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**SUBSTITUTE SENATE BILL 5599**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (h) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

10 (d) Individual and group counseling; and

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

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