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HOUSE BILL 1882

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Morris, Moyer, Ebersole, Appelwick, Leonard, Wood, Braddock, Brumsickle, Prentice, Heavey, Pruitt, Paris, Cooper, Roland, H. Myers, Belcher, Mielke, Hine, Bowman, Wineberry, Phillips, Orr, Cantwell, Spanel, Rust, Holland, Edmondson, Casada, Sprenkle, Franklin, Riley, Bray, R. Johnson, Rayburn, Ogden, Ludwig, Jacobsen, Nelson, Miller, Winsley, P. Johnson, D. Sommers, Sheldon, Brekke, Rasmussen, Mitchell and Anderson.

Read first time February 13, 1991. Referred to Committee on Health Care\Appropriations.

1 AN ACT Relating to family violence; amending RCW 18.19.020 and  
2 18.19.030; adding a new section to chapter 18.19 RCW; adding a new  
3 chapter to Title 70 RCW; creating new sections; making appropriations;  
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that incidents  
7 of family violence have reached epidemic proportions and must not be  
8 tolerated; that exposure to family violence at an early age appears to  
9 be a significant risk factor for subsequent violent behavior against  
10 the community at large; and that escalating health care, criminal  
11 justice, and human services costs of family violence compel it to  
12 explore new models of prevention and intervention.

13 The legislature further declares that family violence ruptures the  
14 basic unit upon which our culture is based, mocks our sense of  
15 individual dignity and justice, and denies our children the nurturing

1 environment necessary for their physical, emotional, and intellectual  
2 development.

3 The legislature recognizes that alcohol and drug abuse are both  
4 contributing factors to, and important by-products of, family violence.  
5 Alcohol and drug abuse increases the likelihood and severity of  
6 violence in the perpetrator, increases the distress, vulnerability, and  
7 dysfunction of adult victims, and impairs the development of children  
8 exposed to violence.

9 The legislature acknowledges that criminal justice agencies,  
10 charged with the capture, adjudication, and postconviction management  
11 of offenders have little if any control over societal patterns and  
12 relationships that spawn family violence. Therefore, exclusive  
13 reliance on a criminal justice response to family violence cannot  
14 effectively prevent its occurrence or safeguard the community. Other  
15 successful approaches to prevention, intervention, and treatment,  
16 including those used by the health care and public health professions,  
17 must be explored.

18 The purpose of this act is to strengthen existing support systems  
19 that provide safety, security, advocacy, and health care to victims of  
20 family violence; to inventory the breadth of programs available to  
21 those experiencing family violence; and to investigate new long range  
22 models of prevention and early intervention that coordinate efforts by  
23 the criminal justice, health care, mental health, and social services  
24 delivery systems.

25 NEW SECTION. **Sec. 2.** As used in section 3 of this act,  
26 "family violence" means a typology of abuses against persons,  
27 including spouse or partner abuse, child abuse, child sexual abuse or  
28 incest, sibling abuse, and elder abuse in the form of physical  
29 violence, sexual violence, emotional or psychological violence, and

1 environmental violence. Family violence includes but is not limited to  
2 child abuse or neglect, as defined in RCW 26.44.020, sexual offenses,  
3 as provided in chapter 9A.44 RCW, and domestic violence, as defined in  
4 RCW 10.99.020.

5 NEW SECTION. **Sec. 3.** (1) The secretary of health shall  
6 develop public health surveillance systems for tracing morbidity  
7 associated with family violence, methodologies for precisely  
8 identifying groups at risk for family violence, research methods for  
9 exploring potentially modifiable risk factors for family violence, and  
10 a system for rigorously evaluating existing programs that are intended  
11 to prevent family violence or modify a suspected risk factor.

12 (2) The secretary of social and health services shall establish,  
13 through a competitive selection process, three new pilot programs in  
14 communities geographically balanced throughout the state that will  
15 assure a sustained commitment towards containing family violence. The  
16 goal of the pilot programs shall be to test a variety of prevention and  
17 early intervention strategies to successfully interrupt the escalating  
18 cycle of family violence in Washington communities.

19 (a) The department of social and health services and the department  
20 of health shall jointly develop criteria for the selection of pilot  
21 programs;

22 (b) Each pilot program shall provide for coordination between local  
23 law enforcement agencies and courts, local governments, domestic  
24 violence and sexual assault victims' support programs, regional support  
25 networks, public health agencies, health care providers, schools, other  
26 community organizations, and relevant programs within state agencies.  
27 Each pilot program shall designate a lead agency and develop written  
28 interagency agreements to provide a coordinated continuum of services.  
29 Pilot programs shall make every effort to preserve existing family

1 violence intervention programs and coordinate available funding for  
2 services related to family violence prevention and services to victims  
3 of family violence;

4 (c) The pilot program shall provide at least the following  
5 services: Services to family members who are victims of violence;  
6 services to victims of violent crime; case management services; and  
7 specialized intervention programs for treatment of perpetrators of  
8 violence, such as anger management, parenting and caregiver training to  
9 families experiencing or at-risk of experiencing violence, and public  
10 education regarding community violence;

11 (d) A majority of the families served by each pilot program must  
12 have some involvement with drug or alcohol abuse; and

13 (e) Twenty-five percent of funding for the pilot program shall be  
14 provided in-kind or in cash by public or private entities in the  
15 community served by the program.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.19 RCW  
17 to read as follows:

18 (1) The department shall issue a certified family violence  
19 counselor certificate to any applicant meeting the following  
20 requirements:

21 (a) Successful completion of an educational program approved by the  
22 secretary or successful completion of alternative training that meets  
23 the criteria of the secretary;

24 (b) Successful completion of any experience requirement established  
25 by the secretary;

26 (c) Successful completion of any examination administered or  
27 approved by the secretary; and

28 (d) Any other requirements established by the secretary that are  
29 necessarily relevant to the competence of family violence counselors.

1 (2) Applicants shall be subject to the grounds for denial or  
2 issuance of a certificate in chapter 18.130 RCW.

3 (3) Certified family violence practice is that aspect of counseling  
4 that involves the evaluation, treatment, case management, and reporting  
5 of individuals impacted by family violence, including the perpetrators  
6 of violence or abuse and family members who are victims of such  
7 violence or abuse.

8 (4) The department shall develop and implement certification  
9 procedures, in consultation with the advisory committee established  
10 pursuant to RCW 18.19.070, by July 1, 1992.

11 (5) The department is authorized to establish requirements for  
12 specialty practice for counselors engaged in different aspects of  
13 family violence counseling, including but not limited to domestic  
14 violence, in consultation with the advisory committee established  
15 pursuant to RCW 18.19.070.

16 **Sec. 5.** RCW 18.19.020 and 1987 c 512 s 3 are each amended to read  
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

20 (1) "Certified family violence counselor" means a person certified  
21 to practice family violence counseling pursuant to section 4 of this  
22 act.

23 (2) "Certified marriage and family therapist" means a person  
24 certified to practice marriage and family therapy pursuant to of RCW  
25 18.19.130.

26 ~~((2))~~ (3) "Certified mental health counselor" means a person  
27 certified to practice mental health counseling pursuant to RCW  
28 18.19.120.

1        ~~((3))~~ (4) "Certified social worker" means a person certified to  
2 practice social work pursuant to RCW 18.19.110.

3        ~~((4))~~ (5) "Client" means an individual who receives or  
4 participates in counseling or group counseling.

5        ~~((5))~~ (6) "Counseling" means employing any therapeutic  
6 techniques, including but not limited to social work, mental health  
7 counseling, marriage and family therapy, and hypnotherapy, for a fee  
8 that offer, assist or attempt to assist an individual or individuals in  
9 the amelioration or adjustment of mental, emotional, or behavioral  
10 problems, and includes therapeutic techniques to achieve sensitivity  
11 and awareness of self and others and the development of human  
12 potential. For the purposes of this chapter, nothing may be construed  
13 to imply that the practice of hypnotherapy is necessarily limited to  
14 counseling.

15        ~~((6))~~ (7) "Counselor" means an individual, practitioner,  
16 therapist, or analyst who engages in the practice of counseling to the  
17 public for a fee, including for the purposes of this chapter,  
18 hypnotherapists.

19        ~~((7))~~ (8) "Department" means the department of ~~((licensing))~~  
20 health.

21        ~~((8) "Director" means the director of the department or the~~  
22 ~~director's designee))~~ (9) "Secretary" means the secretary of health or  
23 the secretary's designee.

24        **Sec. 6.** RCW 18.19.030 and 1987 c 512 s 2 are each amended to read  
25 as follows:

26        No person may, for a fee or as a part of his or her position as an  
27 employee of a state agency, practice counseling without being  
28 registered to practice by the department ~~((of licensing))~~ under this  
29 chapter unless exempt under RCW 18.19.040. No person may represent

1 himself or herself as a certified social worker, certified mental  
2 health counselor, ~~((or))~~ certified marriage and family therapist, or  
3 certified family violence counselor without being so certified by the  
4 department ~~((of licensing))~~ under this chapter.

5 NEW SECTION. **Sec. 7.** The office of financial management shall  
6 inventory, catalogue, and assess all state-operated, state-funded, or  
7 privately operated programs serving violent families, including a  
8 description of how each program is administered, the types of services  
9 provided and the type and number of persons served through the program  
10 during calendar years 1989 and 1990. This information shall be  
11 provided in a report to the following committees of the legislature on  
12 or before October 1, 1991: The senate law and justice committee, the  
13 senate children and family services committee, the senate committee on  
14 health and long-term care, the house of representatives judiciary  
15 committee, the house of representatives human services committee, and  
16 the house of representatives health care committee. Upon receipt of  
17 the report, the chairpersons and appropriate members of such committees  
18 shall jointly develop legislative recommendations regarding the  
19 implementation of a coordinated, effective family violence prevention  
20 and intervention strategy for Washington state.

21 NEW SECTION. **Sec. 8.** (1) One million five hundred thousand  
22 dollars, or as much thereof as may be necessary, is appropriated to the  
23 department of social and health services from the drug enforcement and  
24 education account for the biennium ending June 30, 1993, for three new  
25 pilot programs established pursuant to section 3 of this act. Grants  
26 to each pilot program shall not exceed two hundred fifty thousand  
27 dollars per year.

1           (2) One million dollars, or as much thereof as may be necessary, is  
2 appropriated to the department of social and health services from the  
3 general fund for the biennium ending June 30, 1993, for continuation of  
4 the pilot program established in King county pursuant to section  
5 206(i), chapter 16, Laws of 1990 1st ex. sess.

6           NEW SECTION.   **Sec. 9.**           If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10          NEW SECTION.   **Sec. 10.**          Sections 2 and 3 of this act shall  
11 constitute a new chapter in Title 70 RCW.

12          NEW SECTION.   **Sec. 11.**          Sections 2, 3, and 7 of this act are  
13 necessary for the immediate preservation of the public peace, health,  
14 or safety, or support of the state government and its existing public  
15 institutions, and shall take effect immediately.

16          NEW SECTION.   **Sec. 12.**          Sections 4 through 6 of this act shall  
17 take effect July 1, 1992.