38 chapter where the department or a supervising agency as defined in
39 RCW 74.13.020 has a statutory or contractual duty to provide services

1 to, or procure services for, the parent or parents or Indian
2 custodian, or is providing services to a parent or parents or Indian
3 custodian pursuant to a disposition order entered pursuant to RCW
4 13.34.130, the department or supervising agency shall make timely and
5 diligent efforts to provide or procure such services, including
6 engaging the parent or parents or Indian custodian in reasonably
7 available and culturally appropriate preventive, remedial, or
8 rehabilitative services. This shall include those services offered by
9 tribes and Indian organizations whenever possible. At a minimum
10 "active efforts" shall include:

11 (i) In any dependency proceeding under chapter 13.34 RCW seeking
12 out-of-home placement of an Indian child in which the department or
13 supervising agency provided voluntary services to the parent,
14 parents, or Indian custodian prior to filing the dependency petition,
15 a showing to the court that the department or supervising agency
16 social workers actively worked with the parent, parents, or Indian
17 custodian to engage them in remedial services and rehabilitation
18 programs to prevent the breakup of the family beyond simply providing
19 referrals to such services.

20 (ii) In any dependency proceeding under chapter 13.34 RCW, in
21 which the petitioner is seeking the continued out-of-home placement
22 of an Indian child, the department or supervising agency must show to
23 the court that it has actively worked with the parent, parents, or
24 Indian custodian in accordance with existing court orders and the
25 individual service plan to engage them in remedial services and
26 rehabilitative programs to prevent the breakup of the family beyond
27 simply providing referrals to such services.

28 (iii) In any termination of parental rights proceeding regarding
29 an Indian child under chapter 13.34 RCW in which the department or
30 supervising agency provided services to the parent, parents, or
31 Indian custodian, a showing to the court that the department or
32 supervising agency social workers actively worked with the parent,
33 parents, or Indian custodian to engage them in remedial services and
34 rehabilitation programs ordered by the court or identified in the
35 department or supervising agency's individual service and safety plan
36 beyond simply providing referrals to such services.

37 (b) In any foster care placement or termination of parental
38 rights proceeding in which the petitioner does not otherwise have a
39 statutory or contractual duty to directly provide services to, or
40 procure services for, the parent or Indian custodian, "active

1 efforts" means a documented, concerted, and good faith effort to
2 facilitate the parent's or Indian custodian's receipt of and
3 engagement in services capable of meeting the criteria set out in (a)
4 of this subsection.

5 (2) "Best interests of the Indian child" means the use of
6 practices in accordance with the federal Indian child welfare act,
7 this chapter, and other applicable law, that are designed to
8 accomplish the following: (a) Protect the safety, well-being,
9 development, and stability of the Indian child; (b) prevent the
10 unnecessary out-of-home placement of the Indian child; (c)
11 acknowledge the right of Indian tribes to maintain their existence
12 and integrity which will promote the stability and security of their
13 children and families; (d) recognize the value to the Indian child of
14 establishing, developing, or maintaining a political, cultural,
15 social, and spiritual relationship with the Indian child's tribe and
16 tribal community; and (e) in a proceeding under this chapter where
17 out-of-home placement is necessary, to prioritize placement of the
18 Indian child in accordance with the placement preferences of this
19 chapter.

20 (3) "Child custody proceeding" includes:

21 (a) "Foster care placement" which means any action removing an
22 Indian child from his or her parent or Indian custodian for temporary
23 placement in a foster home, institution, or with a relative,
24 guardian, conservator, or suitable other person where the parent or
25 Indian custodian cannot have the child returned upon demand, but
26 where parental rights have not been terminated;

27 (b) "Termination of parental rights" which means any action
28 resulting in the termination of the parent-child relationship;

29 (c) "Preadoptive placement" which means the temporary placement
30 of an Indian child in a foster home or institution after the
31 termination of parental rights but before or in lieu of adoptive
32 placement; and

33 (d) "Adoptive placement" which means the permanent placement of
34 an Indian child for adoption, including any action resulting in a
35 final decree of adoption.

36 These terms shall not include a placement based upon an act
37 which, if committed by an adult, would be deemed a crime or upon an
38 award, in a dissolution proceeding of custody to one of the parents.

39 (4) "Court of competent jurisdiction" means a federal court, or a
40 state court that entered an order in a child custody proceeding

1 involving an Indian child, as long as the state court had proper
2 subject matter jurisdiction in accordance with this chapter and the
3 laws of that state, or a tribal court that had or has exclusive or
4 concurrent jurisdiction pursuant to 25 U.S.C. Sec. 1911.

5 (5) "Department" means the department of (~~social and health~~
6 ~~services~~) children, youth, and families and any of its divisions.
7 "Department" also includes supervising agencies as defined in RCW
8 74.13.020(~~(+12)~~) with which the department entered into a contract
9 to provide services, care, placement, case management, contract
10 monitoring, or supervision to children subject to a petition filed
11 under chapter 13.34 or 26.33 RCW.

12 (6) "Indian" means a person who is a member of an Indian tribe,
13 or who is an Alaska native and a member of a regional corporation as
14 defined in 43 U.S.C. Sec. 1606.

15 (7) "Indian child" means an unmarried and unemancipated Indian
16 person who is under eighteen years of age and is either: (a) A member
17 of an Indian tribe; or (b) eligible for membership in an Indian tribe
18 and is the biological child of a member of an Indian tribe.

19 (8) "Indian child's family" or "extended family member" means an
20 individual, defined by the law or custom of the child's tribe, as a
21 relative of the child. If the child's tribe does not identify such
22 individuals by law or custom, the term means an adult who is the
23 Indian child's grandparent, aunt, uncle, brother, sister,
24 brother-in-law, sister-in-law, niece, nephew, first or second cousin,
25 or stepparent, even following termination of the marriage.

26 (9) "Indian child's tribe" means a tribe in which an Indian child
27 is a member or eligible for membership.

28 (10) "Indian custodian" means an Indian person who under tribal
29 law, tribal custom, or state law(~~(7)~~) has legal or temporary physical
30 custody of an Indian child, or to whom the parent has transferred
31 temporary care, physical custody, and control of an Indian child.

32 (11) "Indian tribe" or "tribe" means any Indian tribe, band,
33 nation, or other organized group or community of Indians recognized
34 as eligible for the services provided to Indians by the secretary of
35 the interior because of their status as Indians, including any Alaska
36 native village as defined in 43 U.S.C. Sec. 1602(c).

37 (12) "Member" and "membership" means a determination by an Indian
38 tribe that a person is a member or eligible for membership in that
39 Indian tribe.

1 (13) "Parent" means a biological parent or parents of an Indian
2 child or a person who has lawfully adopted an Indian child, including
3 adoptions made under tribal law or custom. "Parent" does not include
4 an unwed father whose paternity has not been acknowledged or
5 established under chapter 26.26 RCW or the applicable laws of other
6 states.

7 (14) "Secretary of the interior" means the secretary of the
8 United States department of the interior.

9 (15) "Tribal court" means a court or body vested by an Indian
10 tribe with jurisdiction over child custody proceedings, including but
11 not limited to a federal court of Indian offenses, a court
12 established and operated under the code or custom of an Indian tribe,
13 or an administrative body of an Indian tribe vested with authority
14 over child custody proceedings.

15 (16) "Tribal customary adoption" means adoption or other process
16 through the tribal custom, traditions, or laws of an Indian child's
17 tribe by which the Indian child is permanently placed with a
18 nonparent and through which the nonparent is vested with the rights,
19 privileges, and obligations of a legal parent. Termination of the
20 parent-child relationship between the Indian child and the biological
21 parent is not required to effect or recognize a tribal customary
22 adoption.

23 **Sec. 312.** RCW 13.50.010 and 2016 c 93 s 2, 2016 c 72 s 109, and
24 2016 c 71 s 2 are each reenacted and amended to read as follows:

25 (1) For purposes of this chapter:

26 (a) "Good faith effort to pay" means a juvenile offender has
27 either (i) paid the principal amount in full; (ii) made at least
28 eighty percent of the value of full monthly payments within the
29 period from disposition or deferred disposition until the time the
30 amount of restitution owed is under review; or (iii) can show good
31 cause why he or she paid an amount less than eighty percent of the
32 value of full monthly payments;

33 (b) "Juvenile justice or care agency" means any of the following:
34 Police, diversion units, court, prosecuting attorney, defense
35 attorney, detention center, attorney general, the legislative
36 children's oversight committee, the office of the family and
37 children's ombuds, the department of social and health services and
38 its contracting agencies, the department of children, youth, and
39 families and its contracting agencies, schools; persons or public or

1 private agencies having children committed to their custody; and any
2 placement oversight committee created under RCW 72.05.415;

3 (c) "Official juvenile court file" means the legal file of the
4 juvenile court containing the petition or information, motions,
5 memorandums, briefs, notices of hearing or appearance, service
6 documents, witness and exhibit lists, findings of the court and court
7 orders, agreements, judgments, decrees, notices of appeal, as well as
8 documents prepared by the clerk, including court minutes, letters,
9 warrants, waivers, affidavits, declarations, invoices, and the index
10 to clerk papers;

11 (d) "Records" means the official juvenile court file, the social
12 file, and records of any other juvenile justice or care agency in the
13 case;

14 (e) "Social file" means the juvenile court file containing the
15 records and reports of the probation counselor.

16 (2) Each petition or information filed with the court may include
17 only one juvenile and each petition or information shall be filed
18 under a separate docket number. The social file shall be filed
19 separately from the official juvenile court file.

20 (3) It is the duty of any juvenile justice or care agency to
21 maintain accurate records. To this end:

22 (a) The agency may never knowingly record inaccurate information.
23 Any information in records maintained by the department of social and
24 health services relating to a petition filed pursuant to chapter
25 13.34 RCW that is found by the court to be false or inaccurate shall
26 be corrected or expunged from such records by the agency;

27 (b) An agency shall take reasonable steps to assure the security
28 of its records and prevent tampering with them; and

29 (c) An agency shall make reasonable efforts to insure the
30 completeness of its records, including action taken by other agencies
31 with respect to matters in its files.

32 (4) Each juvenile justice or care agency shall implement
33 procedures consistent with the provisions of this chapter to
34 facilitate inquiries concerning records.

35 (5) Any person who has reasonable cause to believe information
36 concerning that person is included in the records of a juvenile
37 justice or care agency and who has been denied access to those
38 records by the agency may make a motion to the court for an order
39 authorizing that person to inspect the juvenile justice or care
40 agency record concerning that person. The court shall grant the

1 motion to examine records unless it finds that in the interests of
2 justice or in the best interests of the juvenile the records or parts
3 of them should remain confidential.

4 (6) A juvenile, or his or her parents, or any person who has
5 reasonable cause to believe information concerning that person is
6 included in the records of a juvenile justice or care agency may make
7 a motion to the court challenging the accuracy of any information
8 concerning the moving party in the record or challenging the
9 continued possession of the record by the agency. If the court grants
10 the motion, it shall order the record or information to be corrected
11 or destroyed.

12 (7) The person making a motion under subsection (5) or (6) of
13 this section shall give reasonable notice of the motion to all
14 parties to the original action and to any agency whose records will
15 be affected by the motion.

16 (8) The court may permit inspection of records by, or release of
17 information to, any clinic, hospital, or agency which has the subject
18 person under care or treatment. The court may also permit inspection
19 by or release to individuals or agencies, including juvenile justice
20 advisory committees of county law and justice councils, engaged in
21 legitimate research for educational, scientific, or public purposes.
22 Each person granted permission to inspect juvenile justice or care
23 agency records for research purposes shall present a notarized
24 statement to the court stating that the names of juveniles and
25 parents will remain confidential.

26 (9) The court shall release to the caseload forecast council the
27 records needed for its research and data-gathering functions. Access
28 to caseload forecast data may be permitted by the council for
29 research purposes only if the anonymity of all persons mentioned in
30 the records or information will be preserved.

31 (10) Juvenile detention facilities shall release records to the
32 caseload forecast council upon request. The commission shall not
33 disclose the names of any juveniles or parents mentioned in the
34 records without the named individual's written permission.

35 (11) Requirements in this chapter relating to the court's
36 authority to compel disclosure shall not apply to the legislative
37 children's oversight committee or the office of the family and
38 children's ombuds.

39 (12) For the purpose of research only, the administrative office
40 of the courts shall maintain an electronic research copy of all

1 records in the judicial information system related to juveniles.
2 Access to the research copy is restricted to the administrative
3 office of the courts for research purposes as authorized by the
4 supreme court or by state statute. The administrative office of the
5 courts shall maintain the confidentiality of all confidential records
6 and shall preserve the anonymity of all persons identified in the
7 research copy. Data contained in the research copy may be shared with
8 other governmental agencies as authorized by state statute, pursuant
9 to data-sharing and research agreements, and consistent with
10 applicable security and confidentiality requirements. The research
11 copy may not be subject to any records retention schedule and must
12 include records destroyed or removed from the judicial information
13 system pursuant to RCW 13.50.270 and 13.50.100(3).

14 (13) The court shall release to the Washington state office of
15 public defense records needed to implement the agency's oversight,
16 technical assistance, and other functions as required by RCW
17 2.70.020. Access to the records used as a basis for oversight,
18 technical assistance, or other agency functions is restricted to the
19 Washington state office of public defense. The Washington state
20 office of public defense shall maintain the confidentiality of all
21 confidential information included in the records.

22 (14) The court shall release to the Washington state office of
23 civil legal aid records needed to implement the agency's oversight,
24 technical assistance, and other functions as required by RCW
25 2.53.045. Access to the records used as a basis for oversight,
26 technical assistance, or other agency functions is restricted to the
27 Washington state office of civil legal aid. The Washington state
28 office of civil legal aid shall maintain the confidentiality of all
29 confidential information included in the records, and shall, as soon
30 as possible, destroy any retained notes or records obtained under
31 this section that are not necessary for its functions related to RCW
32 2.53.045.

33 (15) For purposes of providing for the educational success of
34 youth in foster care, the department of (~~social and health~~
35 ~~services~~) children, youth, and families may disclose only those
36 confidential child welfare records that pertain to or may assist with
37 meeting the educational needs of foster youth to another state agency
38 or state agency's contracted provider responsible under state law or
39 contract for assisting foster youth to attain educational success.
40 The records retain their confidentiality pursuant to this chapter and

1 federal law and cannot be further disclosed except as allowed under
2 this chapter and federal law.

3 (16) For purposes of investigating and preventing child abuse and
4 neglect, and providing for the health care coordination and the well-
5 being of children in foster care, the department of children, youth,
6 and families may disclose only those confidential child welfare
7 records that pertain to or may assist with investigation and
8 prevention of child abuse and neglect, or may assist with providing
9 for the health and well-being of children in foster care to the
10 department of social and health services, the health care authority,
11 or their contracting agencies. For purposes of investigating and
12 preventing child abuse and neglect, and to provide for the
13 coordination of health care and the well-being of children in foster
14 care, the department of social and health services and the health
15 care authority may disclose only those confidential child welfare
16 records that pertain to or may assist with investigation and
17 prevention of child abuse and neglect, or may assist with providing
18 for the health care coordination and the well-being of children in
19 foster care to the department of children, youth, and families, or
20 its contracting agencies. The records retain their confidentiality
21 pursuant to this chapter and federal law and cannot be further
22 disclosed except as allowed under this chapter and federal law.

23 **Sec. 313.** RCW 13.50.100 and 2014 c 175 s 8 are each amended to
24 read as follows:

25 (1) This section governs records not covered by RCW 13.50.050,
26 13.50.260, and 13.50.270.

27 (2) Records covered by this section shall be confidential and
28 shall be released only pursuant to this section and RCW 13.50.010.

29 (3) Records retained or produced by any juvenile justice or care
30 agency may be released to other participants in the juvenile justice
31 or care system only when an investigation or case involving the
32 juvenile in question is being pursued by the other participant or
33 when that other participant is assigned the responsibility of
34 supervising the juvenile. Records covered under this section and
35 maintained by the juvenile courts which relate to the official
36 actions of the agency may be entered in the statewide judicial
37 information system. However, truancy records associated with a
38 juvenile who has no other case history, and records of a juvenile's
39 parents who have no other case history, shall be removed from the

1 judicial information system when the juvenile is no longer subject to
2 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk
3 is not liable for unauthorized release of this data by persons or
4 agencies not in his or her employ or otherwise subject to his or her
5 control, nor is the county clerk liable for inaccurate or incomplete
6 information collected from litigants or other persons required to
7 provide identifying data pursuant to this section.

8 (4) Subject to (a) of this subsection, the department of (~~social~~
9 ~~and health services~~) children, youth, and families may release
10 information retained in the course of conducting child protective
11 services investigations to a family or juvenile court hearing a
12 petition for custody under chapter 26.10 RCW.

13 (a) Information that may be released shall be limited to
14 information regarding investigations in which: (i) The juvenile was
15 an alleged victim of abandonment or abuse or neglect; or (ii) the
16 petitioner for custody of the juvenile, or any individual aged
17 sixteen or older residing in the petitioner's household, is the
18 subject of a founded or currently pending child protective services
19 investigation made by the department of social and health services or
20 the department of children, youth, and families subsequent to October
21 1, 1998.

22 (b) Additional information may only be released with the written
23 consent of the subject of the investigation and the juvenile alleged
24 to be the victim of abandonment or abuse and neglect, or the parent,
25 custodian, guardian, or personal representative of the juvenile, or
26 by court order obtained with notice to all interested parties.

27 (5) Any disclosure of records or information by the department of
28 social and health services or the department of children, youth, and
29 families, pursuant to this section shall not be deemed a waiver of
30 any confidentiality or privilege attached to the records or
31 information by operation of any state or federal statute or
32 regulation, and any recipient of such records or information shall
33 maintain it in such a manner as to comply with such state and federal
34 statutes and regulations and to protect against unauthorized
35 disclosure.

36 (6) A contracting agency or service provider of the department of
37 social and health services or the department of children, youth, and
38 families, that provides counseling, psychological, psychiatric, or
39 medical services may release to the office of the family and
40 children's ombuds information or records relating to services

1 provided to a juvenile who is dependent under chapter 13.34 RCW
2 without the consent of the parent or guardian of the juvenile, or of
3 the juvenile if the juvenile is under the age of thirteen years,
4 unless such release is otherwise specifically prohibited by law.

5 (7) A juvenile, his or her parents, the juvenile's attorney, and
6 the juvenile's parent's attorney, shall, upon request, be given
7 access to all records and information collected or retained by a
8 juvenile justice or care agency which pertain to the juvenile except:

9 (a) If it is determined by the agency that release of this
10 information is likely to cause severe psychological or physical harm
11 to the juvenile or his or her parents the agency may withhold the
12 information subject to other order of the court: PROVIDED, That if
13 the court determines that limited release of the information is
14 appropriate, the court may specify terms and conditions for the
15 release of the information; or

16 (b) If the information or record has been obtained by a juvenile
17 justice or care agency in connection with the provision of
18 counseling, psychological, psychiatric, or medical services to the
19 juvenile, when the services have been sought voluntarily by the
20 juvenile, and the juvenile has a legal right to receive those
21 services without the consent of any person or agency, then the
22 information or record may not be disclosed to the juvenile's parents
23 without the informed consent of the juvenile unless otherwise
24 authorized by law; or

25 (c) That the department of (~~social and health services~~)
26 children, youth, and families may delete the name and identifying
27 information regarding persons or organizations who have reported
28 alleged child abuse or neglect.

29 (8) A juvenile or his or her parent denied access to any records
30 following an agency determination under subsection (7) of this
31 section may file a motion in juvenile court requesting access to the
32 records. The court shall grant the motion unless it finds access may
33 not be permitted according to the standards found in subsection
34 (7)(a) and (b) of this section.

35 (9) The person making a motion under subsection (8) of this
36 section shall give reasonable notice of the motion to all parties to
37 the original action and to any agency whose records will be affected
38 by the motion.

39 (10) Subject to the rules of discovery in civil cases, any party
40 to a proceeding seeking a declaration of dependency or a termination

1 of the parent-child relationship and any party's counsel and the
2 guardian ad litem of any party, shall have access to the records of
3 any natural or adoptive child of the parent, subject to the
4 limitations in subsection (7) of this section. A party denied access
5 to records may request judicial review of the denial. If the party
6 prevails, he or she shall be awarded attorneys' fees, costs, and an
7 amount not less than five dollars and not more than one hundred
8 dollars for each day the records were wrongfully denied.

9 (11) No unfounded allegation of child abuse or neglect as defined
10 in RCW 26.44.020(1) may be disclosed to a child-placing agency,
11 private adoption agency, or any other licensed provider.

12 **Sec. 314.** RCW 13.50.140 and 2013 c 23 s 8 are each amended to
13 read as follows:

14 Any communication or advice privileged under RCW 5.60.060 that is
15 disclosed by the office of the attorney general, the department of
16 children, youth, and families, or the department of social and health
17 services to the office of the family and children's ombuds may not be
18 deemed to be a waiver of the privilege as to others.

19 **Sec. 315.** RCW 13.60.010 and 2015 1st sp.s. c 2 s 2 are each
20 amended to read as follows:

21 (1) The Washington state patrol shall establish a missing
22 children and endangered person clearinghouse which shall include the
23 maintenance and operation of a toll-free telephone hotline. The
24 clearinghouse shall distribute information to local law enforcement
25 agencies, school districts, the department of (~~social and health~~
26 ~~services~~) children, youth, and families, and the general public
27 regarding missing children and endangered persons. The information
28 shall include pictures, bulletins, training sessions, reports, and
29 biographical materials that will assist in local law enforcement
30 efforts to locate missing children and endangered persons. The state
31 patrol shall also maintain a regularly updated computerized link with
32 national and other statewide missing person systems or
33 clearinghouses, and within existing resources, shall develop and
34 implement a plan, commonly known as an "amber alert plan" or an
35 "endangered missing person advisory plan" which includes a "silver
36 alert" designation for voluntary cooperation between local, state,
37 tribal, and other law enforcement agencies, state government
38 agencies, radio and television stations, cable and satellite systems,

1 and social media pages and sites to enhance the public's ability to
2 assist in recovering abducted children and missing endangered persons
3 consistent with the state endangered missing person advisory plan.

4 (2) For the purposes of this chapter:

5 (a) "Child" or "children" means an individual under eighteen
6 years of age.

7 (b) "Missing endangered person" means a person who is believed to
8 be in danger because of age, health, mental or physical disability,
9 in combination with environmental or weather conditions, or is
10 believed to be unable to return to safety without assistance and who
11 is:

12 (i) A person with a developmental disability as defined in RCW
13 71A.10.020(5);

14 (ii) A vulnerable adult as defined in RCW 74.34.020(~~(17)~~); or

15 (iii) A person who has been diagnosed as having Alzheimer's
16 disease or other age-related dementia.

17 (c) "Silver alert" means the designated title of a missing
18 endangered person advisory that will be used on a variable message
19 sign and text of the highway advisory radio message when used as part
20 of an activated advisory to assist in the recovery of a missing
21 endangered person age sixty or older.

22 **Sec. 316.** RCW 13.60.040 and 1999 c 267 s 18 are each amended to
23 read as follows:

24 The department of (~~social and health services~~) children, youth,
25 and families shall develop a procedure for reporting missing children
26 information to the missing children clearinghouse on children who are
27 receiving departmental services in each of its administrative
28 regions. The purpose of this procedure is to link parents to missing
29 children. When the department has obtained information that a minor
30 child has been located at a facility funded by the department, the
31 department shall notify the clearinghouse and the child's legal
32 custodian, advising the custodian of the child's whereabouts or that
33 the child is subject to a dependency action. The department shall
34 inform the clearinghouse when reunification occurs.

35 **Sec. 317.** RCW 13.64.030 and 1993 c 294 s 3 are each amended to
36 read as follows:

37 The petitioner shall serve a copy of the filed petition and
38 notice of hearing on the petitioner's parent or parents, guardian, or

1 custodian at least fifteen days before the emancipation hearing. No
2 summons shall be required. Service shall be waived if proof is made
3 to the court that the address of the parent or parents, guardian, or
4 custodian is unavailable or unascertainable. The petitioner shall
5 also serve notice of the hearing on the department of children,
6 youth, and families if the petitioner is subject to dependency
7 disposition order under RCW 13.34.130. The hearing shall be held no
8 later than sixty days after the date on which the petition is filed.

9 **Sec. 318.** RCW 13.64.050 and 1993 c 294 s 5 are each amended to
10 read as follows:

11 (1) The court shall grant the petition for emancipation, except
12 as provided in subsection (2) of this section, if the petitioner
13 proves the following facts by clear and convincing evidence: (a) That
14 the petitioner is sixteen years of age or older; (b) that the
15 petitioner is a resident of the state; (c) that the petitioner has
16 the ability to manage his or her financial affairs; and (d) that the
17 petitioner has the ability to manage his or her personal, social,
18 educational, and nonfinancial affairs.

19 (2) A parent, guardian, custodian, or in the case of a dependent
20 minor, the department of children, youth, and families, may oppose
21 the petition for emancipation. The court shall deny the petition
22 unless it finds, by clear and convincing evidence, that denial of the
23 grant of emancipation would be detrimental to the interests of the
24 minor.

25 (3) Upon entry of a decree of emancipation by the court the
26 petitioner shall be given a certified copy of the decree. The decree
27 shall instruct the petitioner to obtain a Washington driver's license
28 or a Washington identification card and direct the department of
29 licensing make a notation of the emancipated status on the license or
30 identification card.

31 **Sec. 319.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Alleged father" means a person whose parent-child
36 relationship has not been terminated, who is not a presumed father
37 under chapter 26.26 RCW, and who alleges himself or whom a party
38 alleges to be the father of the child. It includes a person whose

1 marriage to the mother was terminated more than three hundred days
2 before the birth of the child or who was separated from the mother
3 more than three hundred days before the birth of the child.

4 (2) "Child" means a person under eighteen years of age.

5 (3) "Adoptee" means a person who is to be adopted or who has been
6 adopted.

7 (4) "Adoptive parent" means the person or persons who seek to
8 adopt or have adopted an adoptee.

9 (5) "Court" means the superior court.

10 (6) "Department" means the department of (~~social and health~~
11 ~~services~~) children, youth, and families.

12 (7) "Agency" means any public or private association,
13 corporation, or individual licensed or certified by the department as
14 a child-placing agency under chapter 74.15 RCW or as an adoption
15 agency.

16 (8) "Parent" means the natural or adoptive mother or father of a
17 child, including a presumed father under chapter 26.26 RCW. It does
18 not include any person whose parent-child relationship has been
19 terminated by a court of competent jurisdiction.

20 (9) "Legal guardian" means the department, an agency, or a
21 person, other than a parent or stepparent, appointed by the court to
22 promote the child's general welfare, with the authority and duty to
23 make decisions affecting the child's development.

24 (10) "Guardian ad litem" means a person, not related to a party
25 to the action, appointed by the court to represent the best interests
26 of a party who is under a legal disability.

27 (11) "Relinquish or relinquishment" means the voluntary surrender
28 of custody of a child to the department, an agency, or prospective
29 adoptive parents.

30 (12) "Individual approved by the court" or "qualified salaried
31 court employee" means a person who has a master's degree in social
32 work or a related field and one year of experience in social work, or
33 a bachelor's degree and two years of experience in social work, and
34 includes a person not having such qualifications only if the court
35 makes specific findings of fact that are entered of record
36 establishing that the person has reasonably equivalent experience.

37 (13) "Birth parent" means the biological mother or biological or
38 alleged father of a child, including a presumed father under chapter
39 26.26 RCW, whether or not any such person's parent-child relationship
40 has been terminated by a court of competent jurisdiction. "Birth

1 parent" does not include a biological mother or biological or alleged
2 father, including a presumed father under chapter 26.26 RCW, if the
3 parent-child relationship was terminated because of an act for which
4 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

5 (14) "Nonidentifying information" includes, but is not limited
6 to, the following information about the birth parents, adoptive
7 parents, and adoptee:

8 (a) Age in years at the time of adoption;

9 (b) Heritage, including nationality, ethnic background, and race;

10 (c) Education, including number of years of school completed at
11 the time of adoption, but not name or location of school;

12 (d) General physical appearance, including height, weight, color
13 of hair, eyes, and skin, or other information of a similar nature;

14 (e) Religion;

15 (f) Occupation, but not specific titles or places of employment;

16 (g) Talents, hobbies, and special interests;

17 (h) Circumstances leading to the adoption;

18 (i) Medical and genetic history of birth parents;

19 (j) First names;

20 (k) Other children of birth parents by age, sex, and medical
21 history;

22 (l) Extended family of birth parents by age, sex, and medical
23 history;

24 (m) The fact of the death, and age and cause, if known;

25 (n) Photographs;

26 (o) Name of agency or individual that facilitated the adoption.

27 **Sec. 320.** RCW 26.33.345 and 2013 c 321 s 1 are each amended to
28 read as follows:

29 (1) The department (~~(of social and health services)~~), adoption
30 agencies, and independent adoption facilitators shall release the
31 name and location of the court where a relinquishment of parental
32 rights or finalization of an adoption took place to an adult adoptee,
33 a birth parent of an adult adoptee, an adoptive parent, a birth or
34 adoptive grandparent of an adult adoptee, or an adult sibling of an
35 adult adoptee, or the legal guardian of any of these.

36 (2) The department of health shall make available a noncertified
37 copy of the original birth certificate of a child to the child's
38 birth parents upon request.

1 (3)(a) For adoptions finalized after October 1, 1993, the
2 department of health shall provide a noncertified copy of the
3 original birth certificate to an adoptee eighteen years of age or
4 older upon request, unless the birth parent has filed an affidavit of
5 nondisclosure before July 28, 2013, or a contact preference form that
6 indicates he or she does not want the original birth certificate
7 released: PROVIDED, That the affidavit of nondisclosure, the contact
8 preference form, or both have not expired.

9 (b) For adoptions finalized on or before October 1, 1993, the
10 department of health may not provide a noncertified copy of the
11 original birth certificate to the adoptee until after June 30, 2014.
12 After June 30, 2014, the department of health shall provide a
13 noncertified copy of the original birth certificate to an adoptee
14 eighteen years of age or older upon request, unless the birth parent
15 has filed a contact preference form that indicates he or she does not
16 want the original birth certificate released: PROVIDED, That the
17 contact preference form has not expired.

18 (c) An affidavit of nondisclosure expires upon the death of the
19 birth parent.

20 (4)(a) Regardless of whether a birth parent has filed an
21 affidavit of nondisclosure or when the adoption was finalized, a
22 birth parent may at any time complete a contact preference form
23 stating his or her preference about personal contact with the
24 adoptee, which, if available, must accompany an original birth
25 certificate provided to an adoptee under subsection (3) of this
26 section.

27 (b) The contact preference form must include the following
28 options:

29 (i) I would like to be contacted. I give the department of health
30 consent to provide the adoptee with a noncertified copy of his or her
31 original birth certificate;

32 (ii) I would like to be contacted only through a confidential
33 intermediary as described in RCW 26.33.343. I give the department of
34 health consent to provide the adoptee with a noncertified copy of his
35 or her original birth certificate;

36 (iii) I prefer not to be contacted and have completed the birth
37 parent updated medical history form. I give the department of health
38 consent to provide the adoptee with a noncertified copy of his or her
39 original birth certificate; and

1 (iv) I prefer not to be contacted and have completed the birth
2 parent updated medical history form. I do not want a noncertified
3 copy of the original birth certificate released to the adoptee.

4 (c) If the birth parent indicates he or she prefers not to be
5 contacted, personally identifying information on the contact
6 preference form must be kept confidential and may not be released.

7 (d) Nothing in this section precludes a birth parent from
8 subsequently filing another contact preference form to rescind the
9 previous contact preference form and state a different preference.

10 (e) A contact preference form expires upon the death of the birth
11 parent.

12 (5) If a birth parent files a contact preference form, the birth
13 parent must also file an updated medical history form with the
14 department of health. Upon request of the adoptee, the department of
15 health must provide the adoptee with the updated medical history form
16 filed by the adoptee's birth parent.

17 (6) Both a completed contact preference form and birth parent
18 updated medical history form are confidential and must be placed in
19 the adoptee's sealed file.

20 (7) If a birth parent files a contact preference form within six
21 months after the first time an adoptee requests a copy of his or her
22 original birth certificate as provided in subsection (3) of this
23 section, the department of health must forward the contact preference
24 form and the birth parent updated medical history form to the address
25 of the adoptee.

26 (8) The department of health may charge a fee not to exceed
27 twenty dollars for providing a noncertified copy of a birth
28 certificate to an adoptee.

29 (9) The department of health must create the contact preference
30 form and an updated medical history form. The contact preference form
31 must provide a method to ensure personally identifying information
32 can be kept confidential. The updated medical history form may not
33 require the birth parent to disclose any identifying information
34 about the birth parent.

35 (10) If the department of health does not provide an adoptee with
36 a noncertified copy of the original birth certificate because a valid
37 affidavit of nondisclosure or contact preference form has been filed,
38 the adoptee may request, no more than once per year, that the
39 department of health attempt to determine if the birth parent is
40 deceased. Upon request of the adoptee, the department of health must

1 make a reasonable effort to search public records that are accessible
2 and already available to the department of health to determine if the
3 birth parent is deceased. The department of health may charge the
4 adoptee a reasonable fee to cover the cost of conducting a search.

5 **Sec. 321.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
10 or injury of a child by any person under circumstances which cause
11 harm to the child's health, welfare, or safety, excluding conduct
12 permitted under RCW 9A.16.100; or the negligent treatment or
13 maltreatment of a child by a person responsible for or providing care
14 to the child. An abused child is a child who has been subjected to
15 child abuse or neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

18 (3) "Child protective services" means those services provided by
19 the department designed to protect children from child abuse and
20 neglect and safeguard such children from future abuse and neglect,
21 and conduct investigations of child abuse and neglect reports.
22 Investigations may be conducted regardless of the location of the
23 alleged abuse or neglect. Child protective services includes referral
24 to services to ameliorate conditions that endanger the welfare of
25 children, the coordination of necessary programs and services
26 relevant to the prevention, intervention, and treatment of child
27 abuse and neglect, and services to children to ensure that each child
28 has a permanent home. In determining whether protective services
29 should be provided, the department shall not decline to provide such
30 services solely because of the child's unwillingness or developmental
31 inability to describe the nature and severity of the abuse or
32 neglect.

33 (4) "Child protective services section" means the child
34 protective services section of the department.

35 (5) "Children's advocacy center" means a child-focused facility
36 in good standing with the state chapter for children's advocacy
37 centers and that coordinates a multidisciplinary process for the
38 investigation, prosecution, and treatment of sexual and other types
39 of child abuse. Children's advocacy centers provide a location for

1 forensic interviews and coordinate access to services such as, but
2 not limited to, medical evaluations, advocacy, therapy, and case
3 review by multidisciplinary teams within the context of county
4 protocols as defined in RCW 26.44.180 and 26.44.185.

5 (6) "Clergy" means any regularly licensed or ordained minister,
6 priest, or rabbi of any church or religious denomination, whether
7 acting in an individual capacity or as an employee or agent of any
8 public or private organization or institution.

9 (7) "Court" means the superior court of the state of Washington,
10 juvenile department.

11 (8) "Department" means the ((state)) department of ((social and
12 health services)) children, youth, and families.

13 (9) "Family assessment" means a comprehensive assessment of child
14 safety, risk of subsequent child abuse or neglect, and family
15 strengths and needs that is applied to a child abuse or neglect
16 report. Family assessment does not include a determination as to
17 whether child abuse or neglect occurred, but does determine the need
18 for services to address the safety of the child and the risk of
19 subsequent maltreatment.

20 (10) "Family assessment response" means a way of responding to
21 certain reports of child abuse or neglect made under this chapter
22 using a differential response approach to child protective services.
23 The family assessment response shall focus on the safety of the
24 child, the integrity and preservation of the family, and shall assess
25 the status of the child and the family in terms of risk of abuse and
26 neglect including the parent's or guardian's or other caretaker's
27 capacity and willingness to protect the child and, if necessary, plan
28 and arrange the provision of services to reduce the risk and
29 otherwise support the family. No one is named as a perpetrator, and
30 no investigative finding is entered in the record as a result of a
31 family assessment.

32 (11) "Founded" means the determination following an investigation
33 by the department that, based on available information, it is more
34 likely than not that child abuse or neglect did occur.

35 (12) "Inconclusive" means the determination following an
36 investigation by the department of social and health services, prior
37 to October 1, 2008, that based on available information a decision
38 cannot be made that more likely than not, child abuse or neglect did
39 or did not occur.

1 (13) "Institution" means a private or public hospital or any
2 other facility providing medical diagnosis, treatment, or care.

3 (14) "Law enforcement agency" means the police department, the
4 prosecuting attorney, the state patrol, the director of public
5 safety, or the office of the sheriff.

6 (15) "Malice" or "maliciously" means an intent, wish, or design
7 to intimidate, annoy, or injure another person. Such malice may be
8 inferred from an act done in willful disregard of the rights of
9 another, or an act wrongfully done without just cause or excuse, or
10 an act or omission of duty betraying a willful disregard of social
11 duty.

12 (16) "Negligent treatment or maltreatment" means an act or a
13 failure to act, or the cumulative effects of a pattern of conduct,
14 behavior, or inaction, that evidences a serious disregard of
15 consequences of such magnitude as to constitute a clear and present
16 danger to a child's health, welfare, or safety, including but not
17 limited to conduct prohibited under RCW 9A.42.100. When considering
18 whether a clear and present danger exists, evidence of a parent's
19 substance abuse as a contributing factor to negligent treatment or
20 maltreatment shall be given great weight. The fact that siblings
21 share a bedroom is not, in and of itself, negligent treatment or
22 maltreatment. Poverty, homelessness, or exposure to domestic violence
23 as defined in RCW 26.50.010 that is perpetrated against someone other
24 than the child does not constitute negligent treatment or
25 maltreatment in and of itself.

26 (17) "Pharmacist" means any registered pharmacist under chapter
27 18.64 RCW, whether acting in an individual capacity or as an employee
28 or agent of any public or private organization or institution.

29 (18) "Practitioner of the healing arts" or "practitioner" means a
30 person licensed by this state to practice podiatric medicine and
31 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
32 medicine and surgery, or medicine and surgery or to provide other
33 health services. The term "practitioner" includes a duly accredited
34 Christian Science practitioner. A person who is being furnished
35 Christian Science treatment by a duly accredited Christian Science
36 practitioner will not be considered, for that reason alone, a
37 neglected person for the purposes of this chapter.

38 (19) "Professional school personnel" include, but are not limited
39 to, teachers, counselors, administrators, child care facility
40 personnel, and school nurses.

1 (20) "Psychologist" means any person licensed to practice
2 psychology under chapter 18.83 RCW, whether acting in an individual
3 capacity or as an employee or agent of any public or private
4 organization or institution.

5 (21) "Screened-out report" means a report of alleged child abuse
6 or neglect that the department has determined does not rise to the
7 level of a credible report of abuse or neglect and is not referred
8 for investigation.

9 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
10 encouraging a child to engage in prostitution by any person; or (b)
11 allowing, permitting, encouraging, or engaging in the obscene or
12 pornographic photographing, filming, or depicting of a child by any
13 person.

14 (23) "Sexually aggressive youth" means a child who is defined in
15 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (24) "Social service counselor" means anyone engaged in a
17 professional capacity during the regular course of employment in
18 encouraging or promoting the health, welfare, support, or education
19 of children, or providing social services to adults or families,
20 including mental health, drug and alcohol treatment, and domestic
21 violence programs, whether in an individual capacity, or as an
22 employee or agent of any public or private organization or
23 institution.

24 (25) "Supervising agency" means an agency licensed by the state
25 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
26 entered into a performance-based contract with the department to
27 provide child welfare services.

28 (26) "Unfounded" means the determination following an
29 investigation by the department that available information indicates
30 that, more likely than not, child abuse or neglect did not occur, or
31 that there is insufficient evidence for the department to determine
32 whether the alleged child abuse did or did not occur.

33 **Sec. 322.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to
34 read as follows:

35 (1)(a) When any practitioner, county coroner or medical examiner,
36 law enforcement officer, professional school personnel, registered or
37 licensed nurse, social service counselor, psychologist, pharmacist,
38 employee of the department of (~~early learning~~) children, youth, and
39 families, licensed or certified child care providers or their

1 employees, employee of the department of social and health services,
2 juvenile probation officer, placement and liaison specialist,
3 responsible living skills program staff, HOPE center staff, state
4 family and children's ombuds or any volunteer in the ombuds's office,
5 or host home program has reasonable cause to believe that a child has
6 suffered abuse or neglect, he or she shall report such incident, or
7 cause a report to be made, to the proper law enforcement agency or to
8 the department as provided in RCW 26.44.040.

9 (b) When any person, in his or her official supervisory capacity
10 with a nonprofit or for-profit organization, has reasonable cause to
11 believe that a child has suffered abuse or neglect caused by a person
12 over whom he or she regularly exercises supervisory authority, he or
13 she shall report such incident, or cause a report to be made, to the
14 proper law enforcement agency, provided that the person alleged to
15 have caused the abuse or neglect is employed by, contracted by, or
16 volunteers with the organization and coaches, trains, educates, or
17 counsels a child or children or regularly has unsupervised access to
18 a child or children as part of the employment, contract, or voluntary
19 service. No one shall be required to report under this section when
20 he or she obtains the information solely as a result of a privileged
21 communication as provided in RCW 5.60.060.

22 Nothing in this subsection (1)(b) shall limit a person's duty to
23 report under (a) of this subsection.

24 For the purposes of this subsection, the following definitions
25 apply:

26 (i) "Official supervisory capacity" means a position, status, or
27 role created, recognized, or designated by any nonprofit or for-
28 profit organization, either for financial gain or without financial
29 gain, whose scope includes, but is not limited to, overseeing,
30 directing, or managing another person who is employed by, contracted
31 by, or volunteers with the nonprofit or for-profit organization.

32 (ii) "Organization" includes a sole proprietor, partnership,
33 corporation, limited liability company, trust, association, financial
34 institution, governmental entity, other than the federal government,
35 and any other individual or group engaged in a trade, occupation,
36 enterprise, governmental function, charitable function, or similar
37 activity in this state whether or not the entity is operated as a
38 nonprofit or for-profit entity.

1 (iii) "Reasonable cause" means a person witnesses or receives a
2 credible written or oral report alleging abuse, including sexual
3 contact, or neglect of a child.

4 (iv) "Regularly exercises supervisory authority" means to act in
5 his or her official supervisory capacity on an ongoing or continuing
6 basis with regards to a particular person.

7 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

8 (c) The reporting requirement also applies to department of
9 corrections personnel who, in the course of their employment, observe
10 offenders or the children with whom the offenders are in contact. If,
11 as a result of observations or information received in the course of
12 his or her employment, any department of corrections personnel has
13 reasonable cause to believe that a child has suffered abuse or
14 neglect, he or she shall report the incident, or cause a report to be
15 made, to the proper law enforcement agency or to the department as
16 provided in RCW 26.44.040.

17 (d) The reporting requirement shall also apply to any adult who
18 has reasonable cause to believe that a child who resides with them,
19 has suffered severe abuse, and is able or capable of making a report.
20 For the purposes of this subsection, "severe abuse" means any of the
21 following: Any single act of abuse that causes physical trauma of
22 sufficient severity that, if left untreated, could cause death; any
23 single act of sexual abuse that causes significant bleeding, deep
24 bruising, or significant external or internal swelling; or more than
25 one act of physical abuse, each of which causes bleeding, deep
26 bruising, significant external or internal swelling, bone fracture,
27 or unconsciousness.

28 (e) The reporting requirement also applies to guardians ad litem,
29 including court-appointed special advocates, appointed under Titles
30 11 and 13 RCW and this title, who in the course of their
31 representation of children in these actions have reasonable cause to
32 believe a child has been abused or neglected.

33 (f) The reporting requirement in (a) of this subsection also
34 applies to administrative and academic or athletic department
35 employees, including student employees, of institutions of higher
36 education, as defined in RCW 28B.10.016, and of private institutions
37 of higher education.

38 (g) The report must be made at the first opportunity, but in no
39 case longer than forty-eight hours after there is reasonable cause to

1 believe that the child has suffered abuse or neglect. The report must
2 include the identity of the accused if known.

3 (2) The reporting requirement of subsection (1) of this section
4 does not apply to the discovery of abuse or neglect that occurred
5 during childhood if it is discovered after the child has become an
6 adult. However, if there is reasonable cause to believe other
7 children are or may be at risk of abuse or neglect by the accused,
8 the reporting requirement of subsection (1) of this section does
9 apply.

10 (3) Any other person who has reasonable cause to believe that a
11 child has suffered abuse or neglect may report such incident to the
12 proper law enforcement agency or to the department (~~of social and~~
13 ~~health services~~) as provided in RCW 26.44.040.

14 (4) The department, upon receiving a report of an incident of
15 alleged abuse or neglect pursuant to this chapter, involving a child
16 who has died or has had physical injury or injuries inflicted upon
17 him or her other than by accidental means or who has been subjected
18 to alleged sexual abuse, shall report such incident to the proper law
19 enforcement agency, including military law enforcement, if
20 appropriate. In emergency cases, where the child's welfare is
21 endangered, the department shall notify the proper law enforcement
22 agency within twenty-four hours after a report is received by the
23 department. In all other cases, the department shall notify the law
24 enforcement agency within seventy-two hours after a report is
25 received by the department. If the department makes an oral report, a
26 written report must also be made to the proper law enforcement agency
27 within five days thereafter.

28 (5) Any law enforcement agency receiving a report of an incident
29 of alleged abuse or neglect pursuant to this chapter, involving a
30 child who has died or has had physical injury or injuries inflicted
31 upon him or her other than by accidental means, or who has been
32 subjected to alleged sexual abuse, shall report such incident in
33 writing as provided in RCW 26.44.040 to the proper county prosecutor
34 or city attorney for appropriate action whenever the law enforcement
35 agency's investigation reveals that a crime may have been committed.
36 The law enforcement agency shall also notify the department of all
37 reports received and the law enforcement agency's disposition of
38 them. In emergency cases, where the child's welfare is endangered,
39 the law enforcement agency shall notify the department within twenty-
40 four hours. In all other cases, the law enforcement agency shall

1 notify the department within seventy-two hours after a report is
2 received by the law enforcement agency.

3 (6) Any county prosecutor or city attorney receiving a report
4 under subsection (5) of this section shall notify the victim, any
5 persons the victim requests, and the local office of the department,
6 of the decision to charge or decline to charge a crime, within five
7 days of making the decision.

8 (7) The department may conduct ongoing case planning and
9 consultation with those persons or agencies required to report under
10 this section, with consultants designated by the department, and with
11 designated representatives of Washington Indian tribes if the client
12 information exchanged is pertinent to cases currently receiving child
13 protective services. Upon request, the department shall conduct such
14 planning and consultation with those persons required to report under
15 this section if the department determines it is in the best interests
16 of the child. Information considered privileged by statute and not
17 directly related to reports required by this section must not be
18 divulged without a valid written waiver of the privilege.

19 (8) Any case referred to the department by a physician licensed
20 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
21 opinion that child abuse, neglect, or sexual assault has occurred and
22 that the child's safety will be seriously endangered if returned
23 home, the department shall file a dependency petition unless a second
24 licensed physician of the parents' choice believes that such expert
25 medical opinion is incorrect. If the parents fail to designate a
26 second physician, the department may make the selection. If a
27 physician finds that a child has suffered abuse or neglect but that
28 such abuse or neglect does not constitute imminent danger to the
29 child's health or safety, and the department agrees with the
30 physician's assessment, the child may be left in the parents' home
31 while the department proceeds with reasonable efforts to remedy
32 parenting deficiencies.

33 (9) Persons or agencies exchanging information under subsection
34 (7) of this section shall not further disseminate or release the
35 information except as authorized by state or federal statute.
36 Violation of this subsection is a misdemeanor.

37 (10) Upon receiving a report of alleged abuse or neglect, the
38 department shall make reasonable efforts to learn the name, address,
39 and telephone number of each person making a report of abuse or
40 neglect under this section. The department shall provide assurances

1 of appropriate confidentiality of the identification of persons
2 reporting under this section. If the department is unable to learn
3 the information required under this subsection, the department shall
4 only investigate cases in which:

5 (a) The department believes there is a serious threat of
6 substantial harm to the child;

7 (b) The report indicates conduct involving a criminal offense
8 that has, or is about to occur, in which the child is the victim; or

9 (c) The department has a prior founded report of abuse or neglect
10 with regard to a member of the household that is within three years
11 of receipt of the referral.

12 (11)(a) Upon receiving a report of alleged abuse or neglect, the
13 department shall use one of the following discrete responses to
14 reports of child abuse or neglect that are screened in and accepted
15 for departmental response:

16 (i) Investigation; or

17 (ii) Family assessment.

18 (b) In making the response in (a) of this subsection the
19 department shall:

20 (i) Use a method by which to assign cases to investigation or
21 family assessment which are based on an array of factors that may
22 include the presence of: Imminent danger, level of risk, number of
23 previous child abuse or neglect reports, or other presenting case
24 characteristics, such as the type of alleged maltreatment and the age
25 of the alleged victim. Age of the alleged victim shall not be used as
26 the sole criterion for determining case assignment;

27 (ii) Allow for a change in response assignment based on new
28 information that alters risk or safety level;

29 (iii) Allow families assigned to family assessment to choose to
30 receive an investigation rather than a family assessment;

31 (iv) Provide a full investigation if a family refuses the initial
32 family assessment;

33 (v) Provide voluntary services to families based on the results
34 of the initial family assessment. If a family refuses voluntary
35 services, and the department cannot identify specific facts related
36 to risk or safety that warrant assignment to investigation under this
37 chapter, and there is not a history of reports of child abuse or
38 neglect related to the family, then the department must close the
39 family assessment response case. However, if at any time the
40 department identifies risk or safety factors that warrant an

1 investigation under this chapter, then the family assessment response
2 case must be reassigned to investigation;

3 (vi) Conduct an investigation, and not a family assessment, in
4 response to an allegation that, the department determines based on
5 the intake assessment:

6 (A) Poses a risk of "imminent harm" consistent with the
7 definition provided in RCW 13.34.050, which includes, but is not
8 limited to, sexual abuse and sexual exploitation as defined in this
9 chapter;

10 (B) Poses a serious threat of substantial harm to a child;

11 (C) Constitutes conduct involving a criminal offense that has, or
12 is about to occur, in which the child is the victim;

13 (D) The child is an abandoned child as defined in RCW 13.34.030;

14 (E) The child is an adjudicated dependent child as defined in RCW
15 13.34.030, or the child is in a facility that is licensed, operated,
16 or certified for care of children by the department under chapter
17 74.15 RCW(~~(, or by the department of early learning)~~).

18 (c) The department may not be held civilly liable for the
19 decision to respond to an allegation of child abuse or neglect by
20 using the family assessment response under this section unless the
21 state or its officers, agents, or employees acted with reckless
22 disregard.

23 (12)(a) For reports of alleged abuse or neglect that are accepted
24 for investigation by the department, the investigation shall be
25 conducted within time frames established by the department in rule.
26 In no case shall the investigation extend longer than ninety days
27 from the date the report is received, unless the investigation is
28 being conducted under a written protocol pursuant to RCW 26.44.180
29 and a law enforcement agency or prosecuting attorney has determined
30 that a longer investigation period is necessary. At the completion of
31 the investigation, the department shall make a finding that the
32 report of child abuse or neglect is founded or unfounded.

33 (b) If a court in a civil or criminal proceeding, considering the
34 same facts or circumstances as are contained in the report being
35 investigated by the department, makes a judicial finding by a
36 preponderance of the evidence or higher that the subject of the
37 pending investigation has abused or neglected the child, the
38 department shall adopt the finding in its investigation.

39 (13) For reports of alleged abuse or neglect that are responded
40 to through family assessment response, the department shall:

1 (a) Provide the family with a written explanation of the
2 procedure for assessment of the child and the family and its
3 purposes;

4 (b) Collaborate with the family to identify family strengths,
5 resources, and service needs, and develop a service plan with the
6 goal of reducing risk of harm to the child and improving or restoring
7 family well-being;

8 (c) Complete the family assessment response within forty-five
9 days of receiving the report; however, upon parental agreement, the
10 family assessment response period may be extended up to ninety days;

11 (d) Offer services to the family in a manner that makes it clear
12 that acceptance of the services is voluntary;

13 (e) Implement the family assessment response in a consistent and
14 cooperative manner;

15 (f) Have the parent or guardian sign an agreement to participate
16 in services before services are initiated that informs the parents of
17 their rights under family assessment response, all of their options,
18 and the options the department has if the parents do not sign the
19 consent form.

20 (14)(a) In conducting an investigation or family assessment of
21 alleged abuse or neglect, the department or law enforcement agency:

22 (i) May interview children. If the department determines that the
23 response to the allegation will be family assessment response, the
24 preferred practice is to request a parent's, guardian's, or
25 custodian's permission to interview the child before conducting the
26 child interview unless doing so would compromise the safety of the
27 child or the integrity of the assessment. The interviews may be
28 conducted on school premises, at day-care facilities, at the child's
29 home, or at other suitable locations outside of the presence of
30 parents. If the allegation is investigated, parental notification of
31 the interview must occur at the earliest possible point in the
32 investigation that will not jeopardize the safety or protection of
33 the child or the course of the investigation. Prior to commencing the
34 interview the department or law enforcement agency shall determine
35 whether the child wishes a third party to be present for the
36 interview and, if so, shall make reasonable efforts to accommodate
37 the child's wishes. Unless the child objects, the department or law
38 enforcement agency shall make reasonable efforts to include a third
39 party in any interview so long as the presence of the third party
40 will not jeopardize the course of the investigation; and

1 (ii) Shall have access to all relevant records of the child in
2 the possession of mandated reporters and their employees.

3 (b) The Washington state school directors' association shall
4 adopt a model policy addressing protocols when an interview, as
5 authorized by this subsection, is conducted on school premises. In
6 formulating its policy, the association shall consult with the
7 department and the Washington association of sheriffs and police
8 chiefs.

9 (15) If a report of alleged abuse or neglect is founded and
10 constitutes the third founded report received by the department
11 within the last twelve months involving the same child or family, the
12 department shall promptly notify the office of the family and
13 children's ombuds of the contents of the report. The department shall
14 also notify the ombuds of the disposition of the report.

15 (16) In investigating and responding to allegations of child
16 abuse and neglect, the department may conduct background checks as
17 authorized by state and federal law.

18 (17)(a) The department shall maintain investigation records and
19 conduct timely and periodic reviews of all founded cases of abuse and
20 neglect. The department shall maintain a log of screened-out
21 nonabusive cases.

22 (b) In the family assessment response, the department shall not
23 make a finding as to whether child abuse or neglect occurred. No one
24 shall be named as a perpetrator and no investigative finding shall be
25 entered in the department's child abuse or neglect database.

26 (18) The department shall use a risk assessment process when
27 investigating alleged child abuse and neglect referrals. The
28 department shall present the risk factors at all hearings in which
29 the placement of a dependent child is an issue. Substance abuse must
30 be a risk factor.

31 (19) Upon receipt of a report of alleged abuse or neglect the law
32 enforcement agency may arrange to interview the person making the
33 report and any collateral sources to determine if any malice is
34 involved in the reporting.

35 (20) Upon receiving a report of alleged abuse or neglect
36 involving a child under the court's jurisdiction under chapter 13.34
37 RCW, the department shall promptly notify the child's guardian ad
38 litem of the report's contents. The department shall also notify the
39 guardian ad litem of the disposition of the report. For purposes of

1 this subsection, "guardian ad litem" has the meaning provided in RCW
2 13.34.030.

3 (21) The department shall make efforts as soon as practicable to
4 determine the military status of parents whose children are subject
5 to abuse or neglect allegations. If the department determines that a
6 parent or guardian is in the military, the department shall notify a
7 department of defense family advocacy program that there is an
8 allegation of abuse and neglect that is screened in and open for
9 investigation that relates to that military parent or guardian.

10 **Sec. 323.** RCW 26.44.040 and 1999 c 176 s 32 are each amended to
11 read as follows:

12 An immediate oral report must be made by telephone or otherwise
13 to the proper law enforcement agency or the department (~~of social~~
14 ~~and health services~~) and, upon request, must be followed by a report
15 in writing. Such reports must contain the following information, if
16 known:

- 17 (1) The name, address, and age of the child;
- 18 (2) The name and address of the child's parents, stepparents,
19 guardians, or other persons having custody of the child;
- 20 (3) The nature and extent of the alleged injury or injuries;
- 21 (4) The nature and extent of the alleged neglect;
- 22 (5) The nature and extent of the alleged sexual abuse;
- 23 (6) Any evidence of previous injuries, including their nature and
24 extent; and
- 25 (7) Any other information that may be helpful in establishing the
26 cause of the child's death, injury, or injuries and the identity of
27 the alleged perpetrator or perpetrators.

28 **Sec. 324.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to
29 read as follows:

30 Except as provided in RCW 26.44.030(11), upon the receipt of a
31 report concerning the possible occurrence of abuse or neglect, the
32 law enforcement agency or the department (~~of social and health~~
33 ~~services~~) must investigate and provide the protective services
34 section with a report in accordance with chapter 74.13 RCW, and where
35 necessary to refer such report to the court.

36 A law enforcement officer may take, or cause to be taken, a child
37 into custody without a court order if there is probable cause to
38 believe that the child is abused or neglected and that the child

1 would be injured or could not be taken into custody if it were
2 necessary to first obtain a court order pursuant to RCW 13.34.050.
3 The law enforcement agency or the department (~~of social and health~~
4 ~~services~~) investigating such a report is hereby authorized to
5 photograph such a child for the purpose of providing documentary
6 evidence of the physical condition of the child.

7 **Sec. 325.** RCW 26.44.063 and 2008 c 267 s 4 are each amended to
8 read as follows:

9 (1) It is the intent of the legislature to minimize trauma to a
10 child involved in an allegation of sexual or physical abuse. The
11 legislature declares that removing the child from the home or the
12 care of a parent, guardian, or legal custodian often has the effect
13 of further traumatizing the child. It is, therefore, the
14 legislature's intent that the alleged abuser, rather than the child,
15 shall be removed or restrained from the child's residence and that
16 this should be done at the earliest possible point of intervention in
17 accordance with RCW 10.31.100, chapter 13.34 RCW, this section, and
18 RCW 26.44.130.

19 (2) In any judicial proceeding in which it is alleged that a
20 child has been subjected to sexual or physical abuse, if the court
21 finds reasonable grounds to believe that an incident of sexual or
22 physical abuse has occurred, the court may, on its own motion, or the
23 motion of the guardian ad litem or other parties, issue a temporary
24 restraining order or preliminary injunction restraining or enjoining
25 the person accused of committing the abuse from:

- 26 (a) Molesting or disturbing the peace of the alleged victim;
27 (b) Entering the family home of the alleged victim except as
28 specifically authorized by the court;
29 (c) Having any contact with the alleged victim, except as
30 specifically authorized by the court;
31 (d) Knowingly coming within, or knowingly remaining within, a
32 specified distance of a specified location.

33 (3) If the caretaker is willing, and does comply with the duties
34 prescribed in subsection (8) of this section, uncertainty by the
35 caretaker that the alleged abuser has in fact abused the alleged
36 victim shall not, alone, be a basis to remove the alleged victim from
37 the caretaker, nor shall it be considered neglect.

38 (4) In issuing a temporary restraining order or preliminary
39 injunction, the court may impose any additional restrictions that the

1 court in its discretion determines are necessary to protect the child
2 from further abuse or emotional trauma pending final resolution of
3 the abuse allegations.

4 (5) The court shall issue a temporary restraining order
5 prohibiting a person from entering the family home if the court finds
6 that the order would eliminate the need for an out-of-home placement
7 to protect the child's right to nurturance, health, and safety and is
8 sufficient to protect the child from further sexual or physical abuse
9 or coercion.

10 (6) The court may issue a temporary restraining order without
11 requiring notice to the party to be restrained or other parties only
12 if it finds on the basis of the moving affidavit or other evidence
13 that irreparable injury could result if an order is not issued until
14 the time for responding has elapsed.

15 (7) A temporary restraining order or preliminary injunction:

16 (a) Does not prejudice the rights of a party or any child which
17 are to be adjudicated at subsequent hearings in the proceeding; and

18 (b) May be revoked or modified.

19 (8) The person having physical custody of the child shall have an
20 affirmative duty to assist in the enforcement of the restraining
21 order including but not limited to a duty to notify the court as soon
22 as practicable of any violation of the order, a duty to request the
23 assistance of law enforcement officers to enforce the order, and a
24 duty to notify the department (~~of social and health services~~) of
25 any violation of the order as soon as practicable if the department
26 is a party to the action. Failure by the custodial party to discharge
27 these affirmative duties shall be subject to contempt proceedings.

28 (9) Willful violation of a court order entered under this section
29 is a misdemeanor. A written order shall contain the court's directive
30 and shall bear the legend: "Violation of this order with actual
31 notice of its terms is a criminal offense under chapter 26.44 RCW, is
32 also subject to contempt proceedings, and will subject a violator to
33 arrest."

34 (10) If a restraining order issued under this section is modified
35 or terminated, the clerk of the court shall notify the law
36 enforcement agency specified in the order on or before the next
37 judicial day. Upon receipt of notice that an order has been
38 terminated, the law enforcement agency shall remove the order from
39 any computer-based criminal intelligence system.

1 **Sec. 326.** RCW 26.44.105 and 1985 c 183 s 2 are each amended to
2 read as follows:

3 Whenever a dependency petition is filed by the department (~~of~~
4 ~~social and health services~~), it shall advise the parents, and any
5 child over the age of twelve who is subject to the dependency action,
6 of their respective rights under RCW 13.34.090. The parents and the
7 child shall be provided a copy of the dependency petition and a copy
8 of any court orders which have been issued. This advice of rights
9 under RCW 13.34.090 shall be in writing. The department caseworker
10 shall also make reasonable efforts to advise the parent and child of
11 these same rights orally.

12 **Sec. 327.** RCW 26.44.140 and 1997 c 344 s 1 are each amended to
13 read as follows:

14 The court shall require that an individual who, while acting in a
15 parental role, has physically or sexually abused a child and has been
16 removed from the home pursuant to a court order issued in a
17 proceeding under chapter 13.34 RCW, prior to being permitted to
18 reside in the home where the child resides, complete the treatment
19 and education requirements necessary to protect the child from future
20 abuse. The court may require the individual to continue treatment as
21 a condition for remaining in the home where the child resides. Unless
22 a parent, custodian, or guardian has been convicted of the crime for
23 the acts of abuse determined in a fact-finding hearing under chapter
24 13.34 RCW, such person shall not be required to admit guilt in order
25 to begin to fulfill any necessary treatment and education
26 requirements under this section.

27 The department (~~of social and health services~~) or supervising
28 agency shall be responsible for advising the court as to appropriate
29 treatment and education requirements, providing referrals to the
30 individual, monitoring and assessing the individual's progress,
31 informing the court of such progress, and providing recommendations
32 to the court.

33 The person removed from the home shall pay for these services
34 unless the person is otherwise eligible to receive financial
35 assistance in paying for such services. Nothing in this section shall
36 be construed to create in any person an entitlement to services or
37 financial assistance in paying for services.

1 **Sec. 328.** RCW 43.20A.360 and 2001 c 291 s 101 are each amended
2 to read as follows:

3 (1) The secretary is hereby authorized to appoint such advisory
4 committees or councils as may be required by any federal legislation
5 as a condition to the receipt of federal funds by the department. The
6 secretary may appoint statewide committees or councils in the
7 following subject areas: (a) Health facilities; (b) ~~((children and
8 youth services; (c)))~~ blind services; ~~((d))~~ (c) medical and health
9 care; ~~((e))~~ (d) drug abuse and alcoholism; ~~((f))~~ (e) social
10 services; ~~((g))~~ (f) economic services; ~~((h))~~ (g) vocational
11 services; ~~((i))~~ (h) rehabilitative services; and (i) on such other
12 subject matters as are or come within the department's
13 responsibilities. The statewide councils shall have representation
14 from both major political parties and shall have substantial consumer
15 representation. Such committees or councils shall be constituted as
16 required by federal law or as the secretary in his or her discretion
17 may determine. The members of the committees or councils shall hold
18 office for three years except in the case of a vacancy, in which
19 event appointment shall be only for the remainder of the unexpired
20 term for which the vacancy occurs. No member shall serve more than
21 two consecutive terms.

22 (2) Members of such state advisory committees or councils may be
23 paid their travel expenses in accordance with RCW 43.03.050 and
24 43.03.060 as now existing or hereafter amended.

25 **Sec. 329.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to
26 read as follows:

27 (1)(a) The secretary of social and health services and the
28 secretary of the department of children, youth, and families shall
29 review current department policies and assess the adequacy and
30 availability of programs targeted at persons who receive services
31 through the department who are the children and families of a person
32 who is incarcerated in a department of corrections facility. Great
33 attention shall be focused on programs and policies affecting foster
34 youth who have a parent who is incarcerated.

35 (b) The secretary of social and health services and the secretary
36 of the department of children, youth, and families shall adopt
37 policies that encourage familial contact and engagement between
38 inmates of the department of corrections facilities and their
39 children with the goal of facilitating normal child development,

1 while reducing recidivism and intergenerational incarceration.
2 Programs and policies should take into consideration the children's
3 need to maintain contact with his or her parent, the inmate's ability
4 to develop plans to financially support their children, assist in
5 reunification when appropriate, and encourage the improvement of
6 parenting skills where needed. The programs and policies should also
7 meet the needs of the child while the parent is incarcerated.

8 (2) The secretary of social and health services and the secretary
9 of the department of children, youth, and families shall conduct the
10 following activities to assist in implementing the requirements of
11 subsection (1) of this section:

12 (a) Gather information and data on the recipients of public
13 assistance, or children in the care of the state under chapter 13.34
14 RCW, who are the children and families of inmates incarcerated in
15 department of corrections facilities; and

16 (b) Participate in the children of incarcerated parents advisory
17 committee and report information obtained under this section to the
18 advisory committee.

19 **Sec. 330.** RCW 26.34.030 and 1971 ex.s. c 168 s 3 are each
20 amended to read as follows:

21 The "appropriate public authorities" as used in Article III of
22 the Interstate Compact on the Placement of Children shall, with
23 reference to this state, mean the department of (~~social and health~~
24 ~~services~~) children, youth, and families, and said agency shall
25 receive and act with reference to notices required by said Article
26 III.

27 **Sec. 331.** RCW 26.34.040 and 1971 ex.s. c 168 s 4 are each
28 amended to read as follows:

29 As used in paragraph (a) of Article V of the Interstate Compact
30 on the Placement of Children, the phrase "appropriate authority in
31 the receiving state" with reference to this state shall mean the
32 department of (~~social and health services~~) children, youth, and
33 families.

34 **Sec. 332.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to
35 read as follows:

36 (1) No person may disclose or be compelled to disclose the
37 identity of any person who has investigated, considered, or requested

1 a test or treatment for a sexually transmitted disease, except as
2 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

3 (2) No person may disclose or be compelled to disclose
4 information and records related to sexually transmitted diseases,
5 except as authorized by this section, RCW 70.02.210, or chapter 70.24
6 RCW. A person may disclose information related to sexually
7 transmitted diseases about a patient without the patient's
8 authorization, to the extent a recipient needs to know the
9 information, if the disclosure is to:

10 (a) The subject of the test or the subject's legal representative
11 for health care decisions in accordance with RCW 7.70.065, with the
12 exception of such a representative of a minor fourteen years of age
13 or over and otherwise competent;

14 (b) The state public health officer as defined in RCW 70.24.017,
15 a local public health officer, or the centers for disease control of
16 the United States public health service in accordance with reporting
17 requirements for a diagnosed case of a sexually transmitted disease;

18 (c) A health facility or health care provider that procures,
19 processes, distributes, or uses: (i) A human body part, tissue, or
20 blood from a deceased person with respect to medical information
21 regarding that person; (ii) semen, including that was provided prior
22 to March 23, 1988, for the purpose of artificial insemination; or
23 (iii) blood specimens;

24 (d) Any state or local public health officer conducting an
25 investigation pursuant to RCW 70.24.024, so long as the record was
26 obtained by means of court-ordered HIV testing pursuant to RCW
27 70.24.340 or 70.24.024;

28 (e) A person allowed access to the record by a court order
29 granted after application showing good cause therefor. In assessing
30 good cause, the court shall weigh the public interest and the need
31 for disclosure against the injury to the patient, to the physician-
32 patient relationship, and to the treatment services. Upon the
33 granting of the order, the court, in determining the extent to which
34 any disclosure of all or any part of the record of any such test is
35 necessary, shall impose appropriate safeguards against unauthorized
36 disclosure. An order authorizing disclosure must: (i) Limit
37 disclosure to those parts of the patient's record deemed essential to
38 fulfill the objective for which the order was granted; (ii) limit
39 disclosure to those persons whose need for information is the basis
40 for the order; and (iii) include any other appropriate measures to

1 keep disclosure to a minimum for the protection of the patient, the
2 physician-patient relationship, and the treatment services;

3 (f) Persons who, because of their behavioral interaction with the
4 infected individual, have been placed at risk for acquisition of a
5 sexually transmitted disease, as provided in RCW 70.24.022, if the
6 health officer or authorized representative believes that the exposed
7 person was unaware that a risk of disease exposure existed and that
8 the disclosure of the identity of the infected person is necessary;

9 (g) A law enforcement officer, firefighter, health care provider,
10 health care facility staff person, department of correction's staff
11 person, jail staff person, or other persons as defined by the board
12 of health in rule pursuant to RCW 70.24.340(4), who has requested a
13 test of a person whose bodily fluids he or she has been substantially
14 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
15 health officer performs the test;

16 (h) Claims management personnel employed by or associated with an
17 insurer, health care service contractor, health maintenance
18 organization, self-funded health plan, state administered health care
19 claims payer, or any other payer of health care claims where such
20 disclosure is to be used solely for the prompt and accurate
21 evaluation and payment of medical or related claims. Information
22 released under this subsection must be confidential and may not be
23 released or available to persons who are not involved in handling or
24 determining medical claims payment; and

25 (i) A department of (~~social and health services~~) children,
26 youth, and families worker, a child placing agency worker, or a
27 guardian ad litem who is responsible for making or reviewing
28 placement or case-planning decisions or recommendations to the court
29 regarding a child, who is less than fourteen years of age, has a
30 sexually transmitted disease, and is in the custody of the department
31 of (~~social and health services~~) children, youth, and families or a
32 licensed child placing agency. This information may also be received
33 by a person responsible for providing residential care for such a
34 child when the department of social and health services, the
35 department of children, youth, and families, or a licensed child
36 placing agency determines that it is necessary for the provision of
37 child care services.

38 (3) No person to whom the results of a test for a sexually
39 transmitted disease have been disclosed pursuant to subsection (2) of

1 this section may disclose the test results to another person except
2 as authorized by that subsection.

3 (4) The release of sexually transmitted disease information
4 regarding an offender or detained person, except as provided in
5 subsection (2)(d) of this section, is governed as follows:

6 (a) The sexually transmitted disease status of a department of
7 corrections offender who has had a mandatory test conducted pursuant
8 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
9 by department of corrections health care providers and local public
10 health officers to the department of corrections health care
11 administrator or infection control coordinator of the facility in
12 which the offender is housed. The information made available to the
13 health care administrator or the infection control coordinator under
14 this subsection (4)(a) may be used only for disease prevention or
15 control and for protection of the safety and security of the staff,
16 offenders, and the public. The information may be submitted to
17 transporting officers and receiving facilities, including facilities
18 that are not under the department of corrections' jurisdiction
19 according to the provisions of (d) and (e) of this subsection.

20 (b) The sexually transmitted disease status of a person detained
21 in a jail who has had a mandatory test conducted pursuant to RCW
22 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
23 local public health officer to a jail health care administrator or
24 infection control coordinator. The information made available to a
25 health care administrator under this subsection (4)(b) may be used
26 only for disease prevention or control and for protection of the
27 safety and security of the staff, offenders, detainees, and the
28 public. The information may be submitted to transporting officers and
29 receiving facilities according to the provisions of (d) and (e) of
30 this subsection.

31 (c) Information regarding the sexually transmitted disease status
32 of an offender or detained person is confidential and may be
33 disclosed by a correctional health care administrator or infection
34 control coordinator or local jail health care administrator or
35 infection control coordinator only as necessary for disease
36 prevention or control and for protection of the safety and security
37 of the staff, offenders, and the public. Unauthorized disclosure of
38 this information to any person may result in disciplinary action, in
39 addition to the penalties prescribed in RCW 70.24.080 or any other
40 penalties as may be prescribed by law.

1 (d) Notwithstanding the limitations on disclosure contained in
2 (a), (b), and (c) of this subsection, whenever any member of a jail
3 staff or department of corrections staff has been substantially
4 exposed to the bodily fluids of an offender or detained person, then
5 the results of any tests conducted pursuant to RCW 70.24.340(1),
6 70.24.360, or 70.24.370, must be immediately disclosed to the staff
7 person in accordance with the Washington Administrative Code rules
8 governing employees' occupational exposure to blood-borne pathogens.
9 Disclosure must be accompanied by appropriate counseling for the
10 staff member, including information regarding follow-up testing and
11 treatment. Disclosure must also include notice that subsequent
12 disclosure of the information in violation of this chapter or use of
13 the information to harass or discriminate against the offender or
14 detainee may result in disciplinary action, in addition to the
15 penalties prescribed in RCW 70.24.080, and imposition of other
16 penalties prescribed by law.

17 (e) The staff member must also be informed whether the offender
18 or detained person had any other communicable disease, as defined in
19 RCW 72.09.251(3), when the staff person was substantially exposed to
20 the offender's or detainee's bodily fluids.

21 (f) The test results of voluntary and anonymous HIV testing or
22 HIV-related condition, as defined in RCW 70.24.017, may not be
23 disclosed to a staff person except as provided in this section and
24 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care
25 administrator or infection control coordinator may provide the staff
26 member with information about how to obtain the offender's or
27 detainee's test results under this section and RCW 70.02.050(1)
28 (~~(e)~~) (d) and 70.24.340(4).

29 (5) The requirements of this section do not apply to the
30 customary methods utilized for the exchange of medical information
31 among health care providers in order to provide health care services
32 to the patient, nor do they apply within health care facilities where
33 there is a need for access to confidential medical information to
34 fulfill professional duties.

35 (6) Upon request of the victim, disclosure of test results under
36 this section to victims of sexual offenses under chapter 9A.44 RCW
37 must be made if the result is negative or positive. The county
38 prosecuting attorney shall notify the victim of the right to such
39 disclosure. The disclosure must be accompanied by appropriate
40 counseling, including information regarding follow-up testing.

1 (7) A person, including a health care facility or health care
2 provider, shall disclose the identity of any person who has
3 investigated, considered, or requested a test or treatment for a
4 sexually transmitted disease and information and records related to
5 sexually transmitted diseases to federal, state, or local public
6 health authorities, to the extent the health care provider is
7 required by law to report health care information; when needed to
8 determine compliance with state or federal certification or
9 registration rules or laws; or when needed to protect the public
10 health. Any health care information obtained under this subsection is
11 exempt from public inspection and copying pursuant to chapter 42.56
12 RCW.

13 **Sec. 333.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to
14 read as follows:

15 (1) Before granting any order regarding the custody of a child
16 under this chapter, the court shall consult the judicial information
17 system, if available, to determine the existence of any information
18 and proceedings that are relevant to the placement of the child.

19 (2) Before entering a final order, the court shall:

20 (a) Direct the department of (~~social and health services~~)
21 children, youth, and families to release information as provided
22 under RCW 13.50.100; and

23 (b) Require the petitioner to provide the results of an
24 examination of state and national criminal identification data
25 provided by the Washington state patrol criminal identification
26 system as described in chapter 43.43 RCW for the petitioner and adult
27 members of the petitioner's household.

28 **Sec. 334.** RCW 26.50.150 and 2010 c 274 s 501 are each amended to
29 read as follows:

30 Any program that provides domestic violence treatment to
31 perpetrators of domestic violence must be certified by the department
32 of (~~social and health services~~) children, youth, and families and
33 meet minimum standards for domestic violence treatment purposes. The
34 department of (~~social and health services~~) children, youth, and
35 families shall adopt rules for standards of approval of domestic
36 violence perpetrator programs. The treatment must meet the following
37 minimum qualifications:

1 (1) All treatment must be based upon a full, complete clinical
2 intake including but not limited to: Current and past violence
3 history; a lethality risk assessment; history of treatment from past
4 domestic violence perpetrator treatment programs; a complete
5 diagnostic evaluation; a substance abuse assessment; criminal
6 history; assessment of cultural issues, learning disabilities,
7 literacy, and special language needs; and a treatment plan that
8 adequately and appropriately addresses the treatment needs of the
9 individual.

10 (2) To facilitate communication necessary for periodic safety
11 checks and case monitoring, the program must require the perpetrator
12 to sign the following releases:

13 (a) A release for the program to inform the victim and victim's
14 community and legal advocates that the perpetrator is in treatment
15 with the program, and to provide information, for safety purposes, to
16 the victim and victim's community and legal advocates;

17 (b) A release to prior and current treatment agencies to provide
18 information on the perpetrator to the program; and

19 (c) A release for the program to provide information on the
20 perpetrator to relevant legal entities including: Lawyers, courts,
21 parole, probation, child protective services, and child welfare
22 services.

23 (3) Treatment must be for a minimum treatment period defined by
24 the secretary of the department of children, youth, and families by
25 rule. The weekly treatment sessions must be in a group unless there
26 is a documented, clinical reason for another modality. Any other
27 therapies, such as individual, marital, or family therapy, substance
28 abuse evaluations or therapy, medication reviews, or psychiatric
29 interviews, may be concomitant with the weekly group treatment
30 sessions described in this section but not a substitute for it.

31 (4) The treatment must focus primarily on ending the violence,
32 holding the perpetrator accountable for his or her violence, and
33 changing his or her behavior. The treatment must be based on
34 nonvictim-blaming strategies and philosophies and shall include
35 education about the individual, family, and cultural dynamics of
36 domestic violence. If the perpetrator or the victim has a minor
37 child, treatment must specifically include education regarding the
38 effects of domestic violence on children, such as the emotional
39 impacts of domestic violence on children and the long-term

1 consequences that exposure to incidents of domestic violence may have
2 on children.

3 (5) Satisfactory completion of treatment must be contingent upon
4 the perpetrator meeting specific criteria, defined by rule by the
5 secretary of the department of children, youth, and families, and not
6 just upon the end of a certain period of time or a certain number of
7 sessions.

8 (6) The program must have policies and procedures for dealing
9 with reoffenses and noncompliance.

10 (7) All evaluation and treatment services must be provided by, or
11 under the supervision of, qualified personnel.

12 (8) The secretary of the department of children, youth, and
13 families may adopt rules and establish fees as necessary to implement
14 this section.

15 (9) The department of children, youth, and families may conduct
16 on-site monitoring visits as part of its plan for certifying domestic
17 violence perpetrator programs and monitoring implementation of the
18 rules adopted by the secretary of the department of children, youth,
19 and families to determine compliance with the minimum qualifications
20 for domestic violence perpetrator programs. The applicant or
21 certified domestic violence perpetrator program shall cooperate fully
22 with the department of children, youth, and families in the
23 monitoring visit and provide all program and management records
24 requested by the department of children, youth, and families to
25 determine the program's compliance with the minimum certification
26 qualifications and rules adopted by the department of children,
27 youth, and families.

28 **Sec. 335.** RCW 26.50.160 and 2006 c 138 s 26 are each amended to
29 read as follows:

30 To prevent the issuance of competing protection orders in
31 different courts and to give courts needed information for issuance
32 of orders, the judicial information system shall be available in each
33 district, municipal, and superior court by July 1, 1997, and shall
34 include a database containing the following information:

35 (1) The names of the parties and the cause number for every order
36 of protection issued under this title, every sexual assault
37 protection order issued under chapter 7.90 RCW, every criminal no-
38 contact order issued under chapters 9A.46 and 10.99 RCW, every
39 antiharassment order issued under chapter 10.14 RCW, every

1 dissolution action under chapter 26.09 RCW, every third-party custody
2 action under chapter 26.10 RCW, every parentage action under chapter
3 26.26 RCW, every restraining order issued on behalf of an abused
4 child or adult dependent person under chapter 26.44 RCW, every
5 foreign protection order filed under chapter 26.52 RCW, and every
6 order for protection of a vulnerable adult under chapter 74.34 RCW.
7 When a guardian or the department of social and health services or
8 department of children, youth, and families has petitioned for relief
9 on behalf of an abused child, adult dependent person, or vulnerable
10 adult, the name of the person on whose behalf relief was sought shall
11 be included in the database as a party rather than the guardian or
12 appropriate department;

13 (2) A criminal history of the parties; and

14 (3) Other relevant information necessary to assist courts in
15 issuing orders under this chapter as determined by the judicial
16 information system committee.

17 **Sec. 336.** RCW 74.09.510 and 2013 2nd sp.s. c 10 s 6 are each
18 amended to read as follows:

19 Medical assistance may be provided in accordance with eligibility
20 requirements established by the authority, as defined in the social
21 security Title XIX state plan for mandatory categorically needy
22 persons and:

23 (1) Individuals who would be eligible for cash assistance except
24 for their institutional status;

25 (2) Individuals who are under twenty-one years of age, who would
26 be eligible for medicaid, but do not qualify as dependent children
27 and who are in (a) foster care, (b) subsidized adoption, (c) a
28 nursing facility or an intermediate care facility for persons with
29 intellectual disabilities, or (d) inpatient psychiatric facilities;

30 (3) Individuals who:

31 (a) Are under twenty-one years of age;

32 (b) On or after July 22, 2007, were in foster care under the
33 legal responsibility of the department of social and health services,
34 the department of children, youth, and families, or a federally
35 recognized tribe located within the state; and

36 (c) On their eighteenth birthday, were in foster care under the
37 legal responsibility of the department of children, youth, and
38 families or a federally recognized tribe located within the state;

1 (4) Persons who are aged, blind, or disabled who: (a) Receive
2 only a state supplement, or (b) would not be eligible for cash
3 assistance if they were not institutionalized;

4 (5) Categorically eligible individuals who meet the income and
5 resource requirements of the cash assistance programs;

6 (6) Individuals who are enrolled in managed health care systems,
7 who have otherwise lost eligibility for medical assistance, but who
8 have not completed a current six-month enrollment in a managed health
9 care system, and who are eligible for federal financial participation
10 under Title XIX of the social security act;

11 (7) Children and pregnant women allowed by federal statute for
12 whom funding is appropriated;

13 (8) Working individuals with disabilities authorized under
14 section 1902(a)(10)(A)(ii) of the social security act for whom
15 funding is appropriated;

16 (9) Other individuals eligible for medical services under RCW
17 74.09.700 for whom federal financial participation is available under
18 Title XIX of the social security act;

19 (10) Persons allowed by section 1931 of the social security act
20 for whom funding is appropriated; and

21 (11) Women who: (a) Are under sixty-five years of age; (b) have
22 been screened for breast and cervical cancer under the national
23 breast and cervical cancer early detection program administered by
24 the department of health or tribal entity and have been identified as
25 needing treatment for breast or cervical cancer; and (c) are not
26 otherwise covered by health insurance. Medical assistance provided
27 under this subsection is limited to the period during which the woman
28 requires treatment for breast or cervical cancer, and is subject to
29 any conditions or limitations specified in the omnibus appropriations
30 act.

31 **PART IV**

32 **TRANSFER OF CHILD WELFARE SERVICES**

33 **Sec. 401.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to
34 read as follows:

35 ((For purposes of this chapter:)) The definitions in this section
36 apply throughout this chapter unless the context clearly requires
37 otherwise.

1 (1) "Case management" means convening family meetings,
2 developing, revising, and monitoring implementation of any case plan
3 or individual service and safety plan, coordinating and monitoring
4 services needed by the child and family, caseworker-child visits,
5 family visits, and the assumption of court-related duties, excluding
6 legal representation, including preparing court reports, attending
7 judicial hearings and permanency hearings, and ensuring that the
8 child is progressing toward permanency within state and federal
9 mandates, including the Indian child welfare act.

10 (2) "Child" means:

11 (a) A person less than eighteen years of age; or

12 (b) A person age eighteen to twenty-one years who is eligible to
13 receive the extended foster care services authorized under RCW
14 74.13.031.

15 (3) "Child protective services" has the same meaning as in RCW
16 26.44.020.

17 (4) "Child welfare services" means social services including
18 voluntary and in-home services, out-of-home care, case management,
19 and adoption services which strengthen, supplement, or substitute
20 for, parental care and supervision for the purpose of:

21 (a) Preventing or remedying, or assisting in the solution of
22 problems which may result in families in conflict, or the neglect,
23 abuse, exploitation, or criminal behavior of children;

24 (b) Protecting and caring for dependent, abused, or neglected
25 children;

26 (c) Assisting children who are in conflict with their parents,
27 and assisting parents who are in conflict with their children, with
28 services designed to resolve such conflicts;

29 (d) Protecting and promoting the welfare of children, including
30 the strengthening of their own homes where possible, or, where
31 needed;

32 (e) Providing adequate care of children away from their homes in
33 foster family homes or day care or other child care agencies or
34 facilities.

35 "Child welfare services" does not include child protection
36 services.

37 (5) "Committee" means the child welfare transformation design
38 committee.

39 (6) "Department" means the department of (~~social and health~~
40 ~~services~~) children, youth, and families.

1 (7) "Extended foster care services" means residential and other
2 support services the department is authorized to provide to foster
3 children. These services include, but are not limited to, placement
4 in licensed, relative, or otherwise approved care, or supervised
5 independent living settings; assistance in meeting basic needs;
6 independent living services; medical assistance; and counseling or
7 treatment.

8 (8) "Family assessment" means a comprehensive assessment of child
9 safety, risk of subsequent child abuse or neglect, and family
10 strengths and needs that is applied to a child abuse or neglect
11 report. Family assessment does not include a determination as to
12 whether child abuse or neglect occurred, but does determine the need
13 for services to address the safety of the child and the risk of
14 subsequent maltreatment.

15 (9) "Measurable effects" means a statistically significant change
16 which occurs as a result of the service or services a supervising
17 agency is assigned in a performance-based contract, in time periods
18 established in the contract.

19 (10) "Medical condition" means, for the purposes of qualifying
20 for extended foster care services, a physical or mental health
21 condition as documented by any licensed health care provider
22 regulated by a disciplining authority under RCW 18.130.040.

23 (11) "Nonminor dependent" means any individual age eighteen to
24 twenty-one years who is participating in extended foster care
25 services authorized under RCW 74.13.031.

26 (12) "Out-of-home care services" means services provided after
27 the shelter care hearing to or for children in out-of-home care, as
28 that term is defined in RCW 13.34.030, and their families, including
29 the recruitment, training, and management of foster parents, the
30 recruitment of adoptive families, and the facilitation of the
31 adoption process, family reunification, independent living, emergency
32 shelter, residential group care, and foster care, including relative
33 placement.

34 (13) "Performance-based contracting" means the structuring of all
35 aspects of the procurement of services around the purpose of the work
36 to be performed and the desired results with the contract
37 requirements set forth in clear, specific, and objective terms with
38 measurable outcomes. Contracts shall also include provisions that
39 link the performance of the contractor to the level and timing of
40 reimbursement.

1 (14) "Permanency services" means long-term services provided to
2 secure a child's safety, permanency, and well-being, including foster
3 care services, family reunification services, adoption services, and
4 preparation for independent living services.

5 (15) "Primary prevention services" means services which are
6 designed and delivered for the primary purpose of enhancing child and
7 family well-being and are shown, by analysis of outcomes, to reduce
8 the risk to the likelihood of the initial need for child welfare
9 services.

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

11 (17) "Supervised independent living" includes, but is not limited
12 to, apartment living, room and board arrangements, college or
13 university dormitories, and shared roommate settings. Supervised
14 independent living settings must be approved by the children's
15 administration or the court.

16 ~~((17))~~ (18) "Supervising agency" means an agency licensed by
17 the state under RCW 74.15.090, or licensed by a federally recognized
18 Indian tribe located in this state under RCW 74.15.190, that has
19 entered into a performance-based contract with the department to
20 provide case management for the delivery and documentation of child
21 welfare services, as defined in this section. This definition is
22 applicable on or after December 30, 2015.

23 ~~((18))~~ (19) "Unsupervised" has the same meaning as in RCW
24 43.43.830.

25 ~~((19))~~ (20) "Voluntary placement agreement" means, for the
26 purposes of extended foster care services, a written voluntary
27 agreement between a nonminor dependent who agrees to submit to the
28 care and authority of the department for the purposes of
29 participating in the extended foster care program.

30 **Sec. 402.** RCW 74.13.025 and 1998 c 296 s 1 are each amended to
31 read as follows:

32 Any county or group of counties may make application to the
33 department ~~((of social and health services))~~ in the manner and form
34 prescribed by the department to administer and provide the services
35 established under RCW 13.32A.197. Any such application must include a
36 plan or plans for providing such services to at-risk youth.

37 **Sec. 403.** RCW 74.13.039 and 1994 sp.s. c 7 s 501 are each
38 amended to read as follows:

1 The department (~~of social and health services~~) shall maintain a
2 toll-free hot line to assist parents of runaway children. The hot
3 line shall provide parents with a complete description of their
4 rights when dealing with their runaway child.

5 **Sec. 404.** RCW 74.13.062 and 2010 c 272 s 12 are each amended to
6 read as follows:

7 (1) The department shall adopt rules consistent with federal
8 regulations for the receipt and expenditure of federal funds and
9 implement a subsidy program for eligible relatives appointed by the
10 court as a guardian under RCW 13.36.050.

11 (2) For the purpose of licensing a relative seeking to be
12 appointed as a guardian and eligible for a guardianship subsidy under
13 this section, the department shall, on a case-by-case basis, and when
14 determined to be in the best interests of the child:

15 (a) Waive nonsafety licensing standards; and

16 (b) Apply the list of disqualifying crimes in the adoption and
17 safe families act, (~~rather than the secretary's list of~~
18 ~~disqualifying crimes,~~) unless doing so would compromise the child's
19 safety, or would adversely affect the state's ability to continue to
20 obtain federal funding for child welfare related functions.

21 (3) Relative guardianship subsidy agreements shall be designed to
22 promote long-term permanency for the child, and may include
23 provisions for periodic review of the subsidy amount and the needs of
24 the child.

25 **Sec. 405.** RCW 74.13.1051 and 2016 c 71 s 6 are each amended to
26 read as follows:

27 (1) In order to proactively support foster youth to complete high
28 school, enroll and complete postsecondary education, and successfully
29 implement their own plans for their futures, the department, the
30 student achievement council, and the office of the superintendent of
31 public instruction shall enter into, or revise existing, memoranda of
32 understanding that:

33 (a) Facilitate student referral, data and information exchange,
34 agency roles and responsibilities, and cooperation and collaboration
35 among state agencies and nongovernmental entities; and

36 (b) Effectuate the transfer of responsibilities from the
37 department (~~of social and health services~~) to the office of the
38 superintendent of public instruction with respect to the programs in

1 RCW 28A.300.592, and from the department (~~of social and health~~
2 ~~services~~) to the student achievement council with respect to the
3 program in RCW 28B.77.250 in a smooth, expedient, and coordinated
4 fashion.

5 (2) The student achievement council and the office of the
6 superintendent of public instruction shall establish a set of
7 indicators relating to the outcomes provided in RCW 28A.300.590 and
8 28A.300.592 to provide consistent services for youth, facilitate
9 transitions among contractors, and support outcome-driven contracts.
10 The student achievement council and the superintendent of public
11 instruction shall collaborate with nongovernmental contractors and
12 the department to develop a list of the most critical indicators,
13 establishing a common set of indicators to be used in the outcome-
14 driven contracts in RCW 28A.300.590 and 28A.300.592. A list of these
15 indicators must be included in the report provided in subsection (3)
16 of this section.

17 (3) By November 1, 2017, and biannually thereafter, the
18 department, the student achievement council, and the office of the
19 superintendent of public instruction, in consultation with the
20 nongovernmental entities engaged in public-private partnerships shall
21 submit a joint report to the governor and the appropriate education
22 and human services committees of the legislature regarding each of
23 these programs, individually, as well as the collective progress the
24 state has made toward the following goals:

25 (a) To make Washington number one in the nation for foster care
26 graduation rates;

27 (b) To make Washington number one in the nation for foster care
28 enrollment in postsecondary education; and

29 (c) To make Washington number one in the nation for foster care
30 postsecondary completion.

31 (4) The department, the student achievement council, and the
32 office of the superintendent of public instruction, in consultation
33 with the nongovernmental entities engaged in public-private
34 partnerships, shall also submit one report by November 1, 2018, to
35 the governor and the appropriate education and human service
36 committees of the legislature regarding the transfer of
37 responsibilities from the department (~~of social and health~~
38 ~~services~~) to the office of the superintendent of public instruction
39 with respect to the programs in RCW 28A.300.592, and from the
40 department (~~of social and health services~~) to the student

1 achievement council with respect to the program in RCW 28B.77.250 and
2 whether these transfers have resulted in better coordinated services
3 for youth.

4 **Sec. 406.** RCW 74.13.107 and 2013 c 332 s 12 are each amended to
5 read as follows:

6 (1) The child and family reinvestment account is created in the
7 state treasury. Moneys in the account may be spent only after
8 appropriation. Moneys in the account may be expended solely for
9 improving outcomes related to: (a) Safely reducing entry into the
10 foster care system and preventing reentry; (b) safely increasing
11 reunifications; (c) achieving permanency for children unable to be
12 reunified; and (d) improving outcomes for youth who will age out of
13 the foster care system. Moneys may be expended for shared savings
14 under performance-based contracts.

15 (2) Revenues to the child and family reinvestment account consist
16 of: (a) Savings to the state general fund resulting from reductions
17 in foster care caseloads and per capita costs, as calculated and
18 transferred into the account under this section; and (b) any other
19 public or private funds appropriated to or deposited in the account.

20 (3)(a) The department of (~~social and health services~~) children,
21 youth, and families, in collaboration with the office of financial
22 management and the caseload forecast council, shall develop a
23 methodology for calculating the savings under this section. The
24 methodology must be used for the 2013-2015 fiscal biennium, and for
25 each biennium thereafter. The methodology must establish a baseline
26 for calculating savings. (~~In developing the methodology, the~~
27 ~~department of social and health services shall incorporate the~~
28 ~~relevant requirements of any demonstration waiver granted to the~~
29 ~~state under P.L. 112-34.)) The savings must be based on actual
30 caseload and per capita expenditures.~~

31 (b) The caseload and the per capita expenditures for youth in
32 extended foster care pursuant to RCW 74.13.031 and as determined
33 under RCW 43.88C.010(9) shall not be included in the following:

34 (i) The calculation of savings transferred to the account; or
35 (ii) The capped allocation of the demonstration waiver granted to
36 the state under P.L. 112-34.

37 (c) (~~By December 1, 2012, the department of social and health~~
38 ~~services shall submit the proposed methodology to the governor and~~
39 ~~the appropriate committees of the legislature. The methodology is~~

1 ~~deemed approved unless the legislature enacts legislation to modify~~
2 ~~or reject the methodology.~~

3 ~~(d))~~ The department (~~of social and health services~~) shall use
4 the methodology established in (a) of this subsection to calculate
5 savings to the state general fund for transfer into the child and
6 family reinvestment account in fiscal year 2014 and each fiscal year
7 thereafter. Savings calculated by the department under this section
8 are not subject to RCW 43.79.460. The department shall report the
9 amount of the state general fund savings achieved to the office of
10 financial management and the fiscal committees of the legislature at
11 the end of each fiscal year. The office of financial management shall
12 provide notice to the state treasurer of the amount of state general
13 fund savings, as calculated by the department (~~of social and health~~
14 ~~services~~), for transfer into the child and family reinvestment
15 account.

16 ~~((e))~~ (d) Nothing in this section prohibits (i) the caseload
17 forecast council from forecasting the foster care caseload under RCW
18 43.88C.010 or (ii) the department from including maintenance funding
19 in its budget submittal for caseload costs that exceed the baseline
20 established in (a) of this subsection.

21 **Sec. 407.** RCW 74.13.335 and 1999 c 338 s 2 are each amended to
22 read as follows:

23 Within available funds and subject to such conditions and
24 limitations as may be established by the department or by the
25 legislature in the omnibus appropriations act, the department (~~of~~
26 ~~social and health services~~) shall reimburse foster parents for
27 property damaged or destroyed by foster children placed in their
28 care. The department shall establish by rule a maximum amount that
29 may be reimbursed for each occurrence. The department shall reimburse
30 the foster parent for the replacement value of any property covered
31 by this section. If the damaged or destroyed property is covered and
32 reimbursed under an insurance policy, the department shall reimburse
33 foster parents for the amount of the deductible associated with the
34 insurance claim, up to the limit per occurrence as established by the
35 department.

36 **Sec. 408.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to
37 read as follows:

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

3 (1) "Agency" means any person, firm, partnership, association,
4 corporation, or facility which receives children, expectant mothers,
5 or persons with developmental disabilities for control, care, or
6 maintenance outside their own homes, or which places, arranges the
7 placement of, or assists in the placement of children, expectant
8 mothers, or persons with developmental disabilities for foster care
9 or placement of children for adoption, and shall include the
10 following irrespective of whether there is compensation to the agency
11 or to the children, expectant mothers, or persons with developmental
12 disabilities for services rendered:

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

15 (b) "Community facility" means a group care facility operated for
16 the care of juveniles committed to the department under RCW
17 13.40.185. A county detention facility that houses juveniles
18 committed to the department under RCW 13.40.185 pursuant to a
19 contract with the department is not a community facility;

20 (c) "Crisis residential center" means an agency which is a
21 temporary protective residential facility operated to perform the
22 duties specified in chapter 13.32A RCW, in the manner provided in RCW
23 (~~74.13.032 through~~) 43.185C.295, 43.185C.300, 43.185C.305,
24 43.185C.310, 74.13.035, and 74.13.036;

25 (d) "Emergency respite center" is an agency that may be commonly
26 known as a crisis nursery, that provides emergency and crisis care
27 for up to seventy-two hours to children who have been admitted by
28 their parents or guardians to prevent abuse or neglect. Emergency
29 respite centers may operate for up to twenty-four hours a day, and
30 for up to seven days a week. Emergency respite centers may provide
31 care for children ages birth through seventeen, and for persons
32 eighteen through twenty with developmental disabilities who are
33 admitted with a sibling or siblings through age seventeen. Emergency
34 respite centers may not substitute for crisis residential centers or
35 HOPE centers, or any other services defined under this section, and
36 may not substitute for services which are required under chapter
37 13.32A or 13.34 RCW;

38 (e) "Foster-family home" means an agency which regularly provides
39 care on a twenty-four hour basis to one or more children, expectant
40 mothers, or persons with developmental disabilities in the family

1 abode of the person or persons under whose direct care and
2 supervision the child, expectant mother, or person with a
3 developmental disability is placed;

4 (f) "Group-care facility" means an agency, other than a foster-
5 family home, which is maintained and operated for the care of a group
6 of children on a twenty-four hour basis;

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

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

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

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

37 (k) "Service provider" means the entity that operates a community
38 facility.

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

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

3 (i) Any blood relative, including those of half-blood, and
4 including first cousins, second cousins, nephews or nieces, and
5 persons of preceding generations as denoted by prefixes of grand,
6 great, or great-great;

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

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

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

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

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

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

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

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

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

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

5 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
6 performing functions defined in chapter 70.41 RCW, nursing homes
7 licensed under chapter 18.51 RCW and assisted living facilities
8 licensed under chapter 18.20 RCW;

9 (h) Licensed physicians or lawyers;

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

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

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

20 (l) An agency operated by any unit of local, state, or federal
21 government or an agency licensed by an Indian tribe pursuant to RCW
22 74.15.190;

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

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

28 (o) A host home program, and host home, operated by a tax exempt
29 organization for youth not in the care of or receiving services from
30 the department, if that program: (i) Recruits and screens potential
31 homes in the program, including performing background checks on
32 individuals over the age of eighteen residing in the home through the
33 Washington state patrol or equivalent law enforcement agency and
34 performing physical inspections of the home; (ii) screens and
35 provides case management services to youth in the program; (iii)
36 obtains a notarized permission slip or limited power of attorney from
37 the parent or legal guardian of the youth authorizing the youth to
38 participate in the program and the authorization is updated every six
39 months when a youth remains in a host home longer than six months;
40 (iv) obtains insurance for the program through an insurance provider

1 authorized under Title 48 RCW; (v) provides mandatory reporter and
2 confidentiality training; and (vi) registers with the secretary of
3 state as provided in RCW 24.03.550. A host home is a private home
4 that volunteers to host youth in need of temporary placement that is
5 associated with a host home program. Any host home program that
6 receives local, state, or government funding shall report the
7 following information to the office of homeless youth prevention and
8 protection programs annually by December 1st of each year: The number
9 of children the program served, why the child was placed with a host
10 home, and where the child went after leaving the host home, including
11 but not limited to returning to the parents, running away, reaching
12 the age of majority, or becoming a dependent of the state. A host
13 home program shall not receive more than one hundred thousand dollars
14 per year of public funding, including local, state, and federal
15 funding. A host home shall not receive any local, state, or
16 government funding.

17 (3) "Department" means the ((state)) department of ((social and
18 health services)) children, youth, and families.

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

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

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

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

34 (8) "Secretary" means the secretary of ((social and health
35 services)) the department.

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

1 (10) "Supervising agency" means an agency licensed by the state
2 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
3 entered into a performance-based contract with the department to
4 provide child welfare services.

5 (11) "Transitional living services" means at a minimum, to the
6 extent funds are available, the following:

7 (a) Educational services, including basic literacy and
8 computational skills training, either in local alternative or public
9 high schools or in a high school equivalency program that leads to
10 obtaining a high school equivalency degree;

11 (b) Assistance and counseling related to obtaining vocational
12 training or higher education, job readiness, job search assistance,
13 and placement programs;

14 (c) Counseling and instruction in life skills such as money
15 management, home management, consumer skills, parenting, health care,
16 access to community resources, and transportation and housing
17 options;

18 (d) Individual and group counseling; and

19 (e) Establishing networks with federal agencies and state and
20 local organizations such as the United States department of labor,
21 employment and training administration programs including the
22 workforce investment act which administers private industry councils
23 and the job corps; vocational rehabilitation; and volunteer programs.

24 **Sec. 409.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to
25 read as follows:

26 The secretary shall have the power and it shall be the
27 secretary's duty:

28 (1) In consultation with the children's services advisory
29 committee, and with the advice and assistance of persons
30 representative of the various type agencies to be licensed, to
31 designate categories of facilities for which separate or different
32 requirements shall be developed as may be appropriate whether because
33 of variations in the ages, sex and other characteristics of persons
34 served, variations in the purposes and services offered or size or
35 structure of the agencies to be licensed hereunder, or because of any
36 other factor relevant thereto;

37 (2) In consultation with the children's services advisory
38 committee, and with the advice and assistance of persons
39 representative of the various type agencies to be licensed, to adopt

1 and publish minimum requirements for licensing applicable to each of
2 the various categories of agencies to be licensed.

3 The minimum requirements shall be limited to:

4 (a) The size and suitability of a facility and the plan of
5 operation for carrying out the purpose for which an applicant seeks a
6 license;

7 (b) Obtaining background information and any out-of-state
8 equivalent, to determine whether the applicant or service provider is
9 disqualified and to determine the character, competence, and
10 suitability of an agency, the agency's employees, volunteers, and
11 other persons associated with an agency;

12 (c) Conducting background checks for those who will or may have
13 unsupervised access to children((~~7~~)) or expectant mothers((~~7~~—~~or~~
14 ~~individuals with a developmental disability~~)); however, a background
15 check is not required if a caregiver approves an activity pursuant to
16 the prudent parent standard contained in RCW 74.13.710;

17 (d) Obtaining child protective services information or records
18 maintained in the department case management information system. No
19 unfounded allegation of child abuse or neglect as defined in RCW
20 26.44.020 may be disclosed to a child-placing agency, private
21 adoption agency, or any other provider licensed under this chapter;

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

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

27 (ii) Foster care and adoption placements; and

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

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

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

35 (h) National and state background information must be used solely
36 for the purpose of determining eligibility for a license and for
37 determining the character, suitability, and competence of those
38 persons or agencies, excluding parents, not required to be licensed
39 who are authorized to care for children or expectant mothers;

1 (i) The number of qualified persons required to render the type
2 of care and treatment for which an agency seeks a license;

3 (j) The safety, cleanliness, and general adequacy of the premises
4 to provide for the comfort, care and well-being of children((~~τ~~)) or
5 expectant mothers ((~~or developmentally disabled persons~~));

6 (k) The provision of necessary care, including food, clothing,
7 supervision and discipline; physical, mental and social well-being;
8 and educational, recreational and spiritual opportunities for those
9 served;

10 (l) The financial ability of an agency to comply with minimum
11 requirements established pursuant to this chapter ((~~74.15 RCW~~)) and
12 RCW 74.13.031; and

13 (m) The maintenance of records pertaining to the admission,
14 progress, health and discharge of persons served;

15 (3) To investigate any person, including relatives by blood or
16 marriage except for parents, for character, suitability, and
17 competence in the care and treatment of children((~~τ~~)) or expectant
18 mothers((~~, and developmentally disabled persons~~)) prior to
19 authorizing that person to care for children((~~τ~~)) or expectant
20 mothers((~~, and developmentally disabled persons~~)). However, if a
21 child is placed with a relative under RCW 13.34.065 or 13.34.130, and
22 if such relative appears otherwise suitable and competent to provide
23 care and treatment the criminal history background check required by
24 this section need not be completed before placement, but shall be
25 completed as soon as possible after placement;

26 (4) On reports of alleged child abuse and neglect, to investigate
27 agencies in accordance with chapter 26.44 RCW, including child day-
28 care centers and family day-care homes, to determine whether the
29 alleged abuse or neglect has occurred, and whether child protective
30 services or referral to a law enforcement agency is appropriate;

31 (5) To issue, revoke, or deny licenses to agencies pursuant to
32 this chapter ((~~74.15 RCW~~)) and RCW 74.13.031. Licenses shall specify
33 the category of care which an agency is authorized to render and the
34 ages, sex and number of persons to be served;

35 (6) To prescribe the procedures and the form and contents of
36 reports necessary for the administration of this chapter ((~~74.15~~
37 ~~RCW~~)) and RCW 74.13.031 and to require regular reports from each
38 licensee;

1 (7) To inspect agencies periodically to determine whether or not
2 there is compliance with this chapter ((74.15-RCW)) and RCW 74.13.031
3 and the requirements adopted hereunder;

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

9 (9) To consult with public and private agencies in order to help
10 them improve their methods and facilities for the care of
11 children((~~7~~)) or expectant mothers ((~~and developmentally disabled~~
12 ~~persons~~)).

13 **Sec. 410.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to
14 read as follows:

15 The secretary of health shall have the power and it shall be his
16 or her duty:

17 In consultation with the children's services advisory committee
18 and with the advice and assistance of persons representative of the
19 various type agencies to be licensed, to develop minimum requirements
20 pertaining to each category of agency established pursuant to chapter
21 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
22 persons residing therein.

23 The secretary of health or the city, county, or district health
24 department designated by the secretary shall have the power and the
25 duty:

26 (1) To make or cause to be made such inspections and
27 investigations of agencies as may be deemed necessary; and

28 (2) To issue to applicants for licenses hereunder who comply with
29 the requirements adopted hereunder, a certificate of compliance, a
30 copy of which shall be presented to the department ((~~of social and~~
31 ~~health services~~)) before a license shall be issued, except that ((~~a~~
32 ~~provisional~~)) an initial license may be issued as provided in RCW
33 74.15.120.

34 **Sec. 411.** RCW 74.15.070 and 1979 c 141 s 358 are each amended to
35 read as follows:

36 A copy of the articles of incorporation of any agency or
37 amendments to the articles of existing corporation agencies shall be

1 sent by the secretary of state to the department (~~of social and~~
2 ~~health services~~)) at the time such articles or amendments are filed.

3 **Sec. 412.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to
4 read as follows:

5 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
6 accord the department (~~of social and health services~~), the
7 secretary of health, the chief of the Washington state patrol, and
8 the director of fire protection, or their designees, the right of
9 entrance and the privilege of access to and inspection of records for
10 the purpose of determining whether or not there is compliance with
11 the provisions of chapter 74.15 RCW and RCW 74.13.031 and the
12 requirements adopted thereunder.

13 **Sec. 413.** RCW 74.15.120 and 1995 c 311 s 22 are each amended to
14 read as follows:

15 The secretary (~~of social and health services~~) may, at his or
16 her discretion, issue an initial license instead of a full license,
17 to an agency or facility for a period not to exceed six months,
18 renewable for a period not to exceed two years, to allow such agency
19 or facility reasonable time to become eligible for full license. An
20 initial license shall not be granted to any foster-family home except
21 as specified in this section. An initial license may be granted to a
22 foster-family home only if the following three conditions are met:
23 (1) The license is limited so that the licensee is authorized to
24 provide care only to a specific child or specific children; (2) the
25 department has determined that the licensee has a relationship with
26 the child, and the child is comfortable with the licensee, or that it
27 would otherwise be in the child's best interest to remain or be
28 placed in the licensee's home; and (3) the initial license is issued
29 for a period not to exceed ninety days.

30 **Sec. 414.** RCW 74.15.134 and 1997 c 58 s 858 are each amended to
31 read as follows:

32 The secretary shall immediately suspend the license or
33 certificate of a person who has been certified pursuant to RCW
34 74.20A.320 by the department (~~of social and health services~~) as a
35 person who is not in compliance with a support order (~~or a~~
36 ~~residential or visitation order~~)). If the person has continued to
37 meet all other requirements for reinstatement during the suspension,

1 reissuance of the license or certificate shall be automatic upon the
2 secretary's receipt of a release issued by the department (~~(of social~~
3 ~~and health services)~~) stating that the licensee is in compliance with
4 the order.

5 **Sec. 415.** RCW 74.15.200 and 1987 c 489 s 5 are each amended to
6 read as follows:

7 The department (~~(of social and health services)~~) shall have
8 primary responsibility for providing child abuse and neglect
9 prevention training to parents and licensed child day care providers
10 of preschool age children participating in day care programs meeting
11 the requirements of chapter 74.15 RCW. The department may limit
12 training under this section to trainers' workshops and curriculum
13 development using existing resources.

14 **Sec. 416.** RCW 74.15.901 and 1999 c 267 s 23 are each amended to
15 read as follows:

16 (1) The department of social and health services shall seek any
17 necessary federal waivers for federal funding of the programs created
18 under sections 10 through 26, chapter 267, Laws of 1999. The
19 department shall pursue federal funding sources for the programs
20 created under sections 10 through 26, chapter 267, Laws of 1999, and
21 report to the legislature any statutory barriers to federal funding.

22 (2) The department of children, youth, and families shall seek
23 any necessary federal waivers for federal funding of the programs
24 created under sections 10 through 26, chapter 267, Laws of 1999. The
25 department shall pursue federal funding sources for the programs
26 created under sections 10 through 26, chapter 267, Laws of 1999, and
27 report to the legislature any statutory barriers to federal funding.

28 **Sec. 417.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to
29 read as follows:

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

32 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
33 exploitation, negligent treatment, or maltreatment of a child by any
34 person under circumstances that indicate the child's health, welfare,
35 and safety is harmed, excluding conduct permitted under RCW
36 9A.16.100. An abused child is a child who has been subjected to child
37 abuse or neglect as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (iii) Whose parents have evidenced continuing but unsuccessful
33 efforts to maintain the family structure or are unable or unwilling
34 to continue efforts to maintain the family structure; or

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

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

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

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

3 (9) "Department" means the department of (~~social and health~~
4 ~~services~~) children, youth, and families.

5 (10) "Extended family member" means an adult who is a
6 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,
7 or first cousin with whom the child has a relationship and is
8 comfortable, and who is willing and available to care for the child.

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

15 (12) "Multidisciplinary team" means a group formed to provide
16 assistance and support to a child who is an at-risk youth or a child
17 in need of services and his or her parent. The team must include the
18 parent, a department caseworker, a local government representative
19 when authorized by the local government, and when appropriate,
20 members from the mental health and substance abuse disciplines. The
21 team may also include, but is not limited to, the following persons:
22 Educators, law enforcement personnel, probation officers, employers,
23 church persons, tribal members, therapists, medical personnel, social
24 service providers, placement providers, and extended family members.
25 The team members must be volunteers who do not receive compensation
26 while acting in a capacity as a team member, unless the member's
27 employer chooses to provide compensation or the member is a state
28 employee.

29 (13) "Out-of-home placement" means a placement in a foster family
30 home or group care facility licensed pursuant to chapter 74.15 RCW or
31 placement in a home, other than that of the child's parent, guardian,
32 or legal custodian, not required to be licensed pursuant to chapter
33 74.15 RCW.

34 (14) "Parent" means the parent or parents who have the legal
35 right to custody of the child. "Parent" includes custodian or
36 guardian.

37 (15) "Secure facility" means a crisis residential center, or
38 portion thereof, that has locking doors, locking windows, or a
39 secured perimeter, designed and operated to prevent a child from
40 leaving without permission of the facility staff.

1 (16) "Semi-secure facility" means any facility, including but not
2 limited to crisis residential centers or specialized foster family
3 homes, operated in a manner to reasonably assure that youth placed
4 there will not run away. Pursuant to rules established by the
5 department, the facility administrator shall establish reasonable
6 hours for residents to come and go from the facility such that no
7 residents are free to come and go at all hours of the day and night.
8 To prevent residents from taking unreasonable actions, the facility
9 administrator, where appropriate, may condition a resident's leaving
10 the facility upon the resident being accompanied by the administrator
11 or the administrator's designee and the resident may be required to
12 notify the administrator or the administrator's designee of any
13 intent to leave, his or her intended destination, and the probable
14 time of his or her return to the center.

15 (17) "Sexually exploited child" means any person under the age of
16 eighteen who is a victim of the crime of commercial sex abuse of a
17 minor under RCW 9.68A.100, promoting commercial sexual abuse of a
18 minor under RCW 9.68A.101, or promoting travel for commercial sexual
19 abuse of a minor under RCW 9.68A.102.

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

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

26 **Sec. 418.** RCW 13.32A.178 and 2001 c 332 s 8 are each amended to
27 read as follows:

28 The department (~~(of social and health services)~~) shall promulgate
29 rules that create good cause exceptions to the establishment and
30 enforcement of child support from parents of children in out-of-home
31 placement under chapter 13.34 or 13.32A RCW that do not violate
32 federal funding requirements. (~~(The department shall present the
33 rules and the department's plan for implementation of the rules to
34 the appropriate committees of the legislature prior to the 2002
35 legislative session.)~~)

36 **Sec. 419.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted
37 and amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Child" means any individual under the age of eighteen years.

4 (2) "Department" means the department of (~~social and health~~
5 ~~services~~) children, youth, and families.

6 (3) "Dependent child" means a child who has been found by a court
7 to be dependent in a proceeding under chapter 13.34 RCW.

8 (4) "Guardian" means a person who: (a) Has been appointed by the
9 court as the guardian of a child in a legal proceeding under this
10 chapter; and (b) has the legal right to custody of the child pursuant
11 to court order. The term "guardian" does not include a "dependency
12 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
13 for the purpose of assisting the court in supervising the dependency.

14 (5) "Relative" means a person related to the child in the
15 following ways: (a) Any blood relative, including those of half-
16 blood, and including first cousins, second cousins, nephews or
17 nieces, and persons of preceding generations as denoted by prefixes
18 of grand, great, or great-great; (b) stepfather, stepmother,
19 stepbrother, and stepsister; (c) a person who legally adopts a child
20 or the child's parent as well as the natural and other legally
21 adopted children of such persons, and other relatives of the adoptive
22 parents in accordance with state law; (d) spouses of any persons
23 named in (a), (b), or (c) of this subsection, even after the marriage
24 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of
25 this subsection, of any half sibling of the child; or (f) extended
26 family members, as defined by the law or custom of the Indian child's
27 tribe or, in the absence of such law or custom, a person who has
28 reached the age of eighteen and who is the Indian child's
29 grandparent, aunt or uncle, brother or sister, brother-in-law or
30 sister-in-law, niece or nephew, first or second cousin, or stepparent
31 who provides care in the family abode on a twenty-four hour basis to
32 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

33 (6) "Suitable person" means a nonrelative with whom the child or
34 the child's family has a preexisting relationship; who has completed
35 all required criminal history background checks and otherwise appears
36 to be suitable and competent to provide care for the child; and with
37 whom the child has been placed pursuant to RCW 13.34.130.

38 (7) "Supervising agency" means an agency licensed by the state
39 under RCW 74.15.090, or licensed by a federally recognized Indian
40 tribe located in this state under RCW 74.15.190, that has entered

1 into a performance-based contract with the department to provide case
2 management for the delivery and documentation of child welfare
3 services as defined in RCW 74.13.020.

4 **PART V**

5 **TRANSFER OF CHILDREN AND FAMILY SERVICES**

6 **Sec. 501.** RCW 74.13A.075 and 2013 c 23 s 212 are each amended to
7 read as follows:

8 As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the
9 following definitions shall apply:

10 (1) (~~"Secretary"~~) "Department" means the (~~secretary of the~~)
11 department of (~~social and health services or his or her designee~~)
12 children, youth, and families.

13 (2) (~~"Department"~~) "Secretary" means the secretary of the
14 department (~~of social and health services~~).

15 **Sec. 502.** RCW 74.13A.060 and 1990 c 285 s 8 are each amended to
16 read as follows:

17 The secretary may authorize the payment, from the appropriations
18 available from the general fund, of all or part of the nonrecurring
19 adoption expenses incurred by a prospective parent. "Nonrecurring
20 adoption expenses" means those expenses incurred by a prospective
21 parent in connection with the adoption of a difficult to place child
22 including, but not limited to, attorneys' fees, court costs, and
23 agency fees. Payment shall be made in accordance with rules adopted
24 by the department.

25 (~~This section shall have retroactive application to January 1,~~
26 ~~1987. For purposes of retroactive application, the secretary may~~
27 ~~provide reimbursement to any parent who adopted a difficult to place~~
28 ~~child between January 1, 1987, and one year following June 7, 1990,~~
29 ~~regardless of whether the parent had previously entered into an~~
30 ~~adoption support agreement with the department.))~~

31 **Sec. 503.** RCW 74.13A.085 and 1997 c 131 s 1 are each amended to
32 read as follows:

33 (1) The department (~~of social and health services~~) shall
34 establish, within funds appropriated for the purpose, a
35 reconsideration program to provide medical and counseling services
36 through the adoption support program for children of families who

1 apply for services after the adoption is final. Families requesting
2 services through the program shall provide any information requested
3 by the department for the purpose of processing the family's
4 application for services.

5 (2) A child meeting the eligibility criteria for registration
6 with the program is one who:

7 (a) Was residing in a preadoptive placement funded by the
8 department or in foster care funded by the department immediately
9 prior to the adoptive placement;

10 (b) Had a physical or mental handicap or emotional disturbance
11 that existed and was documented prior to the adoption or was at high
12 risk of future physical or mental handicap or emotional disturbance
13 as a result of conditions exposed to prior to the adoption; and

14 (c) Resides in the state of Washington with an adoptive parent
15 who lacks the necessary financial means to care for the child's
16 special need.

17 (3) If a family is accepted for registration and meets the
18 criteria in subsection (2) of this section, the department may enter
19 into an agreement for services. Prior to entering into an agreement
20 for services through the program, the medical needs of the child must
21 be reviewed and approved by the department.

22 (4) Any services provided pursuant to an agreement between a
23 family and the department shall be met from the department's medical
24 program. Such services shall be limited to:

25 (a) Services provided after finalization of an agreement between
26 a family and the department pursuant to this section;

27 (b) Services not covered by the family's insurance or other
28 available assistance; and

29 (c) Services related to the eligible child's identified physical
30 or mental handicap or emotional disturbance that existed prior to the
31 adoption.

32 (5) Any payment by the department for services provided pursuant
33 to an agreement shall be made directly to the physician or provider
34 of services according to the department's established procedures.

35 (6) The total costs payable by the department for services
36 provided pursuant to an agreement shall not exceed twenty thousand
37 dollars per child.

38 **Sec. 504.** RCW 74.13B.005 and 2012 c 205 s 1 are each amended to
39 read as follows:

1 (1) The legislature finds that:

2 (a) The state of Washington and several Indian tribes in the
3 state of Washington assume legal responsibility for abused or
4 neglected children when their parents or caregivers are unable or
5 unwilling to adequately provide for their safety, health, and
6 welfare;

7 (b) Washington state has a strong history of partnership between
8 the department (~~of social and health services~~) and contracted
9 service providers who currently serve children and families in the
10 child welfare system. The department and its contracted service
11 providers have responsibility for providing services to address
12 parenting deficiencies resulting in child maltreatment, and the needs
13 of children impacted by maltreatment;

14 (c) Department caseworkers and contracted service providers each
15 play a critical and complementary role in the child welfare system;

16 (d) The current system of contracting for services needed by
17 children and families in the child welfare system is fragmented,
18 inflexible, and lacks incentives for improving outcomes for children
19 and families.

20 (2) The legislature intends:

21 (a) To reform the delivery of certain services to children and
22 families in the child welfare system by creating a flexible,
23 accountable community-based system of care that utilizes
24 performance-based contracting, maximizes the use of evidence-based,
25 research-based, and promising practices, and expands the capacity of
26 community-based agencies to leverage local funding and other
27 resources to benefit children and families served by the department;

28 (b) To achieve improved child safety, child permanency, including
29 reunification, and child well-being outcomes through the
30 collaborative efforts of the department and contracted service
31 providers and the prioritization of these goals in performance-based
32 contracting; and

33 (c) To implement performance-based contracting under chapter 205,
34 Laws of 2012 in a manner that supports and complies with the federal
35 and Washington state Indian child welfare act.

36 **Sec. 505.** RCW 74.13B.010 and 2012 c 205 s 2 are each amended to
37 read as follows:

38 For purposes of this chapter:

1 (1) "Case management" means convening family meetings,
2 developing, revising, and monitoring implementation of any case plan
3 or individual service and safety plan, coordinating and monitoring
4 services needed by the child and family, caseworker-child visits,
5 family visits, and the assumption of court-related duties, excluding
6 legal representation, including preparing court reports, attending
7 judicial hearings and permanency hearings, and ensuring that the
8 child is progressing toward permanency within state and federal
9 mandates, including the Indian child welfare act.

10 (2) "Child" means:

11 (a) A person less than eighteen years of age; or

12 (b) A person age eighteen to twenty-one years who is eligible to
13 receive the extended foster care services authorized under RCW
14 74.13.031.

15 (3) "Child-placing agency" has the same meaning as in RCW
16 74.15.020.

17 (4) "Child welfare services" means social services including
18 voluntary and in-home services, out-of-home care, case management,
19 and adoption services which strengthen, supplement, or substitute
20 for, parental care and supervision for the purpose of:

21 (a) Preventing or remedying, or assisting in the solution of
22 problems which may result in families in conflict, or the neglect,
23 abuse, exploitation, or criminal behavior of children;

24 (b) Protecting and caring for dependent, abused, or neglected
25 children;

26 (c) Assisting children who are in conflict with their parents,
27 and assisting parents who are in conflict with their children, with
28 services designed to resolve such conflicts;

29 (d) Protecting and promoting the welfare of children, including
30 the strengthening of their own homes where possible, or, where
31 needed;

32 (e) Providing adequate care of children away from their homes in
33 foster family homes or day care or other child care agencies or
34 facilities.

35 (5) "Department" means the department of (~~social and health~~
36 ~~services~~) children, youth, and families.

37 (6) "Evidence-based" means a program or practice that is cost-
38 effective and includes at least two randomized or statistically
39 controlled evaluations that have demonstrated improved outcomes for
40 its intended population.

1 (7) "Network administrator" means an entity that contracts with
2 the department to provide defined services to children and families
3 in the child welfare system through its provider network, as provided
4 in RCW 74.13B.020.

5 (8) "Performance-based contracting" means structuring all aspects
6 of the procurement of services around the purpose of the work to be
7 performed and the desired results with the contract requirements set
8 forth in clear, specific, and objective terms with measurable
9 outcomes and linking payment for services to contractor performance.

10 (9) "Promising practice" means a practice that presents, based
11 upon preliminary information, potential for becoming a research-based
12 or consensus-based practice.

13 (10) "Provider network" means those service providers who
14 contract with a network administrator to provide services to children
15 and families in the geographic area served by the network
16 administrator.

17 (11) "Research-based" means a program or practice that has some
18 research demonstrating effectiveness, but that does not yet meet the
19 standard of evidence-based practices.

20 **Sec. 506.** RCW 74.14B.010 and 2013 c 254 s 5 are each amended to
21 read as follows:

22 (1) Caseworkers employed in children services shall meet minimum
23 standards established by the department (~~of social and health~~
24 ~~services~~). Comprehensive training for caseworkers shall be completed
25 before such caseworkers are assigned to case-carrying
26 responsibilities without direct supervision. Intermittent, part-time,
27 and standby workers shall be subject to the same minimum standards
28 and training.

29 (2) Ongoing specialized training shall be provided for persons
30 responsible for investigating child sexual abuse. Training
31 participants shall have the opportunity to practice interview skills
32 and receive feedback from instructors.

33 (3) The department, the criminal justice training commission, the
34 Washington association of sheriffs and police chiefs, and the
35 Washington association of prosecuting attorneys shall design and
36 implement statewide training that contains consistent elements for
37 persons engaged in the interviewing of children, including law
38 enforcement, prosecution, and child protective services.

1 (4) The training shall: (a) Be based on research-based practices
2 and standards; (b) minimize the trauma of all persons who are
3 interviewed during abuse investigations; (c) provide methods of
4 reducing the number of investigative interviews necessary whenever
5 possible; (d) assure, to the extent possible, that investigative
6 interviews are thorough, objective, and complete; (e) recognize needs
7 of special populations, such as persons with developmental
8 disabilities; (f) recognize the nature and consequences of
9 victimization; (g) require investigative interviews to be conducted
10 in a manner most likely to permit the interviewed persons the maximum
11 emotional comfort under the circumstances; (h) address record
12 retention and retrieval; and (i) documentation of investigative
13 interviews.

14 (5) The identification of domestic violence is critical in
15 ensuring the safety of children in the child welfare system. As a
16 result, ongoing domestic violence training and consultation shall be
17 provided to caseworkers, including how to use the children's
18 administration's practice guide to domestic violence.

19 **Sec. 507.** RCW 74.14B.050 and 1987 c 503 s 14 are each amended to
20 read as follows:

21 The department (~~(of social and health services)~~) shall inform
22 victims of child abuse and neglect and their families of the
23 availability of state-supported counseling through the crime victims'
24 compensation program, community mental health centers, domestic
25 violence and sexual assault programs, and other related programs. The
26 department shall assist victims with referrals to these services.

27 **Sec. 508.** RCW 74.14B.070 and 1990 c 3 s 1403 are each amended to
28 read as follows:

29 The department (~~(of social and health services)~~) through its
30 division of children and family services shall, subject to available
31 funds, establish a system of early identification and referral to
32 treatment of child victims of sexual assault or sexual abuse. The
33 system shall include schools, physicians, sexual assault centers,
34 domestic violence centers, child protective services, and foster
35 parents. A mechanism shall be developed to identify communities that
36 have experienced success in this area and share their expertise and
37 methodology with other communities statewide.

1 **Sec. 509.** RCW 74.14B.080 and 1991 c 283 s 2 are each amended to
2 read as follows:

3 (1) Subject to subsection (2) of this section, the secretary (~~of~~
4 ~~social and health services~~) shall provide liability insurance to
5 foster parents licensed under chapter 74.15 RCW. The coverage shall
6 be for personal injury and property damage caused by foster parents
7 or foster children that occurred while the children were in foster
8 care. Such insurance shall cover acts of ordinary negligence but
9 shall not cover illegal conduct or bad faith acts taken by foster
10 parents in providing foster care. Moneys paid from liability
11 insurance for any claim are limited to the amount by which the claim
12 exceeds the amount available to the claimant from any valid and
13 collectible liability insurance.

14 (2) The secretary (~~of social and health services~~) may purchase
15 the insurance required in subsection (1) of this section or may
16 choose a self-insurance method. The total moneys expended pursuant to
17 this authorization shall not exceed five hundred thousand dollars per
18 biennium. If the secretary elects a method of self-insurance, the
19 expenditure shall include all administrative and staff costs. If the
20 secretary elects a method of self-insurance, he or she may, by rule,
21 place a limit on the maximum amount to be paid on each claim.

22 (3) Nothing in this section or RCW 4.24.590 is intended to modify
23 the foster parent reimbursement plan in place on July 1, 1991.

24 (4) The liability insurance program shall be available by July 1,
25 1991.

26 **Sec. 510.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to
27 read as follows:

28 (1) The legislature believes that protecting the health and
29 safety of children is paramount. The legislature recognizes that the
30 number of children entering out-of-home care is increasing and that a
31 number of children receive long-term foster care protection.
32 Reasonable efforts by the department to shorten out-of-home placement
33 or avoid it altogether should be a major focus of the child welfare
34 system. It is intended that providing up-front services decrease the
35 number of children entering out-of-home care and have the effect of
36 eventually lowering foster care expenditures and strengthening the
37 family unit.

38 Within available funds, the legislature directs the department to
39 focus child welfare services on protecting the child, strengthening

1 families and, to the extent possible, providing necessary services in
2 the family setting, while drawing upon the strengths of the family.
3 The legislature intends services be locally based and offered as
4 early as possible to avoid disruption to the family, out-of-home
5 placement of the child, and entry into the dependency system. The
6 legislature also intends that these services be used for those
7 families whose children are returning to the home from out-of-home
8 care. These services are known as family preservation services and
9 intensive family preservation services and are characterized by the
10 following values, beliefs, and goals:

11 (a) Safety of the child is always the first concern;

12 (b) Children need their families and should be raised by their
13 own families whenever possible;

14 (c) Interventions should focus on family strengths and be
15 responsive to the individual family's cultural values and needs;

16 (d) Participation should be voluntary; and

17 (e) Improvement of family functioning is essential in order to
18 promote the child's health, safety, and welfare and thereby allow the
19 family to remain intact and allow children to remain at home.

20 (2) Subject to the availability of funds for such purposes, the
21 legislature intends for these services to be made available to all
22 eligible families on a statewide basis through a phased-in process.
23 Except as otherwise specified by statute, the department (~~(of social~~
24 ~~and health services)) shall have the authority and discretion to
25 implement and expand these services as provided in (~~(this chapter)~~)
26 RCW 74.14C.010 through 74.14C.100. The department shall consult with
27 the community public health and safety networks when assessing a
28 community's resources and need for services.~~

29 (3) It is the legislature's intent that, within available funds,
30 the department develop services in accordance with (~~(this chapter)~~)
31 RCW 74.14C.010 through 74.14C.100.

32 (4) Nothing in (~~(this chapter)~~) RCW 74.14C.010 through 74.14C.100
33 shall be construed to create an entitlement to services nor to create
34 judicial authority to order the provision of preservation services to
35 any person or family if the services are unavailable or unsuitable or
36 that the child or family are not eligible for such services.

37 **Sec. 511.** RCW 74.14C.010 and 1996 c 240 s 2 are each amended to
38 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of (~~social and health~~
4 ~~services~~) children, youth, and families.

5 (2) "Community support systems" means the support that may be
6 organized through extended family members, friends, neighbors,
7 religious organizations, community programs, cultural and ethnic
8 organizations, or other support groups or organizations.

9 (3) "Family preservation services" means in-home or community-
10 based services drawing on the strengths of the family and its
11 individual members while addressing family needs to strengthen and
12 keep the family together where possible and may include:

13 (a) Respite care of children to provide temporary relief for
14 parents and other caregivers;

15 (b) Services designed to improve parenting skills with respect to
16 such matters as child development, family budgeting, coping with
17 stress, health, safety, and nutrition; and

18 (c) Services designed to promote the well-being of children and
19 families, increase the strength and stability of families, increase
20 parents' confidence and competence in their parenting abilities,
21 promote a safe, stable, and supportive family environment for
22 children, and otherwise enhance children's development.

23 Family preservation services shall have the characteristics
24 delineated in RCW 74.14C.020 (2) and (3).

25 (4) "Imminent" means a decision has been made by the department
26 that, without intensive family preservation services, a petition
27 requesting the removal of a child from the family home will be
28 immediately filed under chapter 13.32A or 13.34 RCW, or that a
29 voluntary placement agreement will be immediately initiated.

30 (5) "Intensive family preservation services" means community-
31 based services that are delivered primarily in the home, that follow
32 intensive service models with demonstrated effectiveness in reducing
33 or avoiding the need for unnecessary imminent out-of-home placement,
34 and that have all of the characteristics delineated in RCW 74.14C.020
35 (1) and (3).

36 (6) "Out-of-home placement" means a placement in a foster family
37 home or group care facility licensed pursuant to chapter 74.15 RCW or
38 placement in a home, other than that of the child's parent, guardian,
39 or legal custodian, not required to be licensed pursuant to chapter
40 74.15 RCW.

1 (7) "Paraprofessional worker" means any individual who is trained
2 and qualified to provide assistance and community support systems
3 development to families and who acts under the supervision of a
4 preservation services therapist. The paraprofessional worker is not
5 intended to replace the role and responsibilities of the preservation
6 services therapist.

7 (8) "Preservation services" means family preservation services
8 and intensive family preservation services that consider the
9 individual family's cultural values and needs.

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

11 **Sec. 512.** RCW 74.14C.070 and 2003 c 207 s 3 are each amended to
12 read as follows:

13 The secretary (~~(of social and health services)~~) or the
14 secretary's (~~(regional)~~) designee(~~(r)~~) may transfer funds
15 appropriated for foster care services to purchase preservation
16 services and other preventive services for children at imminent risk
17 of out-of-home placement or who face a substantial likelihood of out-
18 of-home placement. This transfer may be made in those regions that
19 lower foster care expenditures through efficient use of preservation
20 services and permanency planning efforts. The transfer shall be
21 equivalent to the amount of reduced foster care expenditures and
22 shall be made in accordance with the provisions of this chapter and
23 with the approval of the office of financial management. The
24 department shall present an annual report to the legislature
25 regarding any transfers under this section only if transfers occur.
26 The department shall include caseload, expenditure, cost avoidance,
27 identified improvements to the out-of-home care system, and outcome
28 data related to the transfer in the report. The department shall also
29 include in the report information regarding:

30 (1) The percent of cases where a child is placed in out-of-home
31 care after the provision of intensive family preservation services or
32 family preservation services;

33 (2) The average length of time before the child is placed out-of-
34 home;

35 (3) The average length of time the child is placed out-of-home;
36 and

37 (4) The number of families that refused the offer of either
38 family preservation services or intensive family preservation
39 services.

1 (7) "Department" means the department of children, youth, and
2 families.

3 **Sec. 602.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1
4 are each reenacted and amended to read as follows:

5 (1) Except as provided in this section, the juvenile courts in
6 this state shall have exclusive original jurisdiction over all
7 proceedings:

8 (a) Under the interstate compact on placement of children as
9 provided in chapter 26.34 RCW;

10 (b) Relating to children alleged or found to be dependent as
11 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

12 (c) Relating to the termination of a parent and child
13 relationship as provided in RCW 13.34.180 through 13.34.210;

14 (d) To approve or disapprove out-of-home placement as provided in
15 RCW 13.32A.170;

16 (e) Relating to juveniles alleged or found to have committed
17 offenses, traffic or civil infractions, or violations as provided in
18 RCW 13.40.020 through 13.40.230, unless:

19 (i) The juvenile court transfers jurisdiction of a particular
20 juvenile to adult criminal court pursuant to RCW 13.40.110;

21 (ii) The statute of limitations applicable to adult prosecution
22 for the offense, traffic or civil infraction, or violation has
23 expired;

24 (iii) The alleged offense or infraction is a traffic, fish,
25 boating, or game offense, or traffic or civil infraction committed by
26 a juvenile sixteen years of age or older and would, if committed by
27 an adult, be tried or heard in a court of limited jurisdiction, in
28 which instance the appropriate court of limited jurisdiction shall
29 have jurisdiction over the alleged offense or infraction, and no
30 guardian ad litem is required in any such proceeding due to the
31 juvenile's age. If such an alleged offense or infraction and an
32 alleged offense or infraction subject to juvenile court jurisdiction
33 arise out of the same event or incident, the juvenile court may have
34 jurisdiction of both matters. The jurisdiction under this subsection
35 does not constitute "transfer" or a "decline" for purposes of RCW
36 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
37 jurisdiction which confine juveniles for an alleged offense or
38 infraction may place juveniles in juvenile detention facilities under

1 an agreement with the officials responsible for the administration of
2 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

3 (iv) The alleged offense is a traffic or civil infraction, a
4 violation of compulsory school attendance provisions under chapter
5 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
6 has assumed concurrent jurisdiction over those offenses as provided
7 in RCW 13.04.0301; or

8 (v) The juvenile is sixteen or seventeen years old on the date
9 the alleged offense is committed and the alleged offense is:

10 (A) A serious violent offense as defined in RCW 9.94A.030;

11 (B) A violent offense as defined in RCW 9.94A.030 and the
12 juvenile has a criminal history consisting of: (I) One or more prior
13 serious violent offenses; (II) two or more prior violent offenses; or
14 (III) three or more of any combination of the following offenses: Any
15 class A felony, any class B felony, vehicular assault, or
16 manslaughter in the second degree, all of which must have been
17 committed after the juvenile's thirteenth birthday and prosecuted
18 separately;

19 (C) Robbery in the first degree, rape of a child in the first
20 degree, or drive-by shooting, committed on or after July 1, 1997;

21 (D) Burglary in the first degree committed on or after July 1,
22 1997, and the juvenile has a criminal history consisting of one or
23 more prior felony or misdemeanor offenses; or

24 (E) Any violent offense as defined in RCW 9.94A.030 committed on
25 or after July 1, 1997, and the juvenile is alleged to have been armed
26 with a firearm.

27 (I) In such a case the adult criminal court shall have exclusive
28 original jurisdiction, except as provided in (e)(v)(E)(II) and (III)
29 of this subsection.

30 (II) The juvenile court shall have exclusive jurisdiction over
31 the disposition of any remaining charges in any case in which the
32 juvenile is found not guilty in the adult criminal court of the
33 charge or charges for which he or she was transferred, or is
34 convicted in the adult criminal court of a lesser included offense
35 that is not also an offense listed in (e)(v) of this subsection. The
36 juvenile court shall enter an order extending juvenile court
37 jurisdiction if the juvenile has turned eighteen years of age during
38 the adult criminal court proceedings pursuant to RCW 13.40.300.
39 However, once the case is returned to juvenile court, the court may
40 hold a decline hearing pursuant to RCW 13.40.110 to determine whether

1 to retain the case in juvenile court for the purpose of disposition
2 or return the case to adult criminal court for sentencing.

3 (III) The prosecutor and respondent may agree to juvenile court
4 jurisdiction and waive application of exclusive adult criminal
5 jurisdiction in (e)(v)(A) through (E) of this subsection and remove
6 the proceeding back to juvenile court with the court's approval.

7 If the juvenile challenges the state's determination of the
8 juvenile's criminal history under (e)(v) of this subsection, the
9 state may establish the offender's criminal history by a
10 preponderance of the evidence. If the criminal history consists of
11 adjudications entered upon a plea of guilty, the state shall not bear
12 a burden of establishing the knowing and voluntariness of the plea;

13 (f) Under the interstate compact on juveniles as provided in
14 chapter 13.24 RCW;

15 (g) Relating to termination of a diversion agreement under RCW
16 13.40.080, including a proceeding in which the divertee has attained
17 eighteen years of age;

18 (h) Relating to court validation of a voluntary consent to an
19 out-of-home placement under chapter 13.34 RCW, by the parent or
20 Indian custodian of an Indian child, except if the parent or Indian
21 custodian and child are residents of or domiciled within the
22 boundaries of a federally recognized Indian reservation over which
23 the tribe exercises exclusive jurisdiction;

24 (i) Relating to petitions to compel disclosure of information
25 filed by the department (~~of social and health services~~) pursuant to
26 RCW 74.13.042; and

27 (j) Relating to judicial determinations and permanency planning
28 hearings involving developmentally disabled children who have been
29 placed in out-of-home care pursuant to a voluntary placement
30 agreement between the child's parent, guardian, or legal custodian
31 and the department of social and health services and the department
32 of children, youth, and families.

33 (2) The family court shall have concurrent original jurisdiction
34 with the juvenile court over all proceedings under this section if
35 the superior court judges of a county authorize concurrent
36 jurisdiction as provided in RCW 26.12.010.

37 (3) The juvenile court shall have concurrent original
38 jurisdiction with the family court over child custody proceedings
39 under chapter 26.10 RCW and parenting plans or residential schedules
40 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

1 (4) A juvenile subject to adult superior court jurisdiction under
2 subsection (1)(e)(i) through (v) of this section, who is detained
3 pending trial, may be detained in a detention facility as defined in
4 RCW 13.40.020 pending sentencing or a dismissal.

5 **Sec. 603.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to
6 read as follows:

7 (1) A juvenile shall not be confined in a jail or holding
8 facility for adults, except:

9 (a) For a period not exceeding twenty-four hours excluding
10 weekends and holidays and only for the purpose of an initial court
11 appearance in a county where no juvenile detention facility is
12 available, a juvenile may be held in an adult facility provided that
13 the confinement is separate from the sight and sound of adult
14 inmates; or

15 (b) For not more than six hours and pursuant to a lawful
16 detention in the course of an investigation, a juvenile may be held
17 in an adult facility provided that the confinement is separate from
18 the sight and sound of adult inmates.

19 (2) For purposes of this section a juvenile is an individual
20 under the chronological age of eighteen years who has not been
21 transferred previously to adult courts.

22 (3) The department (~~(of social and health services)~~) shall
23 monitor and enforce compliance with this section.

24 (4) This section shall not be construed to expand or limit the
25 authority to lawfully detain juveniles.

26 **Sec. 604.** RCW 13.04.145 and 2014 c 157 s 5 are each amended to
27 read as follows:

28 A program of education shall be provided for by the several
29 counties and school districts of the state for common school-age
30 persons confined in each of the detention facilities staffed and
31 maintained by the several counties of the state under this chapter
32 and chapters 13.16 and 13.20 RCW. The division of duties, authority,
33 and liabilities of the several counties and school districts of the
34 state respecting the educational programs is the same in all respects
35 as set forth in chapter 28A.190 RCW respecting programs of education
36 for state residential school residents. For the purposes of this
37 section, the terms "department of (~~social and health services~~)"
38 children, youth, and families," "residential school" or "schools,"

1 and "superintendent or chief administrator of a residential school"
2 as used in chapter 28A.190 RCW shall be respectively construed to
3 mean "the several counties of the state," "detention facilities," and
4 "the administrator of juvenile court detention services." Nothing in
5 this section shall prohibit a school district from utilizing the
6 services of an educational service district subject to RCW
7 28A.310.180.

8 **Sec. 605.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1
9 are each reenacted and amended to read as follows:

10 For the purposes of this chapter:

11 (1) "Assessment" means an individualized examination of a child
12 to determine the child's psychosocial needs and problems, including
13 the type and extent of any mental health, substance abuse, or co-
14 occurring mental health and substance abuse disorders, and
15 recommendations for treatment. "Assessment" includes, but is not
16 limited to, drug and alcohol evaluations, psychological and
17 psychiatric evaluations, records review, clinical interview, and
18 administration of a formal test or instrument;

19 (2) "Community-based rehabilitation" means one or more of the
20 following: Employment; attendance of information classes; literacy
21 classes; counseling, outpatient substance abuse treatment programs,
22 outpatient mental health programs, anger management classes,
23 education or outpatient treatment programs to prevent animal cruelty,
24 or other services including, when appropriate, restorative justice
25 programs; or attendance at school or other educational programs
26 appropriate for the juvenile as determined by the school district.
27 Placement in community-based rehabilitation programs is subject to
28 available funds;

29 (3) "Community-based sanctions" may include one or more of the
30 following:

31 (a) A fine, not to exceed five hundred dollars;

32 (b) Community restitution not to exceed one hundred fifty hours
33 of community restitution;

34 (4) "Community restitution" means compulsory service, without
35 compensation, performed for the benefit of the community by the
36 offender as punishment for committing an offense. Community
37 restitution may be performed through public or private organizations
38 or through work crews;

1 (5) "Community supervision" means an order of disposition by the
2 court of an adjudicated youth not committed to the department or an
3 order granting a deferred disposition. A community supervision order
4 for a single offense may be for a period of up to two years for a sex
5 offense as defined by RCW 9.94A.030 and up to one year for other
6 offenses. As a mandatory condition of any term of community
7 supervision, the court shall order the juvenile to refrain from
8 committing new offenses. As a mandatory condition of community
9 supervision, the court shall order the juvenile to comply with the
10 mandatory school attendance provisions of chapter 28A.225 RCW and to
11 inform the school of the existence of this requirement. Community
12 supervision is an individualized program comprised of one or more of
13 the following:

14 (a) Community-based sanctions;

15 (b) Community-based rehabilitation;

16 (c) Monitoring and reporting requirements;

17 (d) Posting of a probation bond;

18 (e) Residential treatment, where substance abuse, mental health,
19 and/or co-occurring disorders have been identified in an assessment
20 by a qualified mental health professional, psychologist,
21 psychiatrist, or chemical dependency professional and a funded bed is
22 available. If a child agrees to voluntary placement in a state-funded
23 long-term evaluation and treatment facility, the case must follow the
24 existing placement procedure including consideration of less
25 restrictive treatment options and medical necessity.

26 (i) A court may order residential treatment after consideration
27 and findings regarding whether:

28 (A) The referral is necessary to rehabilitate the child;

29 (B) The referral is necessary to protect the public or the child;

30 (C) The referral is in the child's best interest;

31 (D) The child has been given the opportunity to engage in less
32 restrictive treatment and has been unable or unwilling to comply; and

33 (E) Inpatient treatment is the least restrictive action
34 consistent with the child's needs and circumstances.

35 (ii) In any case where a court orders a child to inpatient
36 treatment under this section, the court must hold a review hearing no
37 later than sixty days after the youth begins inpatient treatment, and
38 every thirty days thereafter, as long as the youth is in inpatient
39 treatment;

1 (6) "Confinement" means physical custody by the department of
2 (~~social and health services~~) children, youth, and families in a
3 facility operated by or pursuant to a contract with the state, or
4 physical custody in a detention facility operated by or pursuant to a
5 contract with any county. The county may operate or contract with
6 vendors to operate county detention facilities. The department may
7 operate or contract to operate detention facilities for juveniles
8 committed to the department. Pretrial confinement or confinement of
9 less than thirty-one days imposed as part of a disposition or
10 modification order may be served consecutively or intermittently, in
11 the discretion of the court;

12 (7) "Court," when used without further qualification, means the
13 juvenile court judge(s) or commissioner(s);

14 (8) "Criminal history" includes all criminal complaints against
15 the respondent for which, prior to the commission of a current
16 offense:

17 (a) The allegations were found correct by a court. If a
18 respondent is convicted of two or more charges arising out of the
19 same course of conduct, only the highest charge from among these
20 shall count as an offense for the purposes of this chapter; or

21 (b) The criminal complaint was diverted by a prosecutor pursuant
22 to the provisions of this chapter on agreement of the respondent and
23 after an advisement to the respondent that the criminal complaint
24 would be considered as part of the respondent's criminal history. A
25 successfully completed deferred adjudication that was entered before
26 July 1, 1998, or a deferred disposition shall not be considered part
27 of the respondent's criminal history;

28 (9) "Department" means the department of (~~social and health~~
29 ~~services~~) children, youth, and families;

30 (10) "Detention facility" means a county facility, paid for by
31 the county, for the physical confinement of a juvenile alleged to
32 have committed an offense or an adjudicated offender subject to a
33 disposition or modification order. "Detention facility" includes
34 county group homes, inpatient substance abuse programs, juvenile
35 basic training camps, and electronic monitoring;

36 (11) "Diversion unit" means any probation counselor who enters
37 into a diversion agreement with an alleged youthful offender, or any
38 other person, community accountability board, youth court under the
39 supervision of the juvenile court, or other entity except a law
40 enforcement official or entity, with whom the juvenile court

1 administrator has contracted to arrange and supervise such agreements
2 pursuant to RCW 13.40.080, or any person, community accountability
3 board, or other entity specially funded by the legislature to arrange
4 and supervise diversion agreements in accordance with the
5 requirements of this chapter. For purposes of this subsection,
6 "community accountability board" means a board comprised of members
7 of the local community in which the juvenile offender resides. The
8 superior court shall appoint the members. The boards shall consist of
9 at least three and not more than seven members. If possible, the
10 board should include a variety of representatives from the community,
11 such as a law enforcement officer, teacher or school administrator,
12 high school student, parent, and business owner, and should represent
13 the cultural diversity of the local community;

14 (12) "Foster care" means temporary physical care in a foster
15 family home or group care facility as defined in RCW 74.15.020 and
16 licensed by the department, or other legally authorized care;

17 (13) "Institution" means a juvenile facility established pursuant
18 to chapters 72.05 and 72.16 through 72.20 RCW;

19 (14) "Intensive supervision program" means a parole program that
20 requires intensive supervision and monitoring, offers an array of
21 individualized treatment and transitional services, and emphasizes
22 community involvement and support in order to reduce the likelihood a
23 juvenile offender will commit further offenses;

24 (15) "Juvenile," "youth," and "child" mean any individual who is
25 under the chronological age of eighteen years and who has not been
26 previously transferred to adult court pursuant to RCW 13.40.110,
27 unless the individual was convicted of a lesser charge or acquitted
28 of the charge for which he or she was previously transferred pursuant
29 to RCW 13.40.110 or who is not otherwise under adult court
30 jurisdiction;

31 (16) "Juvenile offender" means any juvenile who has been found by
32 the juvenile court to have committed an offense, including a person
33 eighteen years of age or older over whom jurisdiction has been
34 extended under RCW 13.40.300;

35 (17) "Labor" means the period of time before a birth during which
36 contractions are of sufficient frequency, intensity, and duration to
37 bring about effacement and progressive dilation of the cervix;

38 (18) "Local sanctions" means one or more of the following: (a)
39 0-30 days of confinement; (b) 0-12 months of community supervision;
40 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

1 (19) "Manifest injustice" means a disposition that would either
2 impose an excessive penalty on the juvenile or would impose a
3 serious, and clear danger to society in light of the purposes of this
4 chapter;

5 (20) "Monitoring and reporting requirements" means one or more of
6 the following: Curfews; requirements to remain at home, school, work,
7 or court-ordered treatment programs during specified hours;
8 restrictions from leaving or entering specified geographical areas;
9 requirements to report to the probation officer as directed and to
10 remain under the probation officer's supervision; and other
11 conditions or limitations as the court may require which may not
12 include confinement;

13 (21) "Offense" means an act designated a violation or a crime if
14 committed by an adult under the law of this state, under any
15 ordinance of any city or county of this state, under any federal law,
16 or under the law of another state if the act occurred in that state;

17 (22) "Physical restraint" means the use of any bodily force or
18 physical intervention to control a juvenile offender or limit a
19 juvenile offender's freedom of movement in a way that does not
20 involve a mechanical restraint. Physical restraint does not include
21 momentary periods of minimal physical restriction by direct person-
22 to-person contact, without the aid of mechanical restraint,
23 accomplished with limited force and designed to:

24 (a) Prevent a juvenile offender from completing an act that would
25 result in potential bodily harm to self or others or damage property;

26 (b) Remove a disruptive juvenile offender who is unwilling to
27 leave the area voluntarily; or

28 (c) Guide a juvenile offender from one location to another;

29 (23) "Postpartum recovery" means (a) the entire period a woman or
30 youth is in the hospital, birthing center, or clinic after giving
31 birth and (b) an additional time period, if any, a treating physician
32 determines is necessary for healing after the youth leaves the
33 hospital, birthing center, or clinic;

34 (24) "Probation bond" means a bond, posted with sufficient
35 security by a surety justified and approved by the court, to secure
36 the offender's appearance at required court proceedings and
37 compliance with court-ordered community supervision or conditions of
38 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
39 a deposit of cash or posting of other collateral in lieu of a bond if
40 approved by the court;

1 (25) "Respondent" means a juvenile who is alleged or proven to
2 have committed an offense;

3 (26) "Restitution" means financial reimbursement by the offender
4 to the victim, and shall be limited to easily ascertainable damages
5 for injury to or loss of property, actual expenses incurred for
6 medical treatment for physical injury to persons, lost wages
7 resulting from physical injury, and costs of the victim's counseling
8 reasonably related to the offense. Restitution shall not include
9 reimbursement for damages for mental anguish, pain and suffering, or
10 other intangible losses. Nothing in this chapter shall limit or
11 replace civil remedies or defenses available to the victim or
12 offender;

13 (27) "Restorative justice" means practices, policies, and
14 programs informed by and sensitive to the needs of crime victims that
15 are designed to encourage offenders to accept responsibility for
16 repairing the harm caused by their offense by providing safe and
17 supportive opportunities for voluntary participation and
18 communication between the victim, the offender, their families, and
19 relevant community members;

20 (28) "Restraints" means anything used to control the movement of
21 a person's body or limbs and includes:

22 (a) Physical restraint; or

23 (b) Mechanical device including but not limited to: Metal
24 handcuffs, plastic ties, ankle restraints, leather cuffs, other
25 hospital-type restraints, tasers, or batons;

26 (29) "Screening" means a process that is designed to identify a
27 child who is at risk of having mental health, substance abuse, or co-
28 occurring mental health and substance abuse disorders that warrant
29 immediate attention, intervention, or more comprehensive assessment.
30 A screening may be undertaken with or without the administration of a
31 formal instrument;

32 (30) "Secretary" means the secretary of the department (~~of~~
33 ~~social and health services. "Assistant secretary" means the assistant~~
34 ~~secretary for juvenile rehabilitation for the department));~~

35 (31) "Services" means services which provide alternatives to
36 incarceration for those juveniles who have pleaded or been
37 adjudicated guilty of an offense or have signed a diversion agreement
38 pursuant to this chapter;

39 (32) "Sex offense" means an offense defined as a sex offense in
40 RCW 9.94A.030;

1 (33) "Sexual motivation" means that one of the purposes for which
2 the respondent committed the offense was for the purpose of his or
3 her sexual gratification;

4 (34) "Surety" means an entity licensed under state insurance laws
5 or by the state department of licensing, to write corporate,
6 property, or probation bonds within the state, and justified and
7 approved by the superior court of the county having jurisdiction of
8 the case;

9 (35) "Transportation" means the conveying, by any means, of an
10 incarcerated pregnant youth from the institution or detention
11 facility to another location from the moment she leaves the
12 institution or detention facility to the time of arrival at the other
13 location, and includes the escorting of the pregnant incarcerated
14 youth from the institution or detention facility to a transport
15 vehicle and from the vehicle to the other location;

16 (36) "Violation" means an act or omission, which if committed by
17 an adult, must be proven beyond a reasonable doubt, and is punishable
18 by sanctions which do not include incarceration;

19 (37) "Violent offense" means a violent offense as defined in RCW
20 9.94A.030;

21 (38) "Youth court" means a diversion unit under the supervision
22 of the juvenile court.

23 **Sec. 606.** RCW 13.40.040 and 2002 c 171 s 2 are each amended to
24 read as follows:

25 (1) A juvenile may be taken into custody:

26 (a) Pursuant to a court order if a complaint is filed with the
27 court alleging, and the court finds probable cause to believe, that
28 the juvenile has committed an offense or has violated terms of a
29 disposition order or release order; or

30 (b) Without a court order, by a law enforcement officer if
31 grounds exist for the arrest of an adult in identical circumstances.
32 Admission to, and continued custody in, a court detention facility
33 shall be governed by subsection (2) of this section; or

34 (c) Pursuant to a court order that the juvenile be held as a
35 material witness; or

36 (d) Where the secretary or the secretary's designee has suspended
37 the parole of a juvenile offender.

38 (2) A juvenile may not be held in detention unless there is
39 probable cause to believe that:

1 (a) The juvenile has committed an offense or has violated the
2 terms of a disposition order; and

3 (i) The juvenile will likely fail to appear for further
4 proceedings; or

5 (ii) Detention is required to protect the juvenile from himself
6 or herself; or

7 (iii) The juvenile is a threat to community safety; or

8 (iv) The juvenile will intimidate witnesses or otherwise
9 unlawfully interfere with the administration of justice; or

10 (v) The juvenile has committed a crime while another case was
11 pending; or

12 (b) The juvenile is a fugitive from justice; or

13 (c) The juvenile's parole has been suspended or modified; or

14 (d) The juvenile is a material witness.

15 (3) Notwithstanding subsection (2) of this section, and within
16 available funds, a juvenile who has been found guilty of one of the
17 following offenses shall be detained pending disposition: Rape in the
18 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
19 child in the first degree (RCW 9A.44.073).

20 (4) Upon a finding that members of the community have threatened
21 the health of a juvenile taken into custody, at the juvenile's
22 request the court may order continued detention pending further order
23 of the court.

24 (5) Except as provided in RCW 9.41.280, a juvenile detained under
25 this section may be released upon posting a probation bond set by the
26 court. The juvenile's parent or guardian may sign for the probation
27 bond. A court authorizing such a release shall issue an order
28 containing a statement of conditions imposed upon the juvenile and
29 shall set the date of his or her next court appearance. The court
30 shall advise the juvenile of any conditions specified in the order
31 and may at any time amend such an order in order to impose additional
32 or different conditions of release upon the juvenile or to return the
33 juvenile to custody for failing to conform to the conditions imposed.
34 In addition to requiring the juvenile to appear at the next court
35 date, the court may condition the probation bond on the juvenile's
36 compliance with conditions of release. The juvenile's parent or
37 guardian may notify the court that the juvenile has failed to conform
38 to the conditions of release or the provisions in the probation bond.
39 If the parent notifies the court of the juvenile's failure to comply
40 with the probation bond, the court shall notify the surety. As

1 provided in the terms of the bond, the surety shall provide notice to
2 the court of the offender's noncompliance. A juvenile may be released
3 only to a responsible adult or the department of (~~social and health~~
4 ~~services~~) children, youth, and families. Failure to appear on the
5 date scheduled by the court pursuant to this section shall constitute
6 the crime of bail jumping.

7 **Sec. 607.** RCW 13.40.045 and 1997 c 338 s 14 are each amended to
8 read as follows:

9 The secretary(~~(, assistant secretary,)~~) or the secretary's
10 designee shall issue arrest warrants for juveniles who escape from
11 department residential custody. The secretary(~~(, assistant~~
12 ~~secretary,)~~) or the secretary's designee may issue arrest warrants
13 for juveniles who abscond from parole supervision or fail to meet
14 conditions of parole. These arrest warrants shall authorize any law
15 enforcement, probation and parole, or peace officer of this state, or
16 any other state where the juvenile is located, to arrest the juvenile
17 and to place the juvenile in physical custody pending the juvenile's
18 return to confinement in a state juvenile rehabilitation facility.

19 **Sec. 608.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each
20 amended to read as follows:

21 (1) Any term of confinement imposed for an offense which exceeds
22 thirty days shall be served under the supervision of the department.
23 If the period of confinement imposed for more than one offense
24 exceeds thirty days but the term imposed for each offense is less
25 than thirty days, the confinement may, in the discretion of the
26 court, be served in a juvenile facility operated by or pursuant to a
27 contract with the state or a county.

28 (2) Whenever a juvenile is confined in a detention facility or is
29 committed to the department, the court may not directly order a
30 juvenile into a particular county or state facility. The juvenile
31 court administrator and the secretary(~~(, assistant secretary,)~~) or
32 the secretary's designee, as appropriate, has the sole discretion to
33 determine in which facility a juvenile should be confined or
34 committed. The counties may operate a variety of detention facilities
35 as determined by the county legislative authority subject to
36 available funds.

1 **Sec. 609.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to
2 read as follows:

3 (1) The secretary shall set a release date for each juvenile
4 committed to its custody. The release date shall be within the
5 prescribed range to which a juvenile has been committed under RCW
6 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
7 concerning offenders the department determines are eligible for the
8 juvenile offender basic training camp program. Such dates shall be
9 determined prior to the expiration of sixty percent of a juvenile's
10 minimum term of confinement included within the prescribed range to
11 which the juvenile has been committed. The secretary shall release
12 any juvenile committed to the custody of the department within four
13 calendar days prior to the juvenile's release date or on the release
14 date set under this chapter. Days spent in the custody of the
15 department shall be tolled by any period of time during which a
16 juvenile has absented himself or herself from the department's
17 supervision without the prior approval of the secretary or the
18 secretary's designee.

19 (2) The secretary shall monitor the average daily population of
20 the state's juvenile residential facilities. When the secretary
21 concludes that in-residence population of residential facilities
22 exceeds one hundred five percent of the rated bed capacity specified
23 in statute, or in absence of such specification, as specified by the
24 department in rule, the secretary may recommend reductions to the
25 governor. On certification by the governor that the recommended
26 reductions are necessary, the secretary has authority to
27 administratively release a sufficient number of offenders to reduce
28 in-residence population to one hundred percent of rated bed capacity.
29 The secretary shall release those offenders who have served the
30 greatest proportion of their sentence. However, the secretary may
31 deny release in a particular case at the request of an offender, or
32 if the secretary finds that there is no responsible custodian, as
33 determined by the department, to whom to release the offender, or if
34 the release of the offender would pose a clear danger to society. The
35 department shall notify the committing court of the release at the
36 time of release if any such early releases have occurred as a result
37 of excessive in-residence population. In no event shall an offender
38 adjudicated of a violent offense be granted release under the
39 provisions of this subsection.

1 (3)(a) Following the release of any juvenile under subsection (1)
2 of this section, the secretary may require the juvenile to comply
3 with a program of parole to be administered by the department in his
4 or her community which shall last no longer than eighteen months,
5 except that in the case of a juvenile sentenced for rape in the first
6 or second degree, rape of a child in the first or second degree,
7 child molestation in the first degree, or indecent liberties with
8 forcible compulsion, the period of parole shall be twenty-four months
9 and, in the discretion of the secretary, may be up to thirty-six
10 months when the secretary finds that an additional period of parole
11 is necessary and appropriate in the interests of public safety or to
12 meet the ongoing needs of the juvenile. A parole program is mandatory
13 for offenders released under subsection (2) of this section and for
14 offenders who receive a juvenile residential commitment sentence for
15 theft of a motor vehicle, possession of a stolen motor vehicle, or
16 taking a motor vehicle without permission 1. A juvenile adjudicated
17 for unlawful possession of a firearm, possession of a stolen firearm,
18 theft of a firearm, or drive-by shooting may participate in
19 aggression replacement training, functional family therapy, or
20 functional family parole aftercare if the juvenile meets eligibility
21 requirements for these services. The decision to place an offender in
22 an evidence-based parole program shall be based on an assessment by
23 the department of the offender's risk for reoffending upon release
24 and an assessment of the ongoing treatment needs of the juvenile. The
25 department shall prioritize available parole resources to provide
26 supervision and services to offenders at moderate to high risk for
27 reoffending.

28 (b) The secretary shall, for the period of parole, facilitate the
29 juvenile's reintegration into his or her community and to further
30 this goal shall require the juvenile to refrain from possessing a
31 firearm or using a deadly weapon and refrain from committing new
32 offenses and may require the juvenile to: (i) Undergo available
33 medical, psychiatric, drug and alcohol, sex offender, mental health,
34 and other offense-related treatment services; (ii) report as directed
35 to a parole officer and/or designee; (iii) pursue a course of study,
36 vocational training, or employment; (iv) notify the parole officer of
37 the current address where he or she resides; (v) be present at a
38 particular address during specified hours; (vi) remain within
39 prescribed geographical boundaries; (vii) submit to electronic
40 monitoring; (viii) refrain from using illegal drugs and alcohol, and

1 submit to random urinalysis when requested by the assigned parole
2 officer; (ix) refrain from contact with specific individuals or a
3 specified class of individuals; (x) meet other conditions determined
4 by the parole officer to further enhance the juvenile's reintegration
5 into the community; (xi) pay any court-ordered fines or restitution;
6 and (xii) perform community restitution. Community restitution for
7 the purpose of this section means compulsory service, without
8 compensation, performed for the benefit of the community by the
9 offender. Community restitution may be performed through public or
10 private organizations or through work crews.

11 (c) The secretary may further require up to twenty-five percent
12 of the highest risk juvenile offenders who are placed on parole to
13 participate in an intensive supervision program. Offenders
14 participating in an intensive supervision program shall be required
15 to comply with all terms and conditions listed in (b) of this
16 subsection and shall also be required to comply with the following
17 additional terms and conditions: (i) Obey all laws and refrain from
18 any conduct that threatens public safety; (ii) report at least once a
19 week to an assigned community case manager; and (iii) meet all other
20 requirements imposed by the community case manager related to
21 participating in the intensive supervision program. As a part of the
22 intensive supervision program, the secretary may require day
23 reporting.

24 (d) After termination of the parole period, the juvenile shall be
25 discharged from the department's supervision.

26 (4)(a) The department may also modify parole for violation
27 thereof. If, after affording a juvenile all of the due process rights
28 to which he or she would be entitled if the juvenile were an adult,
29 the secretary finds that a juvenile has violated a condition of his
30 or her parole, the secretary shall order one of the following which
31 is reasonably likely to effectuate the purpose of the parole and to
32 protect the public: (i) Continued supervision under the same
33 conditions previously imposed; (ii) intensified supervision with
34 increased reporting requirements; (iii) additional conditions of
35 supervision authorized by this chapter; (iv) except as provided in
36 (a)(v) and (vi) of this subsection, imposition of a period of
37 confinement not to exceed thirty days in a facility operated by or
38 pursuant to a contract with the state of Washington or any city or
39 county for a portion of each day or for a certain number of days each
40 week with the balance of the days or weeks spent under supervision;

1 (v) the secretary may order any of the conditions or may return the
2 offender to confinement for the remainder of the sentence range if
3 the offense for which the offender was sentenced is rape in the first
4 or second degree, rape of a child in the first or second degree,
5 child molestation in the first degree, indecent liberties with
6 forcible compulsion, or a sex offense that is also a serious violent
7 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
8 any of the conditions or may return the offender to confinement for
9 the remainder of the sentence range if the youth has completed the
10 basic training camp program as described in RCW 13.40.320.

11 (b) The secretary may modify parole and order any of the
12 conditions or may return the offender to confinement for up to
13 twenty-four weeks if the offender was sentenced for a sex offense as
14 defined under RCW ((9A.44.130)) 9A.44.128 and is known to have
15 violated the terms of parole. Confinement beyond thirty days is
16 intended to only be used for a small and limited number of sex
17 offenders. It shall only be used when other graduated sanctions or
18 interventions have not been effective or the behavior is so egregious
19 it warrants the use of the higher level intervention and the
20 violation: (i) Is a known pattern of behavior consistent with a
21 previous sex offense that puts the youth at high risk for reoffending
22 sexually; (ii) consists of sexual behavior that is determined to be
23 predatory as defined in RCW 71.09.020; or (iii) requires a review
24 under chapter 71.09 RCW, due to a recent overt act. The total number
25 of days of confinement for violations of parole conditions during the
26 parole period shall not exceed the number of days provided by the
27 maximum sentence imposed by the disposition for the underlying
28 offense pursuant to RCW 13.40.0357. The department shall not
29 aggregate multiple parole violations that occur prior to the parole
30 revocation hearing and impose consecutive twenty-four week periods of
31 confinement for each parole violation. The department is authorized
32 to engage in rule making pursuant to chapter 34.05 RCW, to implement
33 this subsection, including narrowly defining the behaviors that could
34 lead to this higher level intervention.

35 (c) If the department finds that any juvenile in a program of
36 parole has possessed a firearm or used a deadly weapon during the
37 program of parole, the department shall modify the parole under (a)
38 of this subsection and confine the juvenile for at least thirty days.
39 Confinement shall be in a facility operated by or pursuant to a
40 contract with the state or any county.

1 (5) A parole officer of the department of (~~social and health~~
2 ~~services~~) children, youth, and families shall have the power to
3 arrest a juvenile under his or her supervision on the same grounds as
4 a law enforcement officer would be authorized to arrest the person.

5 (6) If so requested and approved under chapter 13.06 RCW, the
6 secretary shall permit a county or group of counties to perform
7 functions under subsections (3) through (5) of this section.

8 **Sec. 610.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to
9 read as follows:

10 (1) Whenever legal custody of a child is vested in someone other
11 than his or her parents, under this chapter, and not vested in the
12 department (~~of social and health services~~), after due notice to the
13 parents or other persons legally obligated to care for and support
14 the child, and after a hearing, the court may order and decree that
15 the parent or other legally obligated person shall pay in such a
16 manner as the court may direct a reasonable sum representing in whole
17 or in part the costs of support, treatment, and confinement of the
18 child after the decree is entered.

19 (2) If the parent or other legally obligated person willfully
20 fails or refuses to pay such sum, the court may proceed against such
21 person for contempt.

22 (3) Whenever legal custody of a child is vested in the department
23 under this chapter, the parents or other persons legally obligated to
24 care for and support the child shall be liable for the costs of
25 support, treatment, and confinement of the child, in accordance with
26 the department's reimbursement of cost schedule. The department shall
27 adopt a reimbursement of cost schedule based on the costs of
28 providing such services, and shall determine an obligation based on
29 the responsible parents' or other legally obligated person's ability
30 to pay. The department is authorized to adopt additional rules as
31 appropriate to enforce this section.

32 (4) To enforce subsection (3) of this section, the department
33 shall serve on the parents or other person legally obligated to care
34 for and support the child a notice and finding of financial
35 responsibility requiring the parents or other legally obligated
36 person to appear and show cause in an adjudicative proceeding why the
37 finding of responsibility and/or the amount thereof is incorrect and
38 should not be ordered. This notice and finding shall relate to the
39 costs of support, treatment, and confinement of the child in

1 accordance with the department's reimbursement of cost schedule
2 adopted under this section, including periodic payments to be made in
3 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
4 the administrative procedure act, and the rules of the department.

5 (5) The notice and finding of financial responsibility shall be
6 served in the same manner prescribed for the service of a summons in
7 a civil action or may be served on the parent or legally obligated
8 person by certified mail, return receipt requested. The receipt shall
9 be prima facie evidence of service.

10 (6) If the parents or other legally obligated person objects to
11 the notice and finding of financial responsibility, then an
12 application for an adjudicative hearing may be filed within twenty
13 days of the date of service of the notice. If an application for an
14 adjudicative proceeding is filed, the presiding or reviewing officer
15 shall determine the past liability and responsibility, if any, of the
16 parents or other legally obligated person and shall also determine
17 the amount of periodic payments to be made in the future. If the
18 parents or other legally responsible person fails to file an
19 application within twenty days, the notice and finding of financial
20 responsibility shall become a final administrative order.

21 (7) Debts determined pursuant to this section are subject to
22 collection action without further necessity of action by a presiding
23 or reviewing officer. The department may collect the debt in
24 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
25 74.20A.070. The department shall exempt from payment parents
26 receiving adoption support under RCW (~~(74.13.100 through 74.13.145)~~)
27 74.13A.005 through 74.13A.080, parents eligible to receive adoption
28 support under RCW (~~(74.13.150)~~) 74.13A.085, and a parent or other
29 legally obligated person when the parent or other legally obligated
30 person, or such person's child, spouse, or spouse's child, was the
31 victim of the offense for which the child was committed.

32 (8) An administrative order entered pursuant to this section
33 shall supersede any court order entered prior to June 13, 1994.

34 (9) The department shall be subrogated to the right of the child
35 and his or her parents or other legally responsible person to receive
36 support payments for the benefit of the child from any parent or
37 legally obligated person pursuant to a support order established by a
38 superior court or pursuant to RCW 74.20A.055. The department's right
39 of subrogation under this section is limited to the liability
40 established in accordance with its cost schedule for support,

1 treatment, and confinement, except as addressed in subsection (10) of
2 this section.

3 (10) Nothing in this section precludes the department from
4 recouping such additional support payments from the child's parents
5 or other legally obligated person as required to qualify for receipt
6 of federal funds. The department may adopt such rules dealing with
7 liability for recoupment of support, treatment, or confinement costs
8 as may become necessary to entitle the state to participate in
9 federal funds unless such rules would be expressly prohibited by law.
10 If any law dealing with liability for recoupment of support,
11 treatment, or confinement costs is ruled to be in conflict with
12 federal requirements which are a prescribed condition of the
13 allocation of federal funds, such conflicting law is declared to be
14 inoperative solely to the extent of the conflict.

15 **Sec. 611.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8
16 are each reenacted and amended to read as follows:

17 (1) The secretary of the department of children, youth, and
18 families, with the consent of the secretary of the department of
19 corrections, has the authority to transfer a juvenile presently or
20 hereafter committed to the department of (~~social and health~~
21 ~~services~~) children, youth, and families to the department of
22 corrections for appropriate institutional placement in accordance
23 with this section.

24 (2) The secretary of the department of (~~social and health~~
25 ~~services~~) children, youth, and families may, with the consent of the
26 secretary of the department of corrections, transfer a juvenile
27 offender to the department of corrections if it is established at a
28 hearing before a review board that continued placement of the
29 juvenile offender in an institution for juvenile offenders presents a
30 continuing and serious threat to the safety of others in the
31 institution. The department of (~~social and health services~~)
32 children, youth, and families shall establish rules for the conduct
33 of the hearing, including provision of counsel for the juvenile
34 offender.

35 (3) Assaults made against any staff member at a juvenile
36 corrections institution that are reported to a local law enforcement
37 agency shall require a hearing held by the department of (~~social and~~
38 ~~health services~~) children, youth, and families review board within
39 ten judicial working days. The board shall determine whether the

1 accused juvenile offender represents a continuing and serious threat
2 to the safety of others in the institution.

3 (4) Upon conviction in a court of law for custodial assault as
4 defined in RCW 9A.36.100, the department of (~~social and health~~
5 ~~services~~) children, youth, and families review board shall conduct a
6 second hearing, within five judicial working days, to recommend to
7 the secretary of the department of (~~social and health services~~)
8 children, youth, and families that the convicted juvenile be
9 transferred to an adult correctional facility if the review board has
10 determined the juvenile offender represents a continuing and serious
11 threat to the safety of others in the institution.

12 The juvenile has the burden to show cause why the transfer to an
13 adult correctional facility should not occur.

14 (5) A juvenile offender transferred to an institution operated by
15 the department of corrections shall not remain in such an institution
16 beyond the maximum term of confinement imposed by the juvenile court.

17 (6) A juvenile offender who has been transferred to the
18 department of corrections under this section may, in the discretion
19 of the secretary of the department of (~~social and health services~~)
20 children, youth, and families and with the consent of the secretary
21 of the department of corrections, be transferred from an institution
22 operated by the department of corrections to a facility for juvenile
23 offenders deemed appropriate by the secretary.

24 **Sec. 612.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to
25 read as follows:

26 A juvenile offender ordered to serve a term of confinement with
27 the department of (~~social and health services~~) children, youth, and
28 families who is subsequently sentenced to the department of
29 corrections may, with the consent of the department of corrections,
30 be transferred by the secretary of (~~social and health services~~)
31 children, youth, and families to the department of corrections to
32 serve the balance of the term of confinement ordered by the juvenile
33 court. The juvenile and adult sentences shall be served
34 consecutively. In no case shall the secretary credit time served as a
35 result of an adult conviction against the term of confinement ordered
36 by the juvenile court.

37 **Sec. 613.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
38 read as follows:

1 (1) In no case may a juvenile offender be committed by the
2 juvenile court to the department of (~~social and health services~~)
3 children, youth, and families for placement in a juvenile
4 correctional institution beyond the juvenile offender's twenty-first
5 birthday. A juvenile may be under the jurisdiction of the juvenile
6 court or the authority of the department of (~~social and health~~
7 ~~services~~) children, youth, and families beyond the juvenile's
8 eighteenth birthday only if prior to the juvenile's eighteenth
9 birthday:

10 (a) Proceedings are pending seeking the adjudication of a
11 juvenile offense and the court by written order setting forth its
12 reasons extends jurisdiction of juvenile court over the juvenile
13 beyond his or her eighteenth birthday;

14 (b) The juvenile has been found guilty after a fact finding or
15 after a plea of guilty and an automatic extension is necessary to
16 allow for the imposition of disposition;

17 (c) Disposition has been held and an automatic extension is
18 necessary to allow for the execution and enforcement of the court's
19 order of disposition. If an order of disposition imposes commitment
20 to the department, then jurisdiction is automatically extended to
21 include a period of up to twelve months of parole, in no case
22 extending beyond the offender's twenty-first birthday; or

23 (d) While proceedings are pending in a case in which jurisdiction
24 has been transferred to the adult criminal court pursuant to RCW
25 13.04.030, the juvenile turns eighteen years of age and is
26 subsequently found not guilty of the charge for which he or she was
27 transferred, or is convicted in the adult criminal court of a lesser
28 included offense, and an automatic extension is necessary to impose
29 the disposition as required by RCW 13.04.030(1)(e)(v)(E).

30 (2) If the juvenile court previously has extended jurisdiction
31 beyond the juvenile offender's eighteenth birthday and that period of
32 extension has not expired, the court may further extend jurisdiction
33 by written order setting forth its reasons.

34 (3) In no event may the juvenile court have authority to extend
35 jurisdiction over any juvenile offender beyond the juvenile
36 offender's twenty-first birthday except for the purpose of enforcing
37 an order of restitution or penalty assessment.

38 (4) Notwithstanding any extension of jurisdiction over a person
39 pursuant to this section, the juvenile court has no jurisdiction over

1 any offenses alleged to have been committed by a person eighteen
2 years of age or older.

3 **Sec. 614.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to
4 read as follows:

5 (1) The department (~~(of social and health services)~~) may contract
6 with a community-based nonprofit organization to establish a three-
7 step transitional treatment program for gang and drug-involved
8 juvenile offenders committed to the custody of the department under
9 this chapter (~~(13.40 RCW)~~). Any such program shall provide six to
10 twenty-four months of treatment. The program shall emphasize the
11 principles of self-determination, unity, collective work and
12 responsibility, cooperative economics, and creativity. The program
13 shall be culturally relevant and appropriate and shall include:

14 (a) A culturally relevant and appropriate institution-based
15 program that provides comprehensive drug and alcohol services,
16 individual and family counseling, and a wilderness experience of
17 constructive group living, rigorous physical exercise, and academic
18 studies;

19 (b) A culturally relevant and appropriate community-based
20 structured group living program that focuses on individual goals,
21 positive community involvement, coordinated drug and alcohol
22 treatment, coordinated individual and family counseling, academic and
23 vocational training, and employment in apprenticeship, internship,
24 and entrepreneurial programs; and

25 (c) A culturally relevant and appropriate transitional group
26 living program that provides support services, academic services, and
27 coordinated individual and family counseling.

28 (2) Participation in any such program shall be on a voluntary
29 basis.

30 (3) The department shall adopt rules as necessary to implement
31 any such program.

32 **Sec. 615.** RCW 13.40.320 and 2015 3rd sp.s. c 23 s 1 are each
33 amended to read as follows:

34 (1) The department (~~(of social and health services)~~) may
35 establish a medium security juvenile offender basic training camp
36 program. This program for juvenile offenders serving a term of
37 confinement under the supervision of the department is exempt from
38 the licensing requirements of chapter 74.15 RCW.

1 (2) The department may contract under this chapter with private
2 companies, the national guard, or other federal, state, or local
3 agencies to operate the juvenile offender basic training camp.

4 (3) The juvenile offender basic training camp shall be a
5 structured and regimented model emphasizing the building up of an
6 offender's self-esteem, confidence, and discipline. The juvenile
7 offender basic training camp program shall provide participants with
8 basic education, prevocational training, work-based learning, work
9 experience, work ethic skills, conflict resolution counseling,
10 substance abuse intervention, anger management counseling, and
11 structured intensive physical training. The juvenile offender basic
12 training camp program shall have a curriculum training and work
13 schedule that incorporates a balanced assignment of these or other
14 rehabilitation and training components for no less than sixteen hours
15 per day, six days a week.

16 The department shall develop standards for the safe and effective
17 operation of the juvenile offender basic training camp program, for
18 an offender's successful program completion, and for the continued
19 after-care supervision of offenders who have successfully completed
20 the program.

21 (4) Offenders eligible for the juvenile offender basic training
22 camp option shall be those with a disposition of not more than sixty-
23 five weeks. Violent and sex offenders shall not be eligible for the
24 juvenile offender basic training camp program.

25 (5) If the court determines that the offender is eligible for the
26 juvenile offender basic training camp option, the court may recommend
27 that the department place the offender in the program. The department
28 shall evaluate the offender and may place the offender in the
29 program. The evaluation shall include, at a minimum, a risk
30 assessment developed by the department and designed to determine the
31 offender's suitability for the program. No juvenile who is assessed
32 as a high risk offender or suffers from any mental or physical
33 problems that could endanger his or her health or drastically affect
34 his or her performance in the program shall be admitted to or
35 retained in the juvenile offender basic training camp program.

36 (6) All juvenile offenders eligible for the juvenile offender
37 basic training camp sentencing option shall spend one hundred twenty
38 days of their disposition in a juvenile offender basic training camp.
39 This period may be extended for up to forty days by the secretary if
40 a juvenile offender requires additional time to successfully complete

1 the basic training camp program. If the juvenile offender's
2 activities while in the juvenile offender basic training camp are so
3 disruptive to the juvenile offender basic training camp program, as
4 determined by the secretary according to standards developed by the
5 department, as to result in the removal of the juvenile offender from
6 the juvenile offender basic training camp program, or if the offender
7 cannot complete the juvenile offender basic training camp program due
8 to medical problems, the secretary shall require that the offender be
9 committed to a juvenile institution to serve the entire remainder of
10 his or her disposition, less the amount of time already served in the
11 juvenile offender basic training camp program.

12 (7) All offenders who successfully graduate from the juvenile
13 offender basic training camp program shall spend the remainder of
14 their disposition on parole in a department juvenile rehabilitation
15 (~~administration~~) intensive aftercare program in the local
16 community. Violation of the conditions of parole is subject to
17 sanctions specified in RCW 13.40.210(4). The program shall provide
18 for the needs of the offender based on his or her progress in the
19 aftercare program as indicated by ongoing assessment of those needs
20 and progress. The intensive aftercare program shall monitor
21 postprogram juvenile offenders and assist them to successfully
22 reintegrate into the community. In addition, the program shall
23 develop a process for closely monitoring and assessing public safety
24 risks. The intensive aftercare program shall be designed and funded
25 by the department (~~of social and health services~~).

26 (8) The department shall also develop and maintain a database to
27 measure recidivism rates specific to this incarceration program. The
28 database shall maintain data on all juvenile offenders who complete
29 the juvenile offender basic training camp program for a period of two
30 years after they have completed the program. The database shall also
31 maintain data on the criminal activity, educational progress, and
32 employment activities of all juvenile offenders who participated in
33 the program.

34 **Sec. 616.** RCW 13.40.460 and 2003 c 229 s 1 are each amended to
35 read as follows:

36 The secretary(~~, assistant secretary,~~) or the secretary's
37 designee shall manage and administer the department's juvenile
38 rehabilitation responsibilities, including but not limited to the

1 operation of all state institutions or facilities used for juvenile
2 rehabilitation.

3 The secretary or (~~assistant secretary~~) the secretary's designee
4 shall:

5 (1) Prepare a biennial budget request sufficient to meet the
6 confinement and rehabilitative needs of the juvenile rehabilitation
7 program, as forecast by the office of financial management;

8 (2) Create by rule a formal system for inmate classification.
9 This classification system shall consider:

10 (a) Public safety;

11 (b) Internal security and staff safety;

12 (c) Rehabilitative resources both within and outside the
13 department;

14 (d) An assessment of each offender's risk of sexually aggressive
15 behavior as provided in RCW 13.40.470; and

16 (e) An assessment of each offender's vulnerability to sexually
17 aggressive behavior as provided in RCW 13.40.470;

18 (3) Develop agreements with local jurisdictions to develop
19 regional facilities with a variety of custody levels;

20 (4) Adopt rules establishing effective disciplinary policies to
21 maintain order within institutions;

22 (5) Develop a comprehensive diagnostic evaluation process to be
23 used at intake, including but not limited to evaluation for substance
24 addiction or abuse, literacy, learning disabilities, fetal alcohol
25 syndrome or effect, attention deficit disorder, and mental health;

26 (6) Develop placement criteria:

27 (a) To avoid assigning youth who present a moderate or high risk
28 of sexually aggressive behavior to the same sleeping quarters as
29 youth assessed as vulnerable to sexual victimization under RCW
30 13.40.470(1)(c); and

31 (b) To avoid placing a juvenile offender on parole status who has
32 been assessed as a moderate to high risk for sexually aggressive
33 behavior in a department community residential program with another
34 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
35 youth or child in need of services under chapter 13.32A RCW; and (ii)
36 not also a juvenile offender on parole status;

37 (7) Develop a plan to implement, by July 1, 1995:

38 (a) Substance abuse treatment programs for all state juvenile
39 rehabilitation facilities and institutions;

1 (b) Vocational education and instruction programs at all state
2 juvenile rehabilitation facilities and institutions; and

3 (c) An educational program to establish self-worth and
4 responsibility in juvenile offenders. This educational program shall
5 emphasize instruction in character-building principles such as:
6 Respect for self, others, and authority; victim awareness;
7 accountability; work ethics; good citizenship; and life skills; and

8 (8)(a) The (~~(juvenile rehabilitation administration)~~) department
9 shall develop uniform policies related to custodial assaults
10 consistent with RCW 72.01.045 and 9A.36.100 that are to be followed
11 in all juvenile rehabilitation (~~(administration)~~) facilities; and

12 (b) The (~~(juvenile rehabilitation administration)~~) department
13 will report assaults in accordance with the policies developed in (a)
14 of this subsection.

15 **Sec. 617.** RCW 13.40.462 and 2011 1st sp.s. c 32 s 4 are each
16 amended to read as follows:

17 (1) The department (~~(of social and health services juvenile~~
18 ~~rehabilitation administration)~~) shall establish a reinvesting in
19 youth program that awards grants to counties for implementing
20 research-based early intervention services that target juvenile
21 justice-involved youth and reduce crime, subject to the availability
22 of amounts appropriated for this specific purpose.

23 (2) Effective July 1, 2007, any county or group of counties may
24 apply for participation in the reinvesting in youth program.

25 (3) Counties that participate in the reinvesting in youth program
26 shall have a portion of their costs of serving youth through the
27 research-based intervention service models paid for with moneys from
28 the reinvesting in youth account established pursuant to RCW
29 13.40.466.

30 (4) The department (~~(of social and health services juvenile~~
31 ~~rehabilitation administration)~~) shall review county applications for
32 funding through the reinvesting in youth program and shall select the
33 counties that will be awarded grants with funds appropriated to
34 implement this program. The department, in consultation with the
35 Washington state institute for public policy, shall develop
36 guidelines to determine which counties will be awarded funding in
37 accordance with the reinvesting in youth program. At a minimum,
38 counties must meet the following criteria in order to participate in
39 the reinvesting in youth program:

1 (a) Counties must match state moneys awarded for research-based
2 early intervention services with nonstate resources that are at least
3 proportional to the expected local government share of state and
4 local government cost avoidance that would result from the
5 implementation of such services;

6 (b) Counties must demonstrate that state funds allocated pursuant
7 to this section are used only for the intervention service models
8 authorized pursuant to RCW 13.40.464;

9 (c) Counties must participate fully in the state quality
10 assurance program established in RCW 13.40.468 to ensure fidelity of
11 program implementation. If no state quality assurance program is in
12 effect for a particular selected research-based service, the county
13 must submit a quality assurance plan for state approval with its
14 grant application. Failure to demonstrate continuing compliance with
15 quality assurance plans shall be grounds for termination of state
16 funding; and

17 (d) Counties that submit joint applications must submit for
18 approval by the department (~~of social and health services juvenile~~
19 ~~rehabilitation administration~~) multicounty plans for efficient
20 program delivery.

21 **Sec. 618.** RCW 13.40.464 and 2006 c 304 s 3 are each amended to
22 read as follows:

23 (1)(a) In order to receive funding through the reinvesting in
24 youth program established pursuant to RCW 13.40.462, intervention
25 service models must meet the following minimum criteria:

26 (i) There must be scientific evidence from at least one rigorous
27 evaluation study of the specific service model that measures
28 recidivism reduction;

29 (ii) There must be evidence that the specific service model's
30 results can be replicated outside of an academic research
31 environment;

32 (iii) The evaluation or evaluations of the service model must
33 permit dollar cost estimates of both benefits and costs so that the
34 benefit-cost ratio of the model can be calculated; and

35 (iv) The public taxpayer benefits to all levels of state and
36 local government must exceed the service model costs.

37 (b) In calendar year 2006, for use beginning in fiscal year 2008,
38 the Washington state institute for public policy shall publish a list
39 of service models that are eligible for reimbursement through the

1 investing in youth program. As authorized by the board of the
2 institute and to the extent necessary to respond to new research and
3 information, the institute shall periodically update the list of
4 service models. The institute shall use the technical advisory
5 committee established in RCW 13.40.462(5) to review and provide
6 comments on the list of service models that are eligible for
7 reimbursement.

8 (2) In calendar year 2006, for use beginning in fiscal year 2008,
9 the Washington state institute for public policy shall review and
10 update the methodology for calculating cost savings resulting from
11 implementation of this program. As authorized by the board of the
12 institute and to the extent necessary to respond to new research and
13 information, the institute shall periodically further review and
14 update the methodology. As authorized by the board of the institute,
15 when the institute reviews and updates the methodology for
16 calculating cost savings, the institute shall provide an estimate of
17 savings and avoided costs resulting from this program, along with a
18 projection of future savings and avoided costs, to the appropriate
19 committees of the legislature. The institute shall use the technical
20 advisory committee established in RCW 13.40.462(5) to review and
21 provide comments on its methodology and cost calculations.

22 (3) In calendar year 2006, for use beginning in fiscal year 2008,
23 the department (~~of social and health services' juvenile~~
24 ~~rehabilitation administration~~) shall establish a distribution
25 formula to provide funding to local governments that implement
26 research-based intervention services pursuant to this program. The
27 department shall periodically update the distribution formula. The
28 distribution formula shall require that the state allocation to local
29 governments be proportional to the expected state government share of
30 state and local government cost avoidance that would result from the
31 implementation of such services based on the methodology maintained
32 by the Washington state institute for public policy pursuant to
33 subsection (2) of this section. The department shall use the
34 technical advisory committee established in RCW 13.40.462(5) to
35 review and provide comments on its proposed distribution formula.

36 (~~(4) The department of social and health services juvenile~~
37 ~~rehabilitation administration shall provide a report to the~~
38 ~~legislature on the initial cost savings calculation methodology and~~
39 ~~distribution formula by October 1, 2006.~~)

1 **Sec. 619.** RCW 13.40.466 and 2013 2nd sp.s. c 4 s 953 are each
2 amended to read as follows:

3 (1) The reinvesting in youth account is created in the state
4 treasury. Moneys in the account shall be spent only after
5 appropriation. Expenditures from the account may be used to reimburse
6 local governments for the implementation of the reinvesting in youth
7 program established in RCW 13.40.462 and 13.40.464. During the
8 2013-2015 fiscal biennium, the legislature may appropriate moneys
9 from the reinvesting in youth account for juvenile rehabilitation
10 purposes.

11 (2) Revenues to the reinvesting in youth account consist of
12 revenues appropriated to or deposited in the account.

13 (3) The department (~~(of social and health services juvenile~~
14 ~~rehabilitation administration)~~) shall review and monitor the
15 expenditures made by any county or group of counties that is funded,
16 in whole or in part, with funds provided through the reinvesting in
17 youth account. Counties shall repay any funds that are not spent in
18 accordance with RCW 13.40.462 and 13.40.464.

19 **Sec. 620.** RCW 13.40.468 and 2006 c 304 s 6 are each amended to
20 read as follows:

21 The department (~~(of social and health services juvenile~~
22 ~~rehabilitation administration)~~) shall establish a state quality
23 assurance program. The (~~(juvenile rehabilitation administration)~~)
24 department shall monitor the implementation of intervention services
25 funded pursuant to RCW 13.40.466 and shall evaluate adherence to
26 service model design and service completion rate.

27 **Sec. 621.** RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each
28 amended to read as follows:

29 (1) In order to receive funds under RCW 13.40.500 through
30 13.40.540, local governments may, through their respective agencies
31 that administer funding for consolidated juvenile services, submit
32 proposals that establish community juvenile accountability programs
33 within their communities. These proposals must be submitted to the
34 (~~(juvenile rehabilitation administration of the)~~) department (~~(of~~
35 ~~social and health services)~~) for certification.

36 (2) The proposals must:

1 (a) Demonstrate that the proposals were developed with the input
2 of the local law and justice councils established under RCW
3 72.09.300;

4 (b) Describe how local community groups or members are involved
5 in the implementation of the programs funded under RCW 13.40.500
6 through 13.40.540;

7 (c) Include a description of how the grant funds will contribute
8 to the expected outcomes of the program and the reduction of youth
9 violence and juvenile crime in their community. Data approaches are
10 not required to be replicated if the networks have information that
11 addresses risks in the community for juvenile offenders.

12 (3) A local government receiving a grant under this section shall
13 agree that any funds received must be used efficiently to encourage
14 the use of community-based programs that reduce the reliance on
15 secure confinement as the sole means of holding juvenile offenders
16 accountable for their crimes. The local government shall also agree
17 to account for the expenditure of all funds received under the grant
18 and to submit to audits for compliance with the grant criteria
19 developed under RCW 13.40.520.

20 (4) The (~~juvenile rehabilitation administration~~) department, in
21 consultation with the Washington association of juvenile court
22 administrators and the state law and justice advisory council, shall
23 establish guidelines for programs that may be funded under RCW
24 13.40.500 through 13.40.540. The guidelines must:

25 (a) Target diverted and adjudicated juvenile offenders;

26 (b) Include assessment methods to determine services, programs,
27 and intervention strategies most likely to change behaviors and norms
28 of juvenile offenders;

29 (c) Provide maximum structured supervision in the community.
30 Programs should use natural surveillance and community guardians such
31 as employers, relatives, teachers, clergy, and community mentors to
32 the greatest extent possible;

33 (d) Promote good work ethic values and educational skills and
34 competencies necessary for the juvenile offender to function
35 effectively and positively in the community;

36 (e) Maximize the efficient delivery of treatment services aimed
37 at reducing risk factors associated with the commission of juvenile
38 offenses;

39 (f) Maximize the reintegration of the juvenile offender into the
40 community upon release from confinement;

1 (g) Maximize the juvenile offender's opportunities to make full
2 restitution to the victims and amends to the community;

3 (h) Support and encourage increased court discretion in imposing
4 community-based intervention strategies;

5 (i) Be compatible with research that shows which prevention and
6 early intervention strategies work with juvenile offenders;

7 (j) Be outcome-based in that it describes what outcomes will be
8 achieved or what outcomes have already been achieved;

9 (k) Include an evaluation component; and

10 (l) Recognize the diversity of local needs.

11 (5) The state law and justice advisory council may provide
12 support and technical assistance to local governments for training
13 and education regarding community-based prevention and intervention
14 strategies.

15 **Sec. 622.** RCW 13.40.520 and 1997 c 338 s 62 are each amended to
16 read as follows:

17 (1) The state may make grants to local governments for the
18 provision of community-based programs for juvenile offenders. The
19 grants must be made under a grant formula developed by the ((juvenile
20 rehabilitation administration)) department, in consultation with the
21 Washington association of juvenile court administrators.

22 (2) Upon certification by the ((juvenile rehabilitation
23 administration)) department that a proposal satisfies the application
24 and selection criteria, grant funds will be distributed to the local
25 government agency that administers funding for consolidated juvenile
26 services.

27 **Sec. 623.** RCW 13.40.540 and 1997 c 338 s 64 are each amended to
28 read as follows:

29 (1) Each community juvenile accountability program approved and
30 funded under RCW 13.40.500 through 13.40.540 shall comply with the
31 information collection requirements in subsection (2) of this section
32 and the reporting requirements in subsection (3) of this section.

33 (2) The information collected by each community juvenile
34 accountability program must include, at a minimum for each juvenile
35 participant: (a) The name, date of birth, gender, social security
36 number, and, when available, the juvenile information system (JUVIS)
37 control number; (b) an initial intake assessment of each juvenile
38 participating in the program; (c) a list of all juveniles who

1 completed the program; and (d) an assessment upon completion or
2 termination of each juvenile, including outcomes and, where
3 applicable, reasons for termination.

4 (3) The (~~juvenile rehabilitation administration~~) department
5 shall annually compile the data and report to the legislature on: (a)
6 The programs funded under RCW 13.40.500 through 13.40.540; (b) the
7 total cost for each funded program and cost per juvenile; and (c) the
8 essential elements of the program.

9 **Sec. 624.** RCW 13.40.560 and 1999 c 182 s 1 are each amended to
10 read as follows:

11 The juvenile accountability incentive account is created in the
12 custody of the state treasurer. Federal awards for juvenile
13 accountability incentives received by the secretary of the department
14 (~~of social and health services~~) shall be deposited into the
15 account. Interest earned from the inception of the trust account
16 shall be deposited in the account. Expenditures from the account may
17 be used only for the purposes specified in the federal award or
18 awards. Moneys in the account may be spent only after appropriation.

19 **Sec. 625.** RCW 74.14A.030 and 1983 c 192 s 3 are each amended to
20 read as follows:

21 The department of children, youth, and families shall address the
22 needs of juvenile offenders whose standard range sentences do not
23 include commitment by developing nonresidential community-based
24 programs designed to reduce the incidence of manifest injustice
25 commitments when consistent with public safety.

26 **Sec. 626.** RCW 74.14A.040 and 1983 c 192 s 4 are each amended to
27 read as follows:

28 The department of children, youth, and families shall involve a
29 juvenile offender's family as a unit in the treatment process. The
30 department need not involve the family as a unit in cases when family
31 ties have by necessity been irrevocably broken. When the natural
32 parents have been or will be replaced by a foster family or guardian,
33 the new family will be involved in the treatment process.

34 **Sec. 627.** RCW 72.01.045 and 2002 c 77 s 1 are each amended to
35 read as follows:

1 (1) For purposes of this section only, "assault" means an
2 unauthorized touching of an employee by a resident, patient, or
3 juvenile offender resulting in physical injury to the employee.

4 (2) In recognition of the hazardous nature of employment in state
5 institutions, the legislature hereby provides a supplementary program
6 to reimburse employees of the department of social and health
7 services, the department of natural resources, the department of
8 children, youth, and families, and the department of veterans affairs
9 for some of their costs attributable to their being the victims of
10 assault by residents, patients, or juvenile offenders. This program
11 shall be limited to the reimbursement provided in this section.

12 (3) An employee is only entitled to receive the reimbursement
13 provided in this section if the secretary of social and health
14 services, the commissioner of public lands, the secretary of the
15 department of children, youth, and families, or the director of the
16 department of veterans affairs, or the secretary's, commissioner's,
17 or director's designee, finds that each of the following has
18 occurred:

19 (a) A resident or patient has assaulted the employee and as a
20 result thereof the employee has sustained demonstrated physical
21 injuries which have required the employee to miss days of work;

22 (b) The assault cannot be attributable to any extent to the
23 employee's negligence, misconduct, or failure to comply with any
24 rules or conditions of employment; and

25 (c) The department of labor and industries has approved the
26 employee's workers' compensation application pursuant to chapter
27 51.32 RCW.

28 (4) The reimbursement authorized under this section shall be as
29 follows:

30 (a) The employee's accumulated sick leave days shall not be
31 reduced for the workdays missed;

32 (b) For each workday missed for which the employee is not
33 eligible to receive compensation under chapter 51.32 RCW, the
34 employee shall receive full pay; and

35 (c) In respect to workdays missed for which the employee will
36 receive or has received compensation under chapter 51.32 RCW, the
37 employee shall be reimbursed in an amount which, when added to that
38 compensation, will result in the employee receiving full pay for the
39 workdays missed.

1 (5) Reimbursement under this section may not last longer than
2 three hundred sixty-five consecutive days after the date of the
3 injury.

4 (6) The employee shall not be entitled to the reimbursement
5 provided in subsection (4) of this section for any workday for which
6 the secretary, commissioner, director, or applicable designee, finds
7 that the employee has not diligently pursued his or her compensation
8 remedies under chapter 51.32 RCW.

9 (7) The reimbursement shall only be made for absences which the
10 secretary, commissioner, director, or applicable designee believes
11 are justified.

12 (8) While the employee is receiving reimbursement under this
13 section, he or she shall continue to be classified as a state
14 employee and the reimbursement amount shall be considered as salary
15 or wages.

16 (9) All reimbursement payments required to be made to employees
17 under this section shall be made by the employing department. The
18 payments shall be considered as a salary or wage expense and shall be
19 paid by the department in the same manner and from the same
20 appropriations as other salary and wage expenses of the department.

21 (10) Should the legislature revoke the reimbursement authorized
22 under this section or repeal this section, no affected employee is
23 entitled thereafter to receive the reimbursement as a matter of
24 contractual right.

25 **Sec. 628.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to
26 read as follows:

27 (1) The secretary of social and health services shall have full
28 power to manage and govern the following public institutions: The
29 western state hospital, the eastern state hospital, the northern
30 state hospital, (~~the state training school, the state school for~~
31 ~~girls,~~) Lakeland Village, the Rainier school, and such other
32 institutions as authorized by law, subject only to the limitations
33 contained in laws relating to the management of such institutions.

34 (2) The secretary of corrections shall have full power to manage,
35 govern, and name all state correctional facilities, subject only to
36 the limitations contained in laws relating to the management of such
37 institutions.

38 (3) If any state correctional facility is fully or partially
39 destroyed by natural causes or otherwise, the secretary of

1 corrections may, with the approval of the governor, provide for the
2 establishment and operation of additional residential correctional
3 facilities to place those inmates displaced by such destruction.
4 However, such additional facilities may not be established if there
5 are existing residential correctional facilities to which all of the
6 displaced inmates can be appropriately placed. The establishment and
7 operation of any additional facility shall be on a temporary basis,
8 and the facility may not be operated beyond July 1 of the year
9 following the year in which it was partially or fully destroyed.

10 (4) The secretary of the department of children, youth, and
11 families shall have full power to manage and govern Echo Glen, the
12 Green Hill school, and such other institutions as authorized by law,
13 subject only to the limitations contained in laws relating to the
14 management of such institutions.

15 **Sec. 629.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each
16 amended to read as follows:

17 Motion pictures unrated after November 1968 or rated R, X, or
18 NC-17 by the motion picture association of America shall not be shown
19 in juvenile detention facilities or facilities operated by the
20 (~~division of juvenile rehabilitation in the~~) department of (~~social~~
21 ~~and health services~~) children, youth, and families.

22 **Sec. 630.** RCW 72.09.337 and 2001 2nd sp.s. c 12 s 502 are each
23 amended to read as follows:

24 The secretary of corrections, the secretary of social and health
25 services, the secretary of children, youth, and families, and the
26 indeterminate sentence review board may adopt rules to implement
27 chapter 12, Laws of 2001 2nd sp. sess.

28 PART VII

29 TRANSFER OF CHILDREN AND YOUTH RESIDENTIAL AND CUSTODIAL SERVICES

30 **Sec. 701.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to
31 read as follows:

32 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To
33 provide for every child with behavior problems, mentally and
34 physically handicapped persons, and hearing and visually impaired
35 children, within the purview of RCW 72.05.010 through 72.05.210, as
36 now or hereafter amended, such care, guidance and instruction,

1 control and treatment as will best serve the welfare of the child or
2 person and society; to insure nonpolitical and qualified operation,
3 supervision, management, and control of the Green Hill school, (~~the~~
4 ~~Maple Lane school,~~) the Naselle Youth Camp, (~~the Mission Creek~~
5 ~~Youth Camp,~~) Echo Glen, (~~the Cascadia Diagnostic Center,~~) Lakeland
6 Village, Rainier school, the Yakima Valley school, (~~Interlake~~
7 ~~school,~~) Fircrest school, (~~the Francis Haddon Morgan Center,~~) the
8 Child Study and Treatment Center and Secondary School of western
9 state hospital, and like residential state schools, camps, and
10 centers hereafter established(~~, and to place them under the~~
11 ~~department of social and health services except where specified~~
12 ~~otherwise~~)); and to provide for the persons committed or admitted to
13 those schools that type of care, instruction, and treatment most
14 likely to accomplish their rehabilitation and restoration to normal
15 citizenship.

16 (2) To further such purposes, Green Hill School, Echo Glen,
17 Naselle Youth Camp, and such other juvenile rehabilitation
18 facilities, as may hereafter be established, are placed under the
19 department of children, youth, and families; Lakeland Village,
20 Rainier school, the Yakima Valley school, Fircrest school, the Child
21 Study and Treatment Center and Secondary School of western state
22 hospital, and like residential state schools, camps, and centers,
23 hereafter established, are placed under the department of social and
24 health services.

25 **Sec. 702.** RCW 72.05.020 and 2010 c 181 s 7 are each amended to
26 read as follows:

27 As used in this chapter, unless the context requires otherwise:

28 (1) "Community facility" means a group care facility operated for
29 the care of juveniles committed to the department under RCW
30 13.40.185. A county detention facility that houses juveniles
31 committed to the department under RCW 13.40.185 pursuant to a
32 contract with the department is not a community facility.

33 (2) "Department" means the department of (~~social and health~~
34 ~~services~~) children, youth, and families.

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

1 (4) "Labor" means the period of time before a birth during which
2 contractions are of sufficient frequency, intensity, and duration to
3 bring about effacement and progressive dilation of the cervix.

4 (5) "Physical restraint" means the use of any bodily force or
5 physical intervention to control an offender or limit a juvenile
6 offender's freedom of movement in a way that does not involve a
7 mechanical restraint. Physical restraint does not include momentary
8 periods of minimal physical restriction by direct person-to-person
9 contact, without the aid of mechanical restraint, accomplished with
10 limited force and designed to:

11 (a) Prevent a juvenile offender from completing an act that would
12 result in potential bodily harm to self or others or damage property;

13 (b) Remove a disruptive juvenile offender who is unwilling to
14 leave the area voluntarily; or

15 (c) Guide a juvenile offender from one location to another.

16 (6) "Postpartum recovery" means (a) the entire period a youth is
17 in the hospital, birthing center, or clinic after giving birth and
18 (b) an additional time period, if any, a treating physician
19 determines is necessary for healing after the youth leaves the
20 hospital, birthing center, or clinic.

21 (7) "Restraints" means anything used to control the movement of a
22 person's body or limbs and includes:

23 (a) Physical restraint; or

24 (b) Mechanical device including but not limited to: Metal
25 handcuffs, plastic ties, ankle restraints, leather cuffs, other
26 hospital-type restraints, tasers, or batons.

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

28 (9) "Service provider" means the entity that operates a community
29 facility.

30 ~~((+9))~~ (10) "Transportation" means the conveying, by any means,
31 of an incarcerated pregnant woman or youth from the institution or
32 community facility to another location from the moment she leaves the
33 institution or community facility to the time of arrival at the other
34 location, and includes the escorting of the pregnant incarcerated
35 woman or youth from the institution or community facility to a
36 transport vehicle and from the vehicle to the other location.

37 **Sec. 703.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to
38 read as follows:

1 The department of social and health services and the department
2 of children, youth, and families shall establish, maintain, operate
3 and administer a comprehensive program for the custody, care,
4 education, treatment, instruction, guidance, control, and
5 rehabilitation of all persons who may be committed or admitted to
6 institutions, schools, or other facilities (~~controlled and operated~~
7 ~~by the department~~), placed under the control of each, except for the
8 programs of education provided pursuant to RCW 28A.190.030 through
9 28A.190.050 which shall be established, operated, and administered by
10 the school district conducting the program, and in order to
11 accomplish these purposes, the powers and duties of the secretary of
12 the department of social and health services and the secretary of the
13 department of children, youth, and families for the institutions
14 placed under the respective department shall include the following:

15 (1) The assembling, analyzing, tabulating, and reproduction in
16 report form, of statistics and other data with respect to children
17 with behavior problems in the state of Washington, including, but not
18 limited to, the extent, kind, and causes of such behavior problems in
19 the different areas and population centers of the state. Such reports
20 shall not be open to public inspection, but shall be open to the
21 inspection of the governor and to the superior court judges of the
22 state of Washington.

23 (2) The establishment and supervision of diagnostic facilities
24 and services in connection with the custody, care, and treatment of
25 mentally and physically handicapped, and behavior problem children
26 who may be committed or admitted to any of the institutions, schools,
27 or facilities controlled and operated by the department, or who may
28 be referred for such diagnosis and treatment by any superior court of
29 this state. Such diagnostic services may be established in connection
30 with, or apart from, any other state institution under the
31 supervision and direction of the secretary of the department of
32 social and health services or the secretary of the department of
33 children, youth, and families. Such diagnostic services shall be
34 available to the superior courts of the state for persons referred
35 for such services by them prior to commitment, or admission to, any
36 school, institution, or other facility. Such diagnostic services
37 shall also be available to other departments of the state. When the
38 secretary of the department of social and health services or the
39 secretary of the department of children, youth, and families
40 determines it necessary, the secretary of the department of social

1 and health services or the secretary of the department of children,
2 youth, and families may create waiting lists and set priorities for
3 use of diagnostic services for juvenile offenders on the basis of
4 those most severely in need.

5 (3) The supervision of all persons committed or admitted to any
6 institution, school, or other facility operated by the department of
7 social and health services or the department of children, youth, and
8 families, and the transfer of such persons from any such institution,
9 school, or facility to any other such school, institution, or
10 facility: PROVIDED, That where a person has been committed to a
11 minimum security institution, school, or facility by any of the
12 superior courts of this state, a transfer to a close security
13 institution shall be made only with the consent and approval of such
14 court.

15 (4) The supervision of parole, discharge, or other release, and
16 the post-institutional placement of all persons committed to Green
17 Hill school (~~and Maple Lane school~~), or such as may be assigned,
18 paroled, or transferred therefrom to other facilities operated by the
19 department. Green Hill school (~~and Maple Lane school are~~) is hereby
20 designated as a "close security" institution(~~s~~) to which shall be
21 given the custody of children with the most serious behavior
22 problems.

23 **Sec. 704.** RCW 72.05.154 and 2012 c 117 s 460 are each amended to
24 read as follows:

25 From and after July 1, 1973, any inmate working in a juvenile
26 forest camp established and operated pursuant to RCW 72.05.150,
27 pursuant to an agreement between the department of (~~social and~~
28 ~~health services~~) children, youth, and families and the department of
29 natural resources shall be eligible for the benefits provided by
30 Title 51 RCW, as now or hereafter amended, relating to industrial
31 insurance, with the exceptions provided by this section.

32 No inmate as described in RCW 72.05.152, until released upon an
33 order of parole by the department of (~~social and health services~~)
34 children, youth, and families, or discharged from custody upon
35 expiration of sentence, or discharged from custody by order of a
36 court of appropriate jurisdiction, or his or her dependents or
37 beneficiaries, shall be entitled to any payment for temporary
38 disability or permanent total disability as provided for in RCW
39 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or

1 to the benefits of chapter 51.36 RCW relating to medical aid:
2 PROVIDED, That RCW 72.05.152 and (~~72.05.154~~) this section shall not
3 affect the eligibility, payment or distribution of benefits for any
4 industrial injury to the inmate which occurred prior to his or her
5 existing commitment to the department of (~~social and health~~
6 ~~services~~) children, youth, and families.

7 Any and all premiums or assessments as may arise under this
8 section pursuant to the provisions of Title 51 RCW shall be the
9 obligation of and be paid by the state department of natural
10 resources.

11 **Sec. 705.** RCW 72.05.415 and 1998 c 269 s 9 are each amended to
12 read as follows:

13 (1) (~~Promptly following the report due under section 17, chapter~~
14 ~~269, Laws of 1998,~~) The secretary shall develop a process with local
15 governments that allows each community to establish a community
16 placement oversight committee. The department may conduct community
17 awareness activities. The community placement oversight committees
18 developed pursuant to this section shall be implemented no later than
19 September 1, 1999.

20 (2) The community placement oversight committees may review and
21 make recommendations regarding the placement of any juvenile who the
22 secretary proposes to place in the community facility.

23 (3) The community placement oversight committees, their members,
24 and any agency represented by a member shall not be liable in any
25 cause of action as a result of its decision in regard to a proposed
26 placement of a juvenile unless the committee acts with gross
27 negligence or bad faith in making a placement decision.

28 (4) Members of the committee shall be reimbursed for travel
29 expenses as provided in RCW 43.03.050 and 43.03.060.

30 (5) Except as provided in RCW 13.40.215, at least seventy-two
31 hours prior to placing a juvenile in a community facility the
32 secretary shall provide to the chief law enforcement officer of the
33 jurisdiction in which the community facility is sited: (a) The name
34 of the juvenile; (b) the juvenile's criminal history; and (c) such
35 other relevant and disclosable information as the law enforcement
36 officer may require.

37 **Sec. 706.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
38 read as follows:

1 (1) The department shall establish by rule a policy for the
2 common use of residential group homes for juvenile offenders under
3 the jurisdiction of the (~~juvenile rehabilitation administration and~~
4 ~~the children's administration~~) department.

5 (2) A juvenile confined under the jurisdiction of the (~~juvenile~~
6 ~~rehabilitation administration~~) department who is convicted of a
7 class A felony is not eligible for placement in a community facility
8 operated by (~~children's administration~~) the department that houses
9 juveniles (~~who are not under the jurisdiction of juvenile~~
10 ~~rehabilitation administration~~) under the department's care pursuant
11 to a dependency proceeding under chapter 13.34 RCW unless:

12 (a) The juvenile is housed in a separate living unit solely for
13 juvenile offenders;

14 (b) The community facility is a specialized treatment program and
15 the youth is not assessed as sexually aggressive under RCW 13.40.470;
16 or

17 (c) The community facility is a specialized treatment program
18 that houses one or more sexually aggressive youth and the juvenile is
19 not assessed as sexually vulnerable under RCW 13.40.470.

20 **Sec. 707.** RCW 72.05.440 and 1998 c 269 s 16 are each amended to
21 read as follows:

22 (1) A person shall not be eligible for an employed or volunteer
23 position within the (~~juvenile rehabilitation administration~~)
24 department of children, youth, and families or any agency with which
25 it contracts in which the person may have regular access to juveniles
26 under the jurisdiction of the department of (~~social and health~~
27 ~~services~~) children, youth, and families or the department of
28 corrections if the person has been convicted of one or more of the
29 following:

30 (a) Any felony sex offense;

31 (b) Any violent offense, as defined in RCW 9.94A.030.

32 (2) Subsection (1) of this section applies only to persons hired
33 by the department or any of its contracting agencies after September
34 1, 1998.

35 (3) Any person employed by the (~~juvenile rehabilitation~~
36 ~~administration~~) department of children, youth, and families, or by
37 any contracting agency, who may have regular access to juveniles
38 under the jurisdiction of the department of children, youth, and
39 families or the department of corrections and who is convicted of an

1 offense set forth in this section after September 1, 1998, shall
2 report the conviction to his or her supervisor. The report must be
3 made within seven days of conviction. Failure to report within seven
4 days of conviction constitutes misconduct under Title 50 RCW.

5 (4) For purposes of this section "may have regular access to
6 juveniles" means access for more than a nominal amount of time.

7 (5) The department shall adopt rules to implement this section.

8 **Sec. 708.** RCW 72.19.010 and 1979 c 141 s 222 are each amended to
9 read as follows:

10 There is hereby established under the supervision and control of
11 the secretary of (~~social and health services~~) children, youth, and
12 families a correctional institution for the confinement and
13 rehabilitation of juveniles committed by the juvenile courts to the
14 department of (~~social and health services~~) children, youth, and
15 families. Such institution shall be situated upon publicly owned
16 lands within King county, under the supervision of the department of
17 natural resources, which land is located in the vicinity of Echo Lake
18 and more particularly situated in Section 34, Township 24 North,
19 Range 7 East W.M. and that portion of Section 3, Township 23 North,
20 Range 7 East W.M. lying north of U.S. Highway 10, together with
21 necessary access routes thereto, all of which tract is leased by the
22 department of natural resources to the department of (~~social and~~
23 ~~health services~~) children, youth, and families for the establishment
24 and construction of the correctional institution authorized and
25 provided for in this chapter.

26 **Sec. 709.** RCW 72.19.020 and 1979 c 141 s 223 are each amended to
27 read as follows:

28 The secretary of children, youth, and families may make, amend,
29 and repeal rules (~~and regulations~~) for the administration of the
30 juvenile correctional institution established by this chapter in
31 furtherance of the provisions of this chapter and not inconsistent
32 with law.

33 **Sec. 710.** RCW 72.19.030 and 1983 1st ex.s. c 41 s 27 are each
34 amended to read as follows:

35 The superintendent of the correctional institution established by
36 this chapter shall be appointed by the secretary of children, youth,
37 and families.

1 **Sec. 711.** RCW 72.19.040 and 2012 c 117 s 461 are each amended to
2 read as follows:

3 The superintendent, subject to the approval of the secretary of
4 children, youth, and families, shall appoint such associate
5 superintendents as shall be deemed necessary. In the event the
6 superintendent shall be absent from the institution, or during
7 periods of illness or other situations incapacitating the
8 superintendent from properly performing his or her duties, one of the
9 associate superintendents of such institution shall act as
10 superintendent during such period of absence, illness, or incapacity
11 as may be designated by the secretary of children, youth, and
12 families.

13 **Sec. 712.** RCW 72.19.050 and 1993 c 281 s 65 are each amended to
14 read as follows:

15 The superintendent shall have the following powers, duties and
16 responsibilities:

17 (1) Subject to the rules of the department of children, youth,
18 and families, the superintendent shall have the supervision and
19 management of the institution, of the grounds and buildings, the
20 subordinate officers and employees, and of the juveniles received at
21 such institution and the custody of such persons until released or
22 transferred as provided by law.

23 (2) Subject to the rules of the department of children, youth,
24 and families and the (~~Washington personnel resources board~~) office
25 of financial management, appoint all subordinate officers and
26 employees.

27 (3) The superintendent shall be the custodian of the personal
28 property of all juveniles in the institution and shall make rules
29 governing the accounting and disposition of all moneys received by
30 such juveniles, not inconsistent with the law, and subject to the
31 approval of the secretary of the department of children, youth, and
32 families.

33 **Sec. 713.** RCW 72.19.060 and 1979 c 141 s 227 are each amended to
34 read as follows:

35 The plans and construction of the juvenile correctional
36 institution established by this chapter shall provide for adequate
37 separation of the residential housing of the male juvenile from the
38 female juvenile. In all other respects, the juvenile correctional

1 programs for both boys and girls may be combined or separated as the
2 secretary of children, youth, and families deems most reasonable and
3 effective to accomplish the reformation, training and rehabilitation
4 of the juvenile offender, realizing all possible economies from the
5 lack of necessity for duplication of facilities.

6 **Sec. 714.** RCW 72.72.030 and 1991 sp.s. c 13 s 10 are each
7 amended to read as follows:

8 (1) There is hereby created, in the state treasury, an
9 institutional impact account. The secretary of (~~social and health~~
10 ~~services~~) children, youth, and families may reimburse political
11 subdivisions for criminal justice costs incurred directly as a result
12 of crimes committed by offenders residing in an institution as
13 defined herein under the jurisdiction of the secretary of (~~social~~
14 ~~and health services~~) children, youth, and families. Such
15 reimbursement shall be made to the extent funds are available from
16 the institutional impact account. Reimbursements shall be limited to
17 law enforcement, prosecutorial, judicial, and jail facilities costs
18 which are documented to be strictly related to the criminal
19 activities of the offender.

20 (2) The secretary of corrections may reimburse political
21 subdivisions for criminal justice costs incurred directly as a result
22 of crimes committed by offenders residing in an institution as
23 defined herein under the jurisdiction of the secretary of
24 corrections. Such reimbursement shall be made to the extent funds are
25 available from the institutional impact account. Reimbursements shall
26 be limited to law enforcement, prosecutorial, judicial, and jail
27 facilities costs which are documented to be strictly related to the
28 criminal activities of the offender.

29 **Sec. 715.** RCW 72.72.040 and 1983 c 279 s 3 are each amended to
30 read as follows:

31 (1) The secretary of (~~social and health services~~) children,
32 youth, and families and the secretary of corrections shall each
33 promulgate rules pursuant to chapter 34.05 RCW regarding the
34 reimbursement process for their respective agencies.

35 (2) Reimbursement shall not be made if otherwise provided
36 pursuant to other provisions of state law.

1 **Sec. 716.** RCW 13.06.020 and 1983 c 191 s 2 are each amended to
2 read as follows:

3 From any state moneys made available for such purpose, the state
4 of Washington, through the department of (~~social and health~~
5 ~~services~~) children, youth, and families, shall, in accordance with
6 this chapter and applicable departmental rules, share in the cost of
7 providing services to juveniles.

8 **Sec. 717.** RCW 13.06.030 and 1983 c 191 s 3 are each amended to
9 read as follows:

10 The department of (~~social and health services~~) children, youth,
11 and families shall adopt rules prescribing minimum standards for the
12 operation of consolidated juvenile services programs for juvenile
13 offenders and such other rules as may be necessary for the
14 administration of the provisions of this chapter. Consolidated
15 juvenile services is a mechanism through which the department of
16 (~~social and health services~~) children, youth, and families supports
17 local county comprehensive program plans in providing services to
18 offender groups. Standards shall be sufficiently flexible to support
19 current programs which have demonstrated effectiveness and
20 efficiency, to foster development of innovative and improved services
21 for juvenile offenders, to permit direct contracting with private
22 vendors, and to encourage community support for and assistance to
23 local programs. The secretary of (~~social and health services~~)
24 children, youth, and families shall seek advice from appropriate
25 juvenile justice system participants in developing standards and
26 procedures for the operation of consolidated juvenile services
27 programs and the distribution of funds under this chapter.

28 **Sec. 718.** RCW 13.06.040 and 1983 c 191 s 4 are each amended to
29 read as follows:

30 Any county or group of counties may make application to the
31 department of (~~social and health services~~) children, youth, and
32 families in the manner and form prescribed by the department for
33 financial aid for the cost of consolidated juvenile services
34 programs. Any such application must include a plan or plans for
35 providing consolidated services to juvenile offenders in accordance
36 with standards of the department.

1 **Sec. 719.** RCW 13.06.050 and 1993 c 415 s 7 are each amended to
2 read as follows:

3 No county shall be entitled to receive any state funds provided
4 by this chapter until its application and plan are approved, and
5 unless and until the minimum standards prescribed by the department
6 of (~~social and health services~~) children, youth, and families are
7 complied with and then only on such terms as are set forth in this
8 section. In addition, any county making application for state funds
9 under this chapter that also operates a juvenile detention facility
10 must have standards of operations in place that include: Intake and
11 admissions, medical and health care, communication, correspondence,
12 visiting and telephone use, security and control, sanitation and
13 hygiene, juvenile rights, rules and discipline, property, juvenile
14 records, safety and emergency procedures, programming, release and
15 transfer, training and staff development, and food service.

16 (1) The distribution of funds to a county or a group of counties
17 shall be based on criteria including but not limited to the county's
18 per capita income, regional or county at-risk populations, juvenile
19 crime or arrest rates, rates of poverty, size of racial minority
20 populations, existing programs, and the effectiveness and efficiency
21 of consolidating local programs towards reducing commitments to state
22 correctional facilities for offenders whose standard range
23 disposition does not include commitment of the offender to the
24 department and reducing reliance on other traditional departmental
25 services.

26 (2) The secretary of children, youth, and families will reimburse
27 a county upon presentation and approval of a valid claim pursuant to
28 the provisions of this chapter based on actual performance in meeting
29 the terms and conditions of the approved plan and contract. Funds
30 received by participating counties under this chapter shall not be
31 used to replace local funds for existing programs.

32 (3) The secretary of children, youth, and families, in
33 conjunction with the human rights commission, shall evaluate the
34 effectiveness of programs funded under this chapter in reducing
35 racial disproportionality. The secretary shall investigate whether
36 implementation of such programs has reduced disproportionality in
37 counties with initially high levels of disproportionality. The
38 analysis shall indicate which programs are cost-effective in reducing
39 disproportionality in such areas as alternatives to detention, intake
40 and risk assessment standards pursuant to RCW 13.40.038, alternatives

1 to incarceration, and in the prosecution and adjudication of
2 juveniles. The secretary shall report his or her findings to the
3 legislature by (~~December 1, 1994, and~~) December 1st of each year
4 (~~thereafter~~).

5 **Sec. 720.** RCW 28A.190.010 and 2014 c 157 s 2 are each amended to
6 read as follows:

7 A program of education shall be provided for by the department of
8 (~~social and health services~~) children, youth, and families and the
9 several school districts of the state for common school-age persons
10 who have been admitted to facilities staffed and maintained or
11 contracted pursuant to RCW 13.40.320 by the department of (~~social
12 and health services~~) children, youth, and families for the education
13 and treatment of juveniles who have been diverted or who have been
14 found to have committed a juvenile offense. The division of duties,
15 authority, and liabilities of the department of (~~social and health
16 services~~) children, youth, and families and the several school
17 districts of the state respecting the educational programs shall be
18 the same in all respects as set forth in this chapter respecting
19 programs of education for state residential school residents. For the
20 purposes of this section, the term "residential school" or "schools"
21 as used in this chapter shall be construed to mean a facility staffed
22 and maintained by the department of (~~social and health services~~)
23 children, youth, and families or a program established under RCW
24 13.40.320, for the education and treatment of juvenile offenders on
25 probation or parole. Nothing in this section shall prohibit a school
26 district from utilizing the services of an educational service
27 district subject to RCW 28A.310.180.

28 **Sec. 721.** RCW 28A.190.020 and 2014 c 157 s 3 are each amended to
29 read as follows:

30 The term "residential school" as used in this chapter and RCW
31 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, (~~Maple
32 Lane school,~~) Naselle Youth Camp, (~~Cedar Creek Youth Camp, Mission
33 Creek Youth Camp,~~) Echo Glen, Lakeland Village, Rainier school,
34 Yakima Valley school, Interlake school, Fircrest school, Francis
35 Haddon Morgan Center, the Child Study and Treatment Center and
36 Secondary School of western state hospital, and such other schools,
37 camps, and centers as are now or hereafter established by the
38 department of social and health services or the department of

1 children, youth, and families for the diagnosis, confinement and
2 rehabilitation of juveniles committed by the courts or for the care
3 and treatment of persons who are exceptional in their needs by reason
4 of mental and/or physical deficiency: PROVIDED, That the term shall
5 not include the state schools for the deaf and blind or adult
6 correctional institutions.

7 **Sec. 722.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended
8 to read as follows:

9 The duties and authority of the department of (~~social and health~~
10 ~~services~~) children, youth, and families and of each superintendent
11 or chief administrator of a residential school to support each
12 program of education conducted by a school district pursuant to RCW
13 28A.190.030, shall include the following:

14 (1) The provision of transportation for residential school
15 students to and from the sites of the program of education through
16 the purchase, lease or rental of school buses and other vehicles as
17 necessary;

18 (2) The provision of safe and healthy building and playground
19 space for the conduct of the program of education through the
20 construction, purchase, lease or rental of such space as necessary;

21 (3) The provision of furniture, vocational instruction machines
22 and tools, building and playground fixtures, and other equipment and
23 fixtures for the conduct of the program of education through
24 construction, purchase, lease or rental as necessary;

25 (4) The provision of heat, lights, telephones, janitorial
26 services, repair services, and other support services for the
27 vehicles, building and playground spaces, equipment and fixtures
28 provided for in this section;

29 (5) The employment, supervision and control of persons to
30 transport students and to maintain the vehicles, building and
31 playground spaces, equipment and fixtures, provided for in this
32 section;

33 (6) Clinical and medical evaluation services necessary to a
34 determination by the school district of the educational needs of
35 residential school students; and

36 (7) Such other support services and facilities as are reasonably
37 necessary for the conduct of the program of education.

1 **Sec. 723.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended
2 to read as follows:

3 Each school district required to conduct a program of education
4 pursuant to RCW 28A.190.030, and the department of (~~social and~~
5 ~~health services~~) children, youth, and families shall hereafter
6 negotiate and execute a written contract for each school year or such
7 longer period as may be agreed to which delineates the manner in
8 which their respective duties and authority will be cooperatively
9 performed and exercised, and any disputes and grievances resolved.
10 Any such contract may provide for the performance of duties by a
11 school district in addition to those set forth in RCW 28A.190.030 (1)
12 through (5), including duties imposed upon the department of (~~social~~
13 ~~and health services~~) children, youth, and families and its agents
14 pursuant to RCW 28A.190.040: PROVIDED, That funds identified in RCW
15 28A.190.030(6) and/or funds provided by the department of (~~social~~
16 ~~and health services~~) children, youth, and families are available to
17 fully pay the direct and indirect costs of such additional duties and
18 the district is otherwise authorized by law to perform such duties in
19 connection with the maintenance and operation of a school district.

20 **Sec. 724.** RCW 28A.190.060 and 2014 c 157 s 4 are each amended to
21 read as follows:

22 The department of (~~social and health services~~) children, youth,
23 and families shall provide written notice on or before April 15th of
24 each school year to the superintendent of each school district
25 conducting a program of education pursuant to this chapter of any
26 foreseeable residential school closure, reduction in the number of
27 residents, or any other cause for a reduction in the school
28 district's staff for the next school year. In the event the
29 department of (~~social and health services~~) children, youth, and
30 families fails to provide notice as prescribed by this section, the
31 department shall be liable and responsible for the payment of the
32 salary and employment related costs for the next school year of each
33 school district employee whose contract the school district would
34 have nonrenewed but for the failure of the department to provide
35 notice.

36 **Sec. 725.** RCW 71.34.795 and 1985 c 354 s 19 are each amended to
37 read as follows:

1 When in the judgment of the department of children, youth, and
2 families the welfare of any person committed to or confined in any
3 state juvenile correctional institution or facility necessitates that
4 the person be transferred or moved for observation, diagnosis, or
5 treatment to an evaluation and treatment facility, the secretary of
6 children, youth, and families or the secretary's designee is
7 authorized to order and effect such move or transfer for a period of
8 up to fourteen days, provided that the secretary notifies the
9 original committing court of the transfer and the evaluation and
10 treatment facility is in agreement with the transfer. No person
11 committed to or confined in any state juvenile correctional
12 institution or facility may be transferred to an evaluation and
13 treatment facility for more than fourteen days unless that person has
14 been admitted as a voluntary patient or committed for one hundred
15 eighty-day treatment under this chapter or ninety-day treatment under
16 chapter 71.05 RCW if eighteen years of age or older. Underlying
17 jurisdiction of minors transferred or committed under this section
18 remains with the state correctional institution. A voluntary admitted
19 minor or minors committed under this section and no longer meeting
20 the criteria for one hundred eighty-day commitment shall be returned
21 to the state correctional institution to serve the remaining time of
22 the underlying dispositional order or sentence. The time spent by the
23 minor at the evaluation and treatment facility shall be credited
24 towards the minor's juvenile court sentence.

25 **Sec. 726.** RCW 72.01.010 and 1981 c 136 s 66 are each amended to
26 read as follows:

27 As used in this chapter:

28 "Department" means the departments of social and health services,
29 children, youth, and families, and corrections; and

30 "Secretary" means the secretaries of social and health services,
31 children, youth, and families, and corrections.

32 The powers and duties granted and imposed in this chapter, when
33 applicable, apply to (~~both~~) the departments of social and health
34 services, children, youth, and families, and corrections and the
35 secretaries of social and health services, children, youth, and
36 families and corrections, for institutions under their control. A
37 power or duty may be exercised or fulfilled jointly if joint action
38 is more efficient, as determined by the secretaries.

1 **Sec. 727.** RCW 72.01.210 and 2008 c 104 s 3 are each amended to
2 read as follows:

3 (1) The secretary of corrections shall appoint institutional
4 chaplains for the state correctional institutions for convicted
5 felons. Institutional chaplains shall be appointed as employees of
6 the department of corrections. The secretary of corrections may
7 further contract with chaplains to be employed as is necessary to
8 meet the religious needs of those inmates whose religious
9 denominations are not represented by institutional chaplains and
10 where volunteer chaplains are not available.

11 (2) Institutional chaplains appointed by the department of
12 corrections under this section shall have qualifications necessary to
13 function as religious program coordinators for all faith groups
14 represented within the department. Every chaplain so appointed or
15 contracted with shall have qualifications consistent with community
16 standards of the given faith group to which the chaplain belongs and
17 shall not be required to violate the tenets of his or her faith when
18 acting in an ecclesiastical role.

19 (3) The secretary of (~~social and health services~~) children,
20 youth, and families shall appoint chaplains for the correctional
21 institutions for juveniles found delinquent by the juvenile courts;
22 and the secretary of corrections and the secretary of social and
23 health services shall appoint one or more chaplains for other
24 custodial, correctional, and mental institutions under their control.

25 (4) Except as provided in this section, the chaplains so
26 appointed under this section shall have the qualifications and shall
27 be compensated in an amount as recommended by the appointing
28 department and approved by the Washington personnel resources board.

29 **Sec. 728.** RCW 72.01.410 and 2015 c 156 s 2 are each amended to
30 read as follows:

31 (1) Whenever any child under the age of eighteen is convicted as
32 an adult in the courts of this state of a crime amounting to a
33 felony, and is committed for a term of confinement, that child shall
34 be initially placed in a facility operated by the department of
35 corrections to determine the child's earned release date.

36 (a) If the earned release date is prior to the child's twenty-
37 first birthday, the department of corrections shall transfer the
38 child to the custody of the department of (~~social and health~~
39 ~~services~~) children, youth, and families, or to such other

1 institution as is now, or may hereafter be authorized by law to
2 receive such child, until such time as the child completes the
3 ordered term of confinement or arrives at the age of twenty-one
4 years.

5 (i) While in the custody of the department of (~~social and health~~
6 ~~services~~) children, youth, and families, the child must have the
7 same treatment, housing options, transfer, and access to program
8 resources as any other child committed directly to that juvenile
9 correctional facility or institution pursuant to chapter 13.40 RCW.
10 Treatment, placement, and program decisions shall be at the sole
11 discretion of the department of (~~social and health services~~)
12 children, youth, and families. The youth shall only be transferred
13 back to the custody of the department of corrections with the
14 approval of the department of (~~social and health services~~)
15 children, youth, and families or when the child reaches the age of
16 twenty-one.

17 (ii) If the child's sentence includes a term of community
18 custody, the department of (~~social and health services~~) children,
19 youth, and families shall not release the child to community custody
20 until the department of corrections has approved the child's release
21 plan pursuant to RCW 9.94A.729(5)(b). If a child is held past his or
22 her earned release date pending release plan approval, the department
23 of (~~social and health services~~) children, youth, and families shall
24 retain custody until a plan is approved or the child completes the
25 ordered term of confinement prior to age twenty-one.

26 (iii) If the department of (~~social and health services~~)
27 children, youth, and families determines that retaining custody of
28 the child presents a safety risk, the child may be returned to the
29 custody of the department of corrections.

30 (b) If the child's earned release date is on or after the child's
31 twenty-first birthday, the department of corrections shall, with the
32 consent of the secretary of (~~social and health services~~) children,
33 youth, and families, transfer the child to a facility or institution
34 operated by the department of (~~social and health services~~)
35 children, youth, and families. Despite the transfer, the department
36 of corrections retains authority over custody decisions and must
37 approve any leave from the facility. When the child turns age twenty-
38 one, he or she must be transferred back to the department of
39 corrections. The department of (~~social and health services~~)

1 children, youth, and families has all routine and day-to-day
2 operations authority for the child while in its custody.

3 (2)(a) Except as provided in (b) and (c) of this subsection, an
4 offender under the age of eighteen who is convicted in adult criminal
5 court and who is committed to a term of confinement at the department
6 of corrections must be placed in a housing unit, or a portion of a
7 housing unit, that is separated from offenders eighteen years of age
8 or older, until the offender reaches the age of eighteen.

9 (b) An offender who reaches eighteen years of age may remain in a
10 housing unit for offenders under the age of eighteen if the secretary
11 of corrections determines that: (i) The offender's needs and the
12 correctional goals for the offender could continue to be better met
13 by the programs and housing environment that is separate from
14 offenders eighteen years of age and older; and (ii) the programs or
15 housing environment for offenders under the age of eighteen will not
16 be substantially affected by the continued placement of the offender
17 in that environment. The offender may remain placed in a housing unit
18 for offenders under the age of eighteen until such time as the
19 secretary of corrections determines that the offender's needs and
20 correctional goals are no longer better met in that environment but
21 in no case past the offender's twenty-first birthday.

22 (c) An offender under the age of eighteen may be housed in an
23 intensive management unit or administrative segregation unit
24 containing offenders eighteen years of age or older if it is
25 necessary for the safety or security of the offender or staff. In
26 these cases, the offender must be kept physically separate from other
27 offenders at all times.

28 PART VIII

29 ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

30 NEW SECTION. **Sec. 801.** (1) The secretary shall investigate the
31 conviction records, pending charges, and disciplinary board final
32 decisions of any current employee or applicant seeking or being
33 considered for any position with the department who will or may have
34 unsupervised access to children. This includes, but is not limited
35 to, positions conducting comprehensive assessments, financial
36 eligibility determinations, licensing and certification activities,
37 investigations, surveys, or case management; or for state positions
38 otherwise required by federal law to meet employment standards.

1 (2) The secretary shall require a fingerprint-based background
2 check through both the Washington state patrol and the federal bureau
3 of investigation as provided in RCW 43.43.837. Unless otherwise
4 authorized by law, the secretary shall use the information solely for
5 the purpose of determining the character, suitability, and competence
6 of the applicant.

7 (3) Criminal justice agencies shall provide the secretary such
8 information as they may have and that the secretary may require for
9 such purpose.

10 (4) Any person whose criminal history would otherwise disqualify
11 the person under this section from a position that will or may have
12 unsupervised access to children shall not be disqualified if the
13 department of social and health services reviewed the person's
14 otherwise disqualifying criminal history through the department of
15 social and health services' background assessment review team process
16 conducted in 2002 and determined that such person could remain in a
17 position covered by this section, or if the otherwise disqualifying
18 conviction or disposition has been the subject of a pardon,
19 annulment, or other equivalent procedure.

20 NEW SECTION. **Sec. 802.** (1) The department of early learning is
21 hereby abolished and its powers, duties, and functions are hereby
22 transferred to the department of children, youth, and families. All
23 references to the secretary or the department of early learning in
24 the Revised Code of Washington shall be construed to mean the
25 secretary or the department of children, youth, and families.

26 (2)(a) All reports, documents, surveys, books, records, files,
27 papers, or written material in the possession of the department of
28 early learning shall be delivered to the custody of the department of
29 children, youth, and families. All cabinets, furniture, office
30 equipment, motor vehicles, and other tangible property employed by
31 the department of early learning shall be made available to the
32 department of children, youth, and families. All funds, credits, or
33 other assets held by the department of early learning shall be
34 assigned to the department of children, youth, and families.

35 (b) Any appropriations made to the department of early learning
36 shall, on the effective date of this section, be transferred and
37 credited to the department of children, youth, and families.

38 (c) If any question arises as to the transfer of any personnel,
39 funds, books, documents, records, papers, files, equipment, or other

1 tangible property used or held in the exercise of the powers and the
2 performance of the duties and functions transferred, the director of
3 financial management shall make a determination as to the proper
4 allocation and certify the same to the state agencies concerned.

5 (3) All employees of the department of early learning are
6 transferred to the jurisdiction of the department of children, youth,
7 and families. All employees classified under chapter 41.06 RCW, the
8 state civil service law, are assigned to the department of children,
9 youth, and families to perform their usual duties upon the same terms
10 as formerly, without any loss of rights, subject to any action that
11 may be appropriate thereafter in accordance with the laws and rules
12 governing state civil service.

13 (4) All rules and all pending business before the department of
14 early learning shall be continued and acted upon by the department of
15 children, youth, and families. All existing contracts and obligations
16 shall remain in full force and shall be performed by the department
17 of children, youth, and families.

18 (5) The transfer of the powers, duties, functions, and personnel
19 of the department of early learning shall not affect the validity of
20 any act performed before the effective date of this section.

21 (6) If apportionments of budgeted funds are required because of
22 the transfers directed by this section, the director of financial
23 management shall certify the apportionments to the agencies affected,
24 the state auditor, and the state treasurer. Each of these shall make
25 the appropriate transfer and adjustments in funds and appropriation
26 accounts and equipment records in accordance with the certification.

27 (7)(a) The bargaining units of employees at the department of
28 early learning existing on the effective date of this section that
29 are transferred to the department of children, youth, and families
30 shall be considered separate appropriate units within the department
31 of children, youth, and families unless and until modified by the
32 public employment relations commission pursuant to Title 391 WAC. The
33 exclusive bargaining representatives recognized as representing the
34 bargaining units of employees at the department of early learning
35 existing on the effective date of this section shall continue as the
36 exclusive bargaining representatives of the transferred bargaining
37 units without the necessity of an election.

38 (b) The public employment relations commission may review the
39 appropriateness of the collective bargaining units that are a result
40 of the transfer from the department of early learning to the

1 department of children, youth, and families under chapter . . . , Laws
2 of 2017 (this act). The employer or the exclusive bargaining
3 representative may petition the public employment relations
4 commission to review the bargaining units in accordance with this
5 section.

6 NEW SECTION. **Sec. 803.** (1) All powers, duties, and functions of
7 the department of social and health services pertaining to child
8 welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60,
9 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are
10 transferred to the department of children, youth, and families. All
11 references to the secretary or the department of social and health
12 services in the Revised Code of Washington shall be construed to mean
13 the secretary or the department of children, youth, and families when
14 referring to the functions transferred in this section.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the department of
17 social and health services pertaining to the powers, duties, and
18 functions transferred shall be delivered to the custody of the
19 department of children, youth, and families. All cabinets, furniture,
20 office equipment, motor vehicles, and other tangible property
21 employed by the department of social and health services in carrying
22 out the powers, duties, and functions transferred shall be made
23 available to the department of children, youth, and families. All
24 funds, credits, or other assets held in connection with the powers,
25 duties, and functions transferred shall be assigned to the department
26 of children, youth, and families.

27 (b) Any appropriations made to the department of social and
28 health services for carrying out the powers, duties, and functions
29 transferred shall, on the effective date of this section, be
30 transferred and credited to the department of children, youth, and
31 families.

32 (c) Whenever any question arises as to the transfer of any
33 personnel, funds, books, documents, records, papers, files,
34 equipment, or other tangible property used or held in the exercise of
35 the powers and the performance of the duties and functions
36 transferred, the director of financial management shall make a
37 determination as to the proper allocation and certify the same to the
38 state agencies concerned.

1 (3) All employees of the department of social and health services
2 engaged in performing the powers, duties, and functions transferred
3 are transferred to the jurisdiction of the department of children,
4 youth, and families. All employees classified under chapter 41.06
5 RCW, the state civil service law, are assigned to the department of
6 children, youth, and families to perform their usual duties upon the
7 same terms as formerly, without any loss of rights, subject to any
8 action that may be appropriate thereafter in accordance with the laws
9 and rules governing state civil service.

10 (4) All rules and all pending business before the department of
11 social and health services pertaining to the powers, duties, and
12 functions transferred shall be continued and acted upon by the
13 department of children, youth, and families. All existing contracts
14 and obligations shall remain in full force and shall be performed by
15 the department of children, youth, and families.

16 (5) The transfer of the powers, duties, functions, and personnel
17 of the department of social and health services shall not affect the
18 validity of any act performed before the effective date of this
19 section.

20 (6) If apportionments of budgeted funds are required because of
21 the transfers directed by this section, the director of financial
22 management shall certify the apportionments to the agencies affected,
23 the state auditor, and the state treasurer. Each of these shall make
24 the appropriate transfer and adjustments in funds and appropriation
25 accounts and equipment records in accordance with the certification.

26 (7)(a) The portions of any bargaining units of employees at the
27 department of social and health services existing on the effective
28 date of this section that are transferred to the department of
29 children, youth, and families shall be considered separate
30 appropriate units within the department of children, youth, and
31 families unless and until modified by the public employment relations
32 commission pursuant to Title 391 WAC. The exclusive bargaining
33 representatives recognized as representing the portions of the
34 bargaining units of employees at the department of social and health
35 services existing on the effective date of this section shall
36 continue as the exclusive bargaining representatives of the
37 transferred bargaining units without the necessity of an election.

38 (b) The public employment relations commission may review the
39 appropriateness of the collective bargaining units that are a result
40 of the transfer from the department of social and health services to

1 the department of children, youth, and families under chapter . . . ,
2 Laws of 2017 (this act). The employer or the exclusive bargaining
3 representative may petition the public employment relations
4 commission to review the bargaining units in accordance with this
5 section.

6 **Sec. 804.** RCW 9.96A.060 and 2001 c 296 s 2 are each amended to
7 read as follows:

8 This chapter is not applicable to the department of social and
9 health services or the department of children, youth, and families
10 when employing a person, who in the course of his or her employment,
11 has or may have unsupervised access to any person who is under the
12 age of eighteen, who is under the age of twenty-one and has been
13 sentenced to a term of confinement under the supervision of the
14 department of (~~social and health services~~) children, youth, and
15 families under chapter 13.40 RCW, who is a vulnerable adult under
16 chapter 74.34 RCW, or who is a vulnerable person. For purposes of
17 this section "vulnerable person" means an adult of any age who lacks
18 the functional, mental, or physical ability to care for himself or
19 herself.

20 **Sec. 805.** RCW 9.97.020 and 2016 c 81 s 3 are each amended to
21 read as follows:

22 (1) Except as provided in this section, no state, county, or
23 municipal department, board, officer, or agency authorized to assess
24 the qualifications of any applicant for a license, certificate of
25 authority, qualification to engage in the practice of a profession or
26 business, or for admission to an examination to qualify for such a
27 license or certificate may disqualify a qualified applicant, solely
28 based on the applicant's criminal history, if the qualified applicant
29 has obtained a certificate of restoration of opportunity and the
30 applicant meets all other statutory and regulatory requirements,
31 except as required by federal law or exempted under this subsection.
32 Nothing in this section is interpreted as restoring or creating a
33 means to restore any firearms rights or eligibility to obtain a
34 firearm dealer license pursuant to RCW 9.41.110 or requiring the
35 removal of a protection order.

36 (a)(i) Criminal justice agencies, as defined in RCW 10.97.030,
37 and the Washington state bar association are exempt from this
38 section.

1 (ii) This section does not apply to the licensing, certification,
2 or qualification of the following professionals: Accountants, RCW
3 18.04.295; assisted living facilities employees, RCW 18.20.125; bail
4 bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term
5 care workers, RCW 18.88B.080; nursing home administrators, RCW
6 18.52.071; nursing, chapter 18.79 RCW; physicians and physician
7 assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW
8 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and
9 28A.410 RCW; notaries public, chapter 42.44 RCW; private
10 investigators, chapter 18.165 RCW; real estate brokers and
11 salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter
12 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

13 (iii) To the extent this section conflicts with the requirements
14 for receipt of federal funding under the adoption and safe families
15 act, 42 U.S.C. Sec. 671, this section does not apply.

16 (b) Unless otherwise addressed in statute, in cases where an
17 applicant would be disqualified under RCW 43.20A.710, and the
18 applicant has obtained a certificate of restoration of opportunity,
19 the department of social and health services and the department of
20 children, youth, and families may, after review of relevant factors,
21 including the nature and seriousness of the offense, time that has
22 passed since conviction, changed circumstances since the offense
23 occurred, and the nature of the employment or license sought, at
24 ((its)) their discretion:

25 (i) Allow the applicant to have unsupervised access to children,
26 vulnerable adults, or individuals with mental illness or
27 developmental disabilities if the applicant is otherwise qualified
28 and suitable; or

29 (ii) Disqualify the applicant solely based on the applicant's
30 criminal history.

31 (c) If the practice of a profession or business involves
32 unsupervised contact with vulnerable adults, children, or individuals
33 with mental illness or developmental disabilities, or populations
34 otherwise defined by statute as vulnerable, the department of health
35 may, after review of relevant factors, including the nature and
36 seriousness of the offense, time that has passed since conviction,
37 changed circumstances since the offense occurred, and the nature of
38 the employment or license sought, at its discretion:

39 (i) Disqualify an applicant who has obtained a certificate of
40 restoration of opportunity, for a license, certification, or

1 registration to engage in the practice of a health care profession or
2 business solely based on the applicant's criminal history; or

3 (ii) If such applicant is otherwise qualified and suitable,
4 credential or credential with conditions an applicant who has
5 obtained a certificate of restoration of opportunity for a license,
6 certification, or registration to engage in the practice of a health
7 care profession or business.

8 (d) The state of Washington, any of its counties, cities, towns,
9 municipal corporations, or quasi-municipal corporations, the
10 department of health, and its officers, employees, contractors, and
11 agents are immune from suit in law, equity, or any action under the
12 administrative procedure act based upon its exercise of discretion
13 under this section. This section does not create a protected class;
14 private right of action; any right, privilege, or duty; or change to
15 any right, privilege, or duty existing under law. This section does
16 not modify a licensing or certification applicant's right to a review
17 of an agency's decision under the administrative procedure act or
18 other applicable statute or agency rule. A certificate of restoration
19 of opportunity does not remove or alter citizenship or legal
20 residency requirements already in place for state agencies and
21 employers.

22 (2) A qualified court has jurisdiction to issue a certificate of
23 restoration of opportunity to a qualified applicant.

24 (a) A court must determine, in its discretion whether the
25 certificate:

26 (i) Applies to all past criminal history; or

27 (ii) Applies only to the convictions or adjudications in the
28 jurisdiction of the court.

29 (b) The certificate does not apply to any future criminal justice
30 involvement that occurs after the certificate is issued.

31 (c) A court must determine whether to issue a certificate by
32 determining whether the applicant is a qualified applicant as defined
33 in RCW 9.97.010.

34 (3) An employer or housing provider may, in its sole discretion,
35 determine whether to consider a certificate of restoration of
36 opportunity issued under this chapter in making employment or rental
37 decisions. An employer or housing provider is immune from suit in
38 law, equity, or under the administrative procedure act for damages
39 based upon its exercise of discretion under this section or the
40 refusal to exercise such discretion. In any action at law against an

1 employer or housing provider arising out of the employment of or
2 provision of housing to the recipient of a certificate of restoration
3 of opportunity, evidence of the crime for which a certificate of
4 restoration of opportunity has been issued may not be introduced as
5 evidence of negligence or intentionally tortious conduct on the part
6 of the employer or housing provider. This subsection does not create
7 a protected class, private right of action, any right, privilege, or
8 duty, or to change any right, privilege, or duty existing under law
9 related to employment or housing except as provided in RCW 7.60.035.

10 (4)(a) Department of social and health services: A certificate of
11 restoration of opportunity does not apply to the state abuse and
12 neglect registry. No finding of abuse, neglect, or misappropriation
13 of property may be removed from the registry based solely on a
14 certificate. The department must include such certificates as part of
15 its criminal history record reports, qualifying letters, or other
16 assessments pursuant to RCW 43.43.830 through 43.43.838. The
17 department shall adopt rules to implement this subsection.

18 (b) Washington state patrol: The Washington state patrol is not
19 required to remove any records based solely on a certificate of
20 restoration of opportunity. The state patrol must include a
21 certificate as part of its criminal history record report.

22 (c) Court records:

23 (i) A certificate of restoration of opportunity has no effect on
24 any other court records, including records in the judicial
25 information system. The court records related to a certificate of
26 restoration of opportunity must be processed and recorded in the same
27 manner as any other record.

28 (ii) The qualified court where the applicant seeks the
29 certificate of restoration of opportunity must administer the court
30 records regarding the certificate in the same manner as it does
31 regarding all other proceedings.

32 (d) Effect in other judicial proceedings: A certificate of
33 restoration of opportunity may only be submitted to a court to
34 demonstrate that the individual met the specific requirements of this
35 section and not for any other procedure, including evidence of
36 character, reputation, or conduct. A certificate is not an equivalent
37 procedure under Rule of Evidence 609(c).

38 (e) Department of health: The department of health must include a
39 certificate of restoration of opportunity on its public web site if:

1 (i) Its web site includes an order, stipulation to informal
2 disposition, or notice of decision related to the conviction
3 identified in the certificate of restoration of opportunity; and

4 (ii) The credential holder has provided a certified copy of the
5 certificate of restoration of opportunity to the department of
6 health.

7 (f) Department of children, youth, and families: A certificate of
8 restoration of opportunity does not apply to founded findings of
9 child abuse or neglect. No finding of child abuse or neglect may be
10 destroyed based solely on a certificate. The department of children,
11 youth, and families must include such certificates as part of its
12 criminal history record reports, qualifying letters, or other
13 assessments pursuant to RCW 43.43.830 through 43.43.838. The
14 department of children, youth, and families shall adopt rules to
15 implement this subsection (4)(f).

16 (5) In all cases, an applicant must provide notice to the
17 prosecutor in the county where he or she seeks a certificate of
18 restoration of opportunity of the pendency of such application. If
19 the applicant has been sentenced by any other jurisdiction in the
20 five years preceding the application for a certificate, the applicant
21 must also notify the prosecuting attorney in those jurisdictions. The
22 prosecutor in the county where an applicant applies for a certificate
23 shall provide the court with a report of the applicant's criminal
24 history.

25 (6) Application for a certificate of restoration of opportunity
26 must be filed as a civil action.

27 (7) A superior court in the county in which the applicant resides
28 may decline to consider the application for certificate of
29 restoration of opportunity. If the superior court in which the
30 applicant resides declines to consider the application, the court
31 must dismiss the application without prejudice and the applicant may
32 refile the application in another qualified court. The court must
33 state the reason for the dismissal on the order. If the court
34 determines that the applicant does not meet the required
35 qualifications, then the court must dismiss the application without
36 prejudice and state the reason(s) on the order. The superior court in
37 the county of the applicant's conviction or adjudication may not
38 decline to consider the application.

39 (8) Unless the qualified court determines that a hearing on an
40 application for certificate of restoration is necessary, the court

1 must decide without a hearing whether to grant the certificate of
2 restoration of opportunity based on a review of the application filed
3 by the applicant and pleadings filed by the prosecuting attorney.

4 (9) The clerk of the court in which the certificate of
5 restoration of opportunity is granted shall transmit the certificate
6 of restoration of opportunity to the Washington state patrol
7 identification section, which holds criminal history information for
8 the person who is the subject of the conviction. The Washington state
9 patrol shall update its records to reflect the certificate of
10 restoration of opportunity.

11 (10)(a) The administrative office of the courts shall develop and
12 prepare instructions, forms, and an informational brochure designed
13 to assist applicants applying for a certificate of restoration of
14 opportunity.

15 (b) The instructions must include, at least, a sample of a
16 standard application and a form order for a certificate of
17 restoration of opportunity.

18 (c) The administrative office of the courts shall distribute a
19 master copy of the instructions, informational brochure, and sample
20 application and form order to all county clerks and a master copy of
21 the application and order to all superior courts by January 1, 2017.

22 (d) The administrative office of the courts shall determine the
23 significant non-English-speaking or limited English-speaking
24 populations in the state. The administrator shall then arrange for
25 translation of the instructions, which shall contain a sample of the
26 standard application and order, and the informational brochure into
27 languages spoken by those significant non-English-speaking
28 populations and shall distribute a master copy of the translated
29 instructions and informational brochures to the county clerks by
30 January 1, 2017.

31 (e) The administrative office of the courts shall update the
32 instructions, brochures, standard application and order, and
33 translations when changes in the law make an update necessary.

34 **Sec. 806.** RCW 41.06.475 and 2007 c 387 s 8 are each amended to
35 read as follows:

36 The director shall adopt rules, in cooperation with the
37 ~~((director))~~ secretary of the department of ~~((early—learning))~~
38 children, youth, and families, for the background investigation of
39 current employees and of persons being actively considered for

1 positions with the department who will or may have unsupervised
2 access to children. The director shall also adopt rules, in
3 cooperation with the (~~director~~) secretary of the department of
4 (~~early learning~~) children, youth, and families, for background
5 investigation of positions otherwise required by federal law to meet
6 employment standards. "Considered for positions" includes decisions
7 about (1) initial hiring, layoffs, reallocations, transfers,
8 promotions, or demotions, or (2) other decisions that result in an
9 individual being in a position that will or may have unsupervised
10 access to children as an employee, an intern, or a volunteer.

11 **Sec. 807.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each
12 amended to read as follows:

13 As used in this chapter:

14 (1) "Adult family home provider" means a provider as defined in
15 RCW 70.128.010 who receives payments from the medicaid and state-
16 funded long-term care programs.

17 (2) "Bargaining representative" means any lawful organization
18 which has as one of its primary purposes the representation of
19 employees in their employment relations with employers.

20 (3) "Child care subsidy" means a payment from the state through a
21 child care subsidy program established pursuant to RCW 74.12.340 or
22 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
23 program.

24 (4) "Collective bargaining" means the performance of the mutual
25 obligations of the public employer and the exclusive bargaining
26 representative to meet at reasonable times, to confer and negotiate
27 in good faith, and to execute a written agreement with respect to
28 grievance procedures and collective negotiations on personnel
29 matters, including wages, hours and working conditions, which may be
30 peculiar to an appropriate bargaining unit of such public employer,
31 except that by such obligation neither party shall be compelled to
32 agree to a proposal or be required to make a concession unless
33 otherwise provided in this chapter.

34 (5) "Commission" means the public employment relations
35 commission.

36 (6) "Executive director" means the executive director of the
37 commission.

38 (7) "Family child care provider" means a person who: (a) Provides
39 regularly scheduled care for a child or children in the home of the

1 provider or in the home of the child or children for periods of less
2 than twenty-four hours or, if necessary due to the nature of the
3 parent's work, for periods equal to or greater than twenty-four
4 hours; (b) receives child care subsidies; and (c) under chapter
5 43.215 RCW (as recodified by this act), is either licensed by the
6 state (~~(under RCW 74.15.030)~~) or is exempt from licensing (~~(under~~
7 ~~chapter 74.15 RCW)~~).

8 (8) "Individual provider" means an individual provider as defined
9 in RCW 74.39A.240(4) who, solely for the purposes of collective
10 bargaining, is a public employee as provided in RCW 74.39A.270.

11 (9) "Institution of higher education" means the University of
12 Washington, Washington State University, Central Washington
13 University, Eastern Washington University, Western Washington
14 University, The Evergreen State College, and the various state
15 community colleges.

16 (10)(a) "Language access provider" means any independent
17 contractor who provides spoken language interpreter services for
18 department of social and health services appointments or medicaid
19 enrollee appointments, or department of children, youth, and families
20 appointments, or provided these services on or after January 1, 2009,
21 and before June 10, 2010, whether paid by a broker, language access
22 agency, or the department.

23 (b) "Language access provider" does not mean an owner, manager,
24 or employee of a broker or a language access agency.

25 (11) "Public employee" means any employee of a public employer
26 except any person (a) elected by popular vote, or (b) appointed to
27 office pursuant to statute, ordinance or resolution for a specified
28 term of office as a member of a multimember board, commission, or
29 committee, whether appointed by the executive head or body of the
30 public employer, or (c) whose duties as deputy, administrative
31 assistant or secretary necessarily imply a confidential relationship
32 to (i) the executive head or body of the applicable bargaining unit,
33 or (ii) any person elected by popular vote, or (iii) any person
34 appointed to office pursuant to statute, ordinance or resolution for
35 a specified term of office as a member of a multimember board,
36 commission, or committee, whether appointed by the executive head or
37 body of the public employer, or (d) who is a court commissioner or a
38 court magistrate of superior court, district court, or a department
39 of a district court organized under chapter 3.46 RCW, or (e) who is a
40 personal assistant to a district court judge, superior court judge,

1 or court commissioner. For the purpose of (e) of this subsection, no
2 more than one assistant for each judge or commissioner may be
3 excluded from a bargaining unit.

4 (12) "Public employer" means any officer, board, commission,
5 council, or other person or body acting on behalf of any public body
6 governed by this chapter, or any subdivision of such public body. For
7 the purposes of this section, the public employer of district court
8 or superior court employees for wage-related matters is the
9 respective county legislative authority, or person or body acting on
10 behalf of the legislative authority, and the public employer for
11 nonwage-related matters is the judge or judge's designee of the
12 respective district court or superior court.

13 (13) "Uniformed personnel" means: (a) Law enforcement officers as
14 defined in RCW 41.26.030 employed by the governing body of any city
15 or town with a population of two thousand five hundred or more and
16 law enforcement officers employed by the governing body of any county
17 with a population of ten thousand or more; (b) correctional employees
18 who are uniformed and nonuniformed, commissioned and noncommissioned
19 security personnel employed in a jail as defined in RCW 70.48.020(9),
20 by a county with a population of seventy thousand or more, and who
21 are trained for and charged with the responsibility of controlling
22 and maintaining custody of inmates in the jail and safeguarding
23 inmates from other inmates; (c) general authority Washington peace
24 officers as defined in RCW 10.93.020 employed by a port district in a
25 county with a population of one million or more; (d) security forces
26 established under RCW 43.52.520; (e) firefighters as that term is
27 defined in RCW 41.26.030; (f) employees of a port district in a
28 county with a population of one million or more whose duties include
29 crash fire rescue or other firefighting duties; (g) employees of fire
30 departments of public employers who dispatch exclusively either fire
31 or emergency medical services, or both; (h) employees in the several
32 classes of advanced life support technicians, as defined in RCW
33 18.71.200, who are employed by a public employer; or (i) court
34 marshals of any county who are employed by, trained for, and
35 commissioned by the county sheriff and charged with the
36 responsibility of enforcing laws, protecting and maintaining security
37 in all county-owned or contracted property, and performing any other
38 duties assigned to them by the county sheriff or mandated by judicial
39 order.

1 **Sec. 808.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to
2 read as follows:

3 (1) In addition to the entities listed in RCW 41.56.020, this
4 chapter applies to the governor with respect to language access
5 providers. Solely for the purposes of collective bargaining and as
6 expressly limited under subsections (2) and (3) of this section, the
7 governor is the public employer of language access providers who,
8 solely for the purposes of collective bargaining, are public
9 employees. The governor or the governor's designee shall represent
10 the public employer for bargaining purposes.

11 (2) There shall be collective bargaining, as defined in RCW
12 41.56.030, between the governor and language access providers, except
13 as follows:

14 (a) A statewide unit of all language access providers is the only
15 unit appropriate for purposes of collective bargaining under RCW
16 41.56.060;

17 (b) The exclusive bargaining representative of language access
18 providers in the unit specified in (a) of this subsection shall be
19 the representative chosen in an election conducted pursuant to RCW
20 41.56.070.

21 Bargaining authorization cards furnished as the showing of
22 interest in support of any representation petition or motion for
23 intervention filed under this section are exempt from disclosure
24 under chapter 42.56 RCW;

25 (c) Notwithstanding the definition of "collective bargaining" in
26 RCW 41.56.030(4), the scope of collective bargaining for language
27 access providers under this section is limited solely to: (i)
28 Economic compensation, such as the manner and rate of payments; (ii)
29 professional development and training; (iii) labor-management
30 committees; and (iv) grievance procedures. Retirement benefits are
31 not subject to collective bargaining. By such obligation neither
32 party may be compelled to agree to a proposal or be required to make
33 a concession unless otherwise provided in this chapter;

34 (d) In addition to the entities listed in the mediation and
35 interest arbitration provisions of RCW 41.56.430 through 41.56.470
36 and 41.56.480, the provisions apply to the governor or the governor's
37 designee and the exclusive bargaining representative of language
38 access providers, except that:

39 (i) In addition to the factors to be taken into consideration by
40 an interest arbitration panel under RCW 41.56.465, the panel shall

1 consider the financial ability of the state to pay for the
2 compensation and benefit provisions of a collective bargaining
3 agreement;

4 (ii) The decision of the arbitration panel is not binding on the
5 legislature and, if the legislature does not approve the request for
6 funds necessary to implement the compensation and benefit provisions
7 of the arbitrated collective bargaining agreement, the decision is
8 not binding on the state;

9 (e) Language access providers do not have the right to strike.

10 (3) Language access providers who are public employees solely for
11 the purposes of collective bargaining under subsection (1) of this
12 section are not, for that reason, employees of the state for any
13 other purpose. This section applies only to the governance of the
14 collective bargaining relationship between the employer and language
15 access providers as provided in subsections (1) and (2) of this
16 section.

17 (4) Each party with whom the department of social and health
18 services or the department of children, youth, and families contracts
19 for language access services and each of their subcontractors shall
20 provide to the department an accurate list of language access
21 providers, as defined in RCW 41.56.030, including their names,
22 addresses, and other contact information, annually by January 30th,
23 except that initially the lists must be provided within thirty days
24 of June 10, 2010. The department shall, upon request, provide a list
25 of all language access providers, including their names, addresses,
26 and other contact information, to a labor union seeking to represent
27 language access providers.

28 (5) This section does not create or modify:

29 (a) The department's obligation to comply with the federal
30 statute and regulations; and

31 (b) The legislature's right to make programmatic modifications to
32 the delivery of state services under chapter 74.04 RCW. The governor
33 may not enter into, extend, or renew any agreement under this chapter
34 that does not expressly reserve the legislative rights described in
35 this subsection.

36 (6) Upon meeting the requirements of subsection (7) of this
37 section, the governor must submit, as a part of the proposed biennial
38 or supplemental operating budget submitted to the legislature under
39 RCW 43.88.030, a request for funds necessary to implement the
40 compensation and benefit provisions of a collective bargaining

1 agreement entered into under this section or for legislation
2 necessary to implement the agreement.

3 (7) A request for funds necessary to implement the compensation
4 and benefit provisions of a collective bargaining agreement entered
5 into under this section may not be submitted by the governor to the
6 legislature unless the request has been:

7 (a) Submitted to the director of financial management by October
8 1st prior to the legislative session at which the requests are to be
9 considered, except that, for initial negotiations under this section,
10 the request may not be submitted before July 1, 2011; and

11 (b) Certified by the director of financial management as
12 financially feasible for the state or reflective of a binding
13 decision of an arbitration panel reached under subsection (2)(d) of
14 this section.

15 (8) The legislature must approve or reject the submission of the
16 request for funds as a whole. If the legislature rejects or fails to
17 act on the submission, any collective bargaining agreement must be
18 reopened for the sole purpose of renegotiating the funds necessary to
19 implement the agreement.

20 (9) If, after the compensation and benefit provisions of an
21 agreement are approved by the legislature, a significant revenue
22 shortfall occurs resulting in reduced appropriations, as declared by
23 proclamation of the governor or by resolution of the legislature,
24 both parties shall immediately enter into collective bargaining for a
25 mutually agreed upon modification of the agreement.

26 (10) After the expiration date of any collective bargaining
27 agreement entered into under this section, all of the terms and
28 conditions specified in the agreement remain in effect until the
29 effective date of a subsequent agreement, not to exceed one year from
30 the expiration date stated in the agreement.

31 (11) In enacting this section, the legislature intends to provide
32 state action immunity under federal and state antitrust laws for the
33 joint activities of language access providers and their exclusive
34 bargaining representative to the extent the activities are authorized
35 by this chapter.

36 **Sec. 809.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each
37 amended to read as follows:

38 The secretary shall appoint a deputy secretary, a department
39 personnel director and such assistant secretaries as shall be needed

1 to administer the department. The deputy secretary shall have charge
2 and general supervision of the department in the absence or
3 disability of the secretary, and in case of a vacancy in the office
4 of secretary, shall continue in charge of the department until a
5 successor is appointed and qualified, or until the governor shall
6 appoint an acting secretary. (~~The secretary shall appoint an~~
7 ~~assistant secretary to administer the juvenile rehabilitation~~
8 ~~responsibilities required of the department by chapters 13.04, 13.40,~~
9 ~~and 13.50 RCW.)) The officers appointed under this section, and
10 exempt from the provisions of the state civil service law by the
11 terms of RCW 41.06.076, shall be paid salaries to be fixed by the
12 governor in accordance with the procedure established by law for the
13 fixing of salaries for officers exempt from the operation of the
14 state civil service law.~~

15 **Sec. 810.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to
16 read as follows:

17 (1) In addition to the disclosures authorized by RCW 70.02.050
18 and 70.02.210, a health care provider or health care facility may
19 disclose health care information, except for information and records
20 related to sexually transmitted diseases and information related to
21 mental health services which are addressed by RCW 70.02.220 through
22 70.02.260, about a patient without the patient's authorization, to:

23 (a) Any other health care provider or health care facility
24 reasonably believed to have previously provided health care to the
25 patient, to the extent necessary to provide health care to the
26 patient, unless the patient has instructed the health care provider
27 or health care facility in writing not to make the disclosure;

28 (b) Immediate family members of the patient, including a
29 patient's state registered domestic partner, or any other individual
30 with whom the patient is known to have a close personal relationship,
31 if made in accordance with good medical or other professional
32 practice, unless the patient has instructed the health care provider
33 or health care facility in writing not to make the disclosure;

34 (c) A health care provider or health care facility who is the
35 successor in interest to the health care provider or health care
36 facility maintaining the health care information;

37 (d) A person who obtains information for purposes of an audit, if
38 that person agrees in writing to:

1 (i) Remove or destroy, at the earliest opportunity consistent
2 with the purpose of the audit, information that would enable the
3 patient to be identified; and

4 (ii) Not to disclose the information further, except to
5 accomplish the audit or report unlawful or improper conduct involving
6 fraud in payment for health care by a health care provider or
7 patient, or other unlawful conduct by the health care provider;

8 (e) Provide directory information, unless the patient has
9 instructed the health care provider or health care facility not to
10 make the disclosure;

11 (f) Fire, police, sheriff, or other public authority, that
12 brought, or caused to be brought, the patient to the health care
13 facility or health care provider if the disclosure is limited to the
14 patient's name, residence, sex, age, occupation, condition,
15 diagnosis, estimated or actual discharge date, or extent and location
16 of injuries as determined by a physician, and whether the patient was
17 conscious when admitted;

18 (g) Federal, state, or local law enforcement authorities and the
19 health care provider, health care facility, or third-party payor
20 believes in good faith that the health care information disclosed
21 constitutes evidence of criminal conduct that occurred on the
22 premises of the health care provider, health care facility, or third-
23 party payor;

24 (h) Another health care provider, health care facility, or third-
25 party payor for the health care operations of the health care
26 provider, health care facility, or third-party payor that receives
27 the information, if each entity has or had a relationship with the
28 patient who is the subject of the health care information being
29 requested, the health care information pertains to such relationship,
30 and the disclosure is for the purposes described in RCW 70.02.010(17)

31 (a) and (b);

32 (i) An official of a penal or other custodial institution in
33 which the patient is detained; and

34 (j) Any law enforcement officer, corrections officer, or guard
35 supplied by a law enforcement or corrections agency who is
36 accompanying a patient pursuant to RCW 10.110.020, only to the extent
37 the disclosure is incidental to the fulfillment of the role of the
38 law enforcement officer, corrections officer, or guard under RCW
39 10.110.020.

1 (2) In addition to the disclosures required by RCW 70.02.050 and
2 70.02.210, a health care provider shall disclose health care
3 information, except for information related to sexually transmitted
4 diseases and information related to mental health services which are
5 addressed by RCW 70.02.220 through 70.02.260, about a patient without
6 the patient's authorization if the disclosure is:

7 (a) To federal, state, or local law enforcement authorities to
8 the extent the health care provider is required by law;

9 (b) To federal, state, or local law enforcement authorities, upon
10 receipt of a written or oral request made to a nursing supervisor,
11 administrator, or designated privacy official, in a case in which the
12 patient is being treated or has been treated for a bullet wound,
13 gunshot wound, powder burn, or other injury arising from or caused by
14 the discharge of a firearm, or an injury caused by a knife, an ice
15 pick, or any other sharp or pointed instrument which federal, state,
16 or local law enforcement authorities reasonably believe to have been
17 intentionally inflicted upon a person, or a blunt force injury that
18 federal, state, or local law enforcement authorities reasonably
19 believe resulted from a criminal act, the following information, if
20 known:

21 (i) The name of the patient;

22 (ii) The patient's residence;

23 (iii) The patient's sex;

24 (iv) The patient's age;

25 (v) The patient's condition;

26 (vi) The patient's diagnosis, or extent and location of injuries
27 as determined by a health care provider;

28 (vii) Whether the patient was conscious when admitted;

29 (viii) The name of the health care provider making the
30 determination in (b)(v), (vi), and (vii) of this subsection;

31 (ix) Whether the patient has been transferred to another
32 facility; and

33 (x) The patient's discharge time and date;

34 (c) Pursuant to compulsory process in accordance with RCW
35 70.02.060.

36 (3) To the extent they retain health care information subject to
37 this chapter, the department of social and health services and the
38 health care authority shall disclose to the department of children,
39 youth, and families health care information, except for information
40 and records related to sexually transmitted diseases and information

1 related to mental health services that are addressed by RCW 70.02.220
2 through 70.02.260, about a patient without the patient's
3 authorization, for the purpose of investigating and preventing child
4 abuse and neglect and providing for the health care coordination and
5 the well-being of children in foster care. Disclosure under this
6 subsection is mandatory for the purposes of the federal health
7 insurance portability and accountability act.

8 **Sec. 811.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each
9 amended to read as follows:

10 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
11 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
12 pursuant to a valid authorization under RCW 70.02.030, the fact of
13 admission to a provider for mental health services and all
14 information and records compiled, obtained, or maintained in the
15 course of providing mental health services to either voluntary or
16 involuntary recipients of services at public or private agencies must
17 be confidential.

18 (2) Information and records related to mental health services,
19 other than those obtained through treatment under chapter 71.34 RCW,
20 may be disclosed only:

21 (a) In communications between qualified professional persons to
22 meet the requirements of chapter 71.05 RCW, in the provision of
23 services or appropriate referrals, or in the course of guardianship
24 proceedings if provided to a professional person:

- 25 (i) Employed by the facility;
- 26 (ii) Who has medical responsibility for the patient's care;
- 27 (iii) Who is a designated crisis responder;
- 28 (iv) Who is providing services under chapter 71.24 RCW;
- 29 (v) Who is employed by a state or local correctional facility
30 where the person is confined or supervised; or
- 31 (vi) Who is providing evaluation, treatment, or follow-up
32 services under chapter 10.77 RCW;

33 (b) When the communications regard the special needs of a patient
34 and the necessary circumstances giving rise to such needs and the
35 disclosure is made by a facility providing services to the operator
36 of a facility in which the patient resides or will reside;

37 (c)(i) When the person receiving services, or his or her
38 guardian, designates persons to whom information or records may be

1 released, or if the person is a minor, when his or her parents make
2 such a designation;

3 (ii) A public or private agency shall release to a person's next
4 of kin, attorney, personal representative, guardian, or conservator,
5 if any:

6 (A) The information that the person is presently a patient in the
7 facility or that the person is seriously physically ill;

8 (B) A statement evaluating the mental and physical condition of
9 the patient, and a statement of the probable duration of the
10 patient's confinement, if such information is requested by the next
11 of kin, attorney, personal representative, guardian, or conservator;
12 and

13 (iii) Other information requested by the next of kin or attorney
14 as may be necessary to decide whether or not proceedings should be
15 instituted to appoint a guardian or conservator;

16 (d)(i) To the courts as necessary to the administration of
17 chapter 71.05 RCW or to a court ordering an evaluation or treatment
18 under chapter 10.77 RCW solely for the purpose of preventing the
19 entry of any evaluation or treatment order that is inconsistent with
20 any order entered under chapter 71.05 RCW.

21 (ii) To a court or its designee in which a motion under chapter
22 10.77 RCW has been made for involuntary medication of a defendant for
23 the purpose of competency restoration.

24 (iii) Disclosure under this subsection is mandatory for the
25 purpose of the federal health insurance portability and
26 accountability act;

27 (e)(i) When a mental health professional or designated crisis
28 responder is requested by a representative of a law enforcement or
29 corrections agency, including a police officer, sheriff, community
30 corrections officer, a municipal attorney, or prosecuting attorney to
31 undertake an investigation or provide treatment under RCW 71.05.150,
32 10.31.110, or 71.05.153, the mental health professional or designated
33 crisis responder shall, if requested to do so, advise the
34 representative in writing of the results of the investigation
35 including a statement of reasons for the decision to detain or
36 release the person investigated. The written report must be submitted
37 within seventy-two hours of the completion of the investigation or
38 the request from the law enforcement or corrections representative,
39 whichever occurs later.

1 (ii) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

4 (f) To the attorney of the detained person;

5 (g) To the prosecuting attorney as necessary to carry out the
6 responsibilities of the office under RCW 71.05.330(2),
7 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
8 access to records regarding the committed person's treatment and
9 prognosis, medication, behavior problems, and other records relevant
10 to the issue of whether treatment less restrictive than inpatient
11 treatment is in the best interest of the committed person or others.
12 Information must be disclosed only after giving notice to the
13 committed person and the person's counsel;

14 (h)(i) To appropriate law enforcement agencies and to a person,
15 when the identity of the person is known to the public or private
16 agency, whose health and safety has been threatened, or who is known
17 to have been repeatedly harassed, by the patient. The person may
18 designate a representative to receive the disclosure. The disclosure
19 must be made by the professional person in charge of the public or
20 private agency or his or her designee and must include the dates of
21 commitment, admission, discharge, or release, authorized or
22 unauthorized absence from the agency's facility, and only any other
23 information that is pertinent to the threat or harassment. The agency
24 or its employees are not civilly liable for the decision to disclose
25 or not, so long as the decision was reached in good faith and without
26 gross negligence.

27 (ii) Disclosure under this subsection is mandatory for the
28 purposes of the federal health insurance portability and
29 accountability act;

30 (i)(i) To appropriate corrections and law enforcement agencies
31 all necessary and relevant information in the event of a crisis or
32 emergent situation that poses a significant and imminent risk to the
33 public. The mental health service agency or its employees are not
34 civilly liable for the decision to disclose or not so long as the
35 decision was reached in good faith and without gross negligence.

36 (ii) Disclosure under this subsection is mandatory for the
37 purposes of the health insurance portability and accountability act;

38 (j) To the persons designated in RCW 71.05.425 for the purposes
39 described in those sections;

1 (k) Upon the death of a person. The person's next of kin,
2 personal representative, guardian, or conservator, if any, must be
3 notified. Next of kin who are of legal age and competent must be
4 notified under this section in the following order: Spouse, parents,
5 children, brothers and sisters, and other relatives according to the
6 degree of relation. Access to all records and information compiled,
7 obtained, or maintained in the course of providing services to a
8 deceased patient are governed by RCW 70.02.140;

9 (l) To mark headstones or otherwise memorialize patients interred
10 at state hospital cemeteries. The department of social and health
11 services shall make available the name, date of birth, and date of
12 death of patients buried in state hospital cemeteries fifty years
13 after the death of a patient;

14 (m) To law enforcement officers and to prosecuting attorneys as
15 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of
16 information that may be released is limited as follows:

17 (i) Only the fact, place, and date of involuntary commitment, an
18 official copy of any order or orders of commitment, and an official
19 copy of any written or oral notice of ineligibility to possess a
20 firearm that was provided to the person pursuant to RCW 9.41.047(1),
21 must be disclosed upon request;

22 (ii) The law enforcement and prosecuting attorneys may only
23 release the information obtained to the person's attorney as required
24 by court rule and to a jury or judge, if a jury is waived, that
25 presides over any trial at which the person is charged with violating
26 RCW 9.41.040(2)(a)(iii);

27 (iii) Disclosure under this subsection is mandatory for the
28 purposes of the federal health insurance portability and
29 accountability act;

30 (n) When a patient would otherwise be subject to the provisions
31 of this section and disclosure is necessary for the protection of the
32 patient or others due to his or her unauthorized disappearance from
33 the facility, and his or her whereabouts is unknown, notice of the
34 disappearance, along with relevant information, may be made to
35 relatives, the department of corrections when the person is under the
36 supervision of the department, and governmental law enforcement
37 agencies designated by the physician or psychiatric advanced
38 registered nurse practitioner in charge of the patient or the
39 professional person in charge of the facility, or his or her
40 professional designee;

- 1 (o) Pursuant to lawful order of a court;
- 2 (p) To qualified staff members of the department, to the director
3 of behavioral health organizations, to resource management services
4 responsible for serving a patient, or to service providers designated
5 by resource management services as necessary to determine the
6 progress and adequacy of treatment and to determine whether the
7 person should be transferred to a less restrictive or more
8 appropriate treatment modality or facility;
- 9 (q) Within the mental health service agency where the patient is
10 receiving treatment, confidential information may be disclosed to
11 persons employed, serving in bona fide training programs, or
12 participating in supervised volunteer programs, at the facility when
13 it is necessary to perform their duties;
- 14 (r) Within the department as necessary to coordinate treatment
15 for mental illness, developmental disabilities, alcoholism, or drug
16 abuse of persons who are under the supervision of the department;
- 17 (s) Between the department of social and health services, the
18 department of children, youth, and families, and the health care
19 authority as necessary to coordinate treatment for mental illness,
20 developmental disabilities, alcoholism, or drug abuse of persons who
21 are under the supervision of the department of social and health
22 services or the department of children, youth, and families;
- 23 (t) To a licensed physician or psychiatric advanced registered
24 nurse practitioner who has determined that the life or health of the
25 person is in danger and that treatment without the information and
26 records related to mental health services could be injurious to the
27 patient's health. Disclosure must be limited to the portions of the
28 records necessary to meet the medical emergency;
- 29 (~~(t)~~) (u) Consistent with the requirements of the federal
30 health information portability and accountability act, to a licensed
31 mental health professional or a health care professional licensed
32 under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who
33 is providing care to a person, or to whom a person has been referred
34 for evaluation or treatment, to assure coordinated care and treatment
35 of that person. Psychotherapy notes may not be released without
36 authorization of the person who is the subject of the request for
37 release of information;
- 38 (~~(u)~~) (v) To administrative and office support staff designated
39 to obtain medical records for those licensed professionals listed in
40 (~~(t)~~) (u) of this subsection;

1 (~~(v)~~) (w) To a facility that is to receive a person who is
2 involuntarily committed under chapter 71.05 RCW, or upon transfer of
3 the person from one evaluation and treatment facility to another. The
4 release of records under this subsection is limited to the
5 information and records related to mental health services required by
6 law, a record or summary of all somatic treatments, and a discharge
7 summary. The discharge summary may include a statement of the
8 patient's problem, the treatment goals, the type of treatment which
9 has been provided, and recommendation for future treatment, but may
10 not include the patient's complete treatment record;

11 (~~(w)~~) (x) To the person's counsel or guardian ad litem, without
12 modification, at any time in order to prepare for involuntary
13 commitment or recommitment proceedings, reexaminations, appeals, or
14 other actions relating to detention, admission, commitment, or
15 patient's rights under chapter 71.05 RCW;

16 (~~(x)~~) (y) To staff members of the protection and advocacy
17 agency or to staff members of a private, nonprofit corporation for
18 the purpose of protecting and advocating the rights of persons with
19 mental disorders or developmental disabilities. Resource management
20 services may limit the release of information to the name, birthdate,
21 and county of residence of the patient, information regarding whether
22 the patient was voluntarily admitted, or involuntarily committed, the
23 date and place of admission, placement, or commitment, the name and
24 address of a guardian of the patient, and the date and place of the
25 guardian's appointment. Any staff member who wishes to obtain
26 additional information must notify the patient's resource management
27 services in writing of the request and of the resource management
28 services' right to object. The staff member shall send the notice by
29 mail to the guardian's address. If the guardian does not object in
30 writing within fifteen days after the notice is mailed, the staff
31 member may obtain the additional information. If the guardian objects
32 in writing within fifteen days after the notice is mailed, the staff
33 member may not obtain the additional information;

34 (~~(y)~~) (z) To all current treating providers of the patient with
35 prescriptive authority who have written a prescription for the
36 patient within the last twelve months. For purposes of coordinating
37 health care, the department may release without written authorization
38 of the patient, information acquired for billing and collection
39 purposes as described in RCW 70.02.050(1)(d). The department shall
40 notify the patient that billing and collection information has been

1 released to named providers, and provide the substance of the
2 information released and the dates of such release. The department
3 may not release counseling, inpatient psychiatric hospitalization, or
4 drug and alcohol treatment information without a signed written
5 release from the client;

6 ((+z)) (aa)(i) To the secretary of social and health services
7 for either program evaluation or research, or both so long as the
8 secretary adopts rules for the conduct of the evaluation or research,
9 or both. Such rules must include, but need not be limited to, the
10 requirement that all evaluators and researchers sign an oath of
11 confidentiality substantially as follows:

12 "As a condition of conducting evaluation or research concerning
13 persons who have received services from (fill in the facility,
14 agency, or person) I,, agree not to divulge, publish, or
15 otherwise make known to unauthorized persons or the public any
16 information obtained in the course of such evaluation or research
17 regarding persons who have received services such that the person who
18 received such services is identifiable.

19 I recognize that unauthorized release of confidential information
20 may subject me to civil liability under the provisions of state law.
21 /s/"

22 (ii) Nothing in this chapter may be construed to prohibit the
23 compilation and publication of statistical data for use by government
24 or researchers under standards, including standards to assure
25 maintenance of confidentiality, set forth by the secretary.

26 (3) Whenever federal law or federal regulations restrict the
27 release of information contained in the information and records
28 related to mental health services of any patient who receives
29 treatment for chemical dependency, the department may restrict the
30 release of the information as necessary to comply with federal law
31 and regulations.

32 (4) Civil liability and immunity for the release of information
33 about a particular person who is committed to the department of
34 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)
35 after dismissal of a sex offense as defined in RCW 9.94A.030, is
36 governed by RCW 4.24.550.

37 (5) The fact of admission to a provider of mental health
38 services, as well as all records, files, evidence, findings, or
39 orders made, prepared, collected, or maintained pursuant to chapter

1 71.05 RCW are not admissible as evidence in any legal proceeding
2 outside that chapter without the written authorization of the person
3 who was the subject of the proceeding except as provided in RCW
4 70.02.260, in a subsequent criminal prosecution of a person committed
5 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
6 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
7 trial, in a civil commitment proceeding pursuant to chapter 71.09
8 RCW, or, in the case of a minor, a guardianship or dependency
9 proceeding. The records and files maintained in any court proceeding
10 pursuant to chapter 71.05 RCW must be confidential and available
11 subsequent to such proceedings only to the person who was the subject
12 of the proceeding or his or her attorney. In addition, the court may
13 order the subsequent release or use of such records or files only
14 upon good cause shown if the court finds that appropriate safeguards
15 for strict confidentiality are and will be maintained.

16 (6)(a) Except as provided in RCW 4.24.550, any person may bring
17 an action against an individual who has willfully released
18 confidential information or records concerning him or her in
19 violation of the provisions of this section, for the greater of the
20 following amounts:

21 (i) One thousand dollars; or

22 (ii) Three times the amount of actual damages sustained, if any.

23 (b) It is not a prerequisite to recovery under this subsection
24 that the plaintiff suffered or was threatened with special, as
25 contrasted with general, damages.

26 (c) Any person may bring an action to enjoin the release of
27 confidential information or records concerning him or her or his or
28 her ward, in violation of the provisions of this section, and may in
29 the same action seek damages as provided in this subsection.

30 (d) The court may award to the plaintiff, should he or she
31 prevail in any action authorized by this subsection, reasonable
32 attorney fees in addition to those otherwise provided by law.

33 (e) If an action is brought under this subsection, no action may
34 be brought under RCW 70.02.170.

35 **Sec. 812.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each
36 amended to read as follows:

37 (1)(a) For the protection of applicants and recipients, the
38 department, the authority, and the county offices and their
39 respective officers and employees are prohibited, except as

1 hereinafter provided, from disclosing the contents of any records,
2 files, papers and communications, except for purposes directly
3 connected with the administration of the programs of this title. In
4 any judicial proceeding, except such proceeding as is directly
5 concerned with the administration of these programs, such records,
6 files, papers and communications, and their contents, shall be deemed
7 privileged communications and except for the right of any individual
8 to inquire of the office whether a named individual is a recipient of
9 welfare assistance and such person shall be entitled to an
10 affirmative or negative answer.

11 (b) Unless prohibited by federal law, for the purpose of
12 investigating and preventing child abuse and neglect and providing
13 for the health care coordination and well-being of children in foster
14 care, the department and the authority shall disclose to the
15 department of children, youth, and families the following
16 information: Developmental disabilities administration client
17 records; home and community services client records; long-term care
18 facility or certified community residential supports records; health
19 care information; child support information; food assistance
20 information; and public assistance information. Disclosure under this
21 subsection (1)(b) is mandatory for the purposes of the federal health
22 insurance portability and accountability act.

23 (c) Upon written request of a parent who has been awarded
24 visitation rights in an action for divorce or separation or any
25 parent with legal custody of the child, the department shall disclose
26 to him or her the last known address and location of his or her
27 natural or adopted children. The secretary shall adopt rules which
28 establish procedures for disclosing the address of the children and
29 providing, when appropriate, for prior notice to the custodian of the
30 children. The notice shall state that a request for disclosure has
31 been received and will be complied with by the department unless the
32 department receives a copy of a court order which enjoins the
33 disclosure of the information or restricts or limits the requesting
34 party's right to contact or visit the other party or the child.
35 Information supplied to a parent by the department shall be used only
36 for purposes directly related to the enforcement of the visitation
37 and custody provisions of the court order of separation or decree of
38 divorce. No parent shall disclose such information to any other
39 person except for the purpose of enforcing visitation provisions of
40 the said order or decree.

1 (~~(e)~~) (d) The department shall review methods to improve the
2 protection and confidentiality of information for recipients of
3 welfare assistance who have disclosed to the department that they are
4 past or current victims of domestic violence or stalking.

5 (2) The county offices shall maintain monthly at their offices a
6 report showing the names and addresses of all recipients in the
7 county receiving public assistance under this title, together with
8 the amount paid to each during the preceding month.

9 (3) The provisions of this section shall not apply to duly
10 designated representatives of approved private welfare agencies,
11 public officials, members of legislative interim committees and
12 advisory committees when performing duties directly connected with
13 the administration of this title, such as regulation and
14 investigation directly connected therewith: PROVIDED, HOWEVER, That
15 any information so obtained by such persons or groups shall be
16 treated with such degree of confidentiality as is required by the
17 federal social security law.

18 (4) It shall be unlawful, except as provided in this section, for
19 any person, body, association, firm, corporation or other agency to
20 solicit, publish, disclose, receive, make use of, or to authorize,
21 knowingly permit, participate in or acquiesce in the use of any lists
22 or names for commercial or political purposes of any nature. The
23 violation of this section shall be a gross misdemeanor.

24 **Sec. 813.** RCW 74.34.063 and 2005 c 274 s 354 are each amended to
25 read as follows:

26 (1) The department shall initiate a response to a report, no
27 later than twenty-four hours after knowledge of the report, of
28 suspected abandonment, abuse, financial exploitation, neglect, or
29 self-neglect of a vulnerable adult.

30 (2) When the initial report or investigation by the department
31 indicates that the alleged abandonment, abuse, financial
32 exploitation, or neglect may be criminal, the department shall make
33 an immediate report to the appropriate law enforcement agency. The
34 department and law enforcement will coordinate in investigating
35 reports made under this chapter. The department may provide
36 protective services and other remedies as specified in this chapter.

37 (3) The law enforcement agency or the department shall report the
38 incident in writing to the proper county prosecutor or city attorney

1 for appropriate action whenever the investigation reveals that a
2 crime may have been committed.

3 (4) The department and law enforcement may share information
4 contained in reports and findings of abandonment, abuse, financial
5 exploitation, and neglect of vulnerable adults, consistent with RCW
6 74.04.060, chapter 42.56 RCW, and other applicable confidentiality
7 laws.

8 (5) Unless prohibited by federal law, the department of social
9 and health services may share with the department of children, youth,
10 and families information contained in reports and findings of
11 abandonment, abuse, financial exploitation, and neglect of vulnerable
12 adults.

13 (6) The department shall notify the proper licensing authority
14 concerning any report received under this chapter that alleges that a
15 person who is professionally licensed, certified, or registered under
16 Title 18 RCW has abandoned, abused, financially exploited, or
17 neglected a vulnerable adult.

18 NEW SECTION. Sec. 814. The following acts or parts of acts are
19 each repealed:

20 (1) RCW 43.20A.780 (Administration of family services and
21 programs) and 1992 c 198 s 9;

22 (2) RCW 43.20A.850 (Group homes—Availability of evaluations and
23 data) and 1994 sp.s. c 7 s 322; and

24 (3) RCW 43.215.040 (Director—Power and duties) and 2006 c 265 s
25 105.

26 NEW SECTION. Sec. 815. The following sections are decodified:

27 (1) RCW 13.40.800 (Juvenile offenses with firearms—Data—
28 Reports);

29 (2) RCW 43.215.005 (Finding—Purpose);

30 (3) RCW 43.215.125 (Washington head start program proposal—
31 Report);

32 (4) RCW 43.215.907 (Evaluation of department by joint legislative
33 audit and review committee);

34 (5) RCW 72.05.300 (Parental schools—Leases, purchases—Powers of
35 school district); and

36 (6) RCW 74.14B.900 (Captions).

1 NEW SECTION. **Sec. 816.** The following sections are recodified in
2 the new chapter created in section 817 of this act in the following
3 order with the following subchapter headings:

4 GENERAL PROVISIONS

5 RCW 43.215.010

6 RCW 43.215.020

7 RCW 43.215.030

8 RCW 43.215.050

9 RCW 43.215.060

10 RCW 43.215.065

11 RCW 43.215.070

12 RCW 43.215.080

13 RCW 43.215.090

14 RCW 43.215.099

15 RCW 43.215.100

16 RCW 43.215.1001

17 RCW 43.215.101

18 RCW 43.215.102

19 RCW 43.215.103

20 RCW 43.215.105

21 RCW 43.215.110

22 RCW 43.215.120

23 RCW 43.215.130

24 RCW 43.215.135

25 RCW 43.215.1351

26 RCW 43.215.1352

27 RCW 43.215.136

28 RCW 43.215.137

29 RCW 43.215.140

30 RCW 43.215.145

31 RCW 43.215.146

32 RCW 43.215.147

33 RCW 43.215.195

34 LICENSING

35 RCW 43.215.200

36 RCW 43.215.201

37 RCW 43.215.205

38 RCW 43.215.210

39 RCW 43.215.215

40 RCW 43.215.216

1 RCW 43.215.217
2 RCW 43.215.218
3 RCW 43.215.220
4 RCW 43.215.230
5 RCW 43.215.240
6 RCW 43.215.250
7 RCW 43.215.255
8 RCW 43.215.260
9 RCW 43.215.270
10 RCW 43.215.280
11 RCW 43.215.290
12 RCW 43.215.300
13 RCW 43.215.305
14 RCW 43.215.307
15 RCW 43.215.308
16 RCW 43.215.310
17 RCW 43.215.320
18 RCW 43.215.330
19 RCW 43.215.335
20 RCW 43.215.340
21 RCW 43.215.350
22 RCW 43.215.355
23 RCW 43.215.360
24 RCW 43.215.370
25 RCW 43.215.371
26 EARLY CHILDHOOD EDUCATION AND ASSISTANCE
27 RCW 43.215.400
28 RCW 43.215.405
29 RCW 43.215.410
30 RCW 43.215.415
31 RCW 43.215.420
32 RCW 43.215.425
33 RCW 43.215.430
34 RCW 43.215.435
35 RCW 43.215.440
36 RCW 43.215.445
37 RCW 43.215.450
38 RCW 43.215.455
39 RCW 43.215.456
40 RCW 43.215.457

1 RCW 43.215.460
2 RCW 43.215.470
3 RCW 43.215.472
4 RCW 43.215.474
5 RCW 43.215.476
6 CHILD CARE
7 RCW 43.215.490
8 RCW 43.215.492
9 RCW 43.215.495
10 RCW 43.215.500
11 RCW 43.215.502
12 RCW 43.215.505
13 RCW 43.215.510
14 RCW 43.215.520
15 RCW 43.215.525
16 RCW 43.215.530
17 RCW 43.215.532
18 RCW 43.215.535
19 RCW 43.215.540
20 RCW 43.215.545
21 RCW 43.215.550
22 RCW 43.215.555
23 RCW 43.215.560
24 RCW 43.215.562
25 RCW 43.215.564
26 TECHNICAL PROVISIONS
27 RCW 43.215.900
28 RCW 43.215.901
29 RCW 43.215.903
30 RCW 43.215.905
31 RCW 43.215.908
32 RCW 43.215.909

33 NEW SECTION. **Sec. 817.** Sections 101, 104, 106 through 108, and
34 801 through 803 of this act constitute a new chapter in Title 43 RCW.

35 NEW SECTION. **Sec. 818.** If any part of this act is found to be
36 in conflict with federal requirements that are a prescribed condition
37 to the allocation of federal funds to the state, the conflicting part
38 of this act is inoperative solely to the extent of the conflict and

1 with respect to the agencies directly affected, and this finding does
2 not affect the operation of the remainder of this act in its
3 application to the agencies concerned. Rules adopted under this act
4 must meet federal requirements that are a necessary condition to the
5 receipt of federal funds by the state.

6 NEW SECTION. **Sec. 819.** Section 103 of this act is necessary for
7 the immediate preservation of the public peace, health, or safety, or
8 support of the state government and its existing public institutions,
9 and takes effect July 1, 2017.

10 NEW SECTION. **Sec. 820.** Sections 101, 102, 104 through 111, 201
11 through 227, 301 through 336, 401 through 419, 501 through 513, and
12 801 through 818 of this act take effect July 1, 2018.

13 NEW SECTION. **Sec. 821.** Sections 601 through 630 and 701 through
14 728 of this act take effect July 1, 2019.

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