
SUBSTITUTE SENATE BILL 5748

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senator Roach).

Read first time February 28, 1991.

1 AN ACT Relating to residential care options for special needs
2 children; amending RCW 74.15.010 and 74.15.020; adding a new section to
3 chapter 74.15 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the
6 extraordinary demands of caring for many children with physical and
7 developmental disabilities may jeopardize family integrity and threaten
8 the child's health and safety. Washington state currently offers a
9 limited range of respite and long-term care options for special needs
10 children. The legislature declares that the availability of an array
11 of residential and family support options enables parents and
12 caregivers of special needs children to preserve family wholeness and
13 maintain family involvement while meeting the health and developmental
14 needs of their child.

1 **Sec. 2.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read
2 as follows:

3 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

4 (1) To safeguard the well-being of children, expectant mothers and
5 developmentally disabled persons receiving care away from their own
6 homes;

7 (2) To strengthen and encourage family unity and to sustain
8 parental rights and responsibilities to the end that foster care is
9 provided only when a child's family, through the use of all available
10 resources, is unable to provide necessary care;

11 (3) To ensure the availability and development of an array of
12 residential and family support options that sustain family involvement,
13 preserve family integrity, and appropriately meet the health and
14 developmental needs of special needs children;

15 (4) To promote the development of a sufficient number and variety
16 of adequate child-care and maternity-care facilities, both public and
17 private, through the cooperative efforts of public and voluntary
18 agencies and related groups.

19 (~~(4)~~) (5) To provide consultation to agencies caring for
20 children, expectant mothers or developmentally disabled persons in
21 order to help them to improve their methods of and facilities for care;

22 (~~(5)~~) (6) To license agencies as defined in RCW 74.15.020 and to
23 assure the users of such agencies, their parents, the community at
24 large and the agencies themselves that adequate minimum standards are
25 maintained by all agencies caring for children, expectant mothers and
26 developmentally disabled persons.

27 **Sec. 3.** RCW 74.15.020 and 1988 c 176 s 912 are each amended to
28 read as follows:

1 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
2 otherwise clearly indicated by the context thereof, the following terms
3 shall mean:

4 (1) "Department" means the state department of social and health
5 services;

6 (2) "Secretary" means the secretary of social and health services;

7 (3) "Agency" means any person, firm, partnership, association,
8 corporation, or facility which receives children, expectant mothers, or
9 persons with developmental disabilities for control, care, or
10 maintenance outside their own homes, or which places, arranges the
11 placement of, or assists in the placement of children, expectant
12 mothers, or persons with developmental disabilities for foster care or
13 placement of children for adoption, and shall include the following
14 irrespective of whether there is compensation to the agency or to the
15 children, expectant mothers or persons with developmental disabilities
16 for services rendered:

17 (a) "Group-care facility" means an agency, other than a foster-
18 family home, which is maintained and operated for the care of a group
19 of children on a twenty-four hour basis;

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

22 (c) "Maternity service" means an agency which provides or arranges
23 for care or services to expectant mothers, before or during
24 confinement, or which provides care as needed to mothers and their
25 infants after confinement;

26 (d) "Day-care center" means an agency which regularly provides care
27 for a group of children for periods of less than twenty-four hours;

28 (e) "Foster-family home" means an agency which regularly provides
29 care on a twenty-four hour basis to one or more children, expectant
30 mothers, or persons with developmental disabilities in the family abode

1 of the person or persons under whose direct care and supervision the
2 child, expectant mother, or person with a developmental disability is
3 placed;

4 (f) "Crisis residential center" means an agency which is a
5 temporary protective residential facility operated to perform the
6 duties specified in chapter 13.32A RCW, in the manner provided in RCW
7 74.13.032 through 74.13.036.

8 (4) "Agency" shall not include the following:

9 (a) Persons related by blood or marriage to the child, expectant
10 mother, or persons with developmental disabilities in the following
11 degrees: Parent, grandparent, brother, sister, stepparent,
12 stepbrother, stepsister, uncle, aunt, and/or first cousin;

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

15 (c) Persons who care for a neighbor's or friend's child or
16 children, with or without compensation, where the person does not
17 engage in such activity on a regular basis, or where parents on a
18 mutually cooperative basis exchange care of one another's children, or
19 persons who have the care of an exchange student in their own home;

20 (d) Nursery schools or kindergartens which are engaged primarily in
21 educational work with preschool children and in which no child is
22 enrolled on a regular basis for more than four hours per day;

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

27 (f) Seasonal camps of three months' or less duration engaged
28 primarily in recreational or educational activities;

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
30 performing functions defined in chapter 70.41 RCW, nursing homes

1 licensed under chapter 18.51 RCW and boarding homes licensed under
2 chapter 18.20 RCW;

3 (h) Licensed physicians or lawyers;

4 (i) Facilities providing care to children for periods of less than
5 twenty-four hours whose parents remain on the premises to participate
6 in activities other than employment;

7 (j) Facilities approved and certified under chapter 71A.22 RCW;

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

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

17 (m) An agency operated by any unit of local, state, or federal
18 government or an agency, located within the boundaries of a federally
19 recognized Indian reservation, licensed by the Indian tribe;

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

23 (5) "Special needs children" means individuals up to age twenty-two
24 who have physical or developmental disabilities or developmental delays
25 and illnesses that require skilled health care intervention and
26 monitoring.

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW
2 to read as follows:

3 (1) The department shall establish a coordinated children's long-
4 term care policy incorporating a continuum of family support options
5 based on the individual needs and choices of the special needs child
6 and his or her family. The policy shall incorporate an array of both
7 in-home and residential care options and ensure family involvement and
8 choice in all decisions regarding their child's care.

9 (2) The children's long-term care policy shall require the
10 department, in collaboration with families and other involved
11 caregivers, to develop an individualized family and child centered plan
12 guiding the utilization of family support options for special needs
13 children and their families. The plan shall be designed to preserve
14 family integrity and involvement and ensure a stable, safe, and
15 nurturing home-like environment that meets the health and developmental
16 needs of the special needs child.

17 (3) Residential care options shall include the following:

18 (a) Specialized group care facilities as defined by RCW 74.15.020
19 for special needs children offering twenty-four hour skilled care
20 providers, specialized therapies, psycho-social supports, caregiver
21 training, educational services, or other necessary services in a single
22 setting;

23 (b) Small specialized group homes in residential neighborhoods
24 offering skilled care providers, specialized therapies, psycho-social
25 supports, caregiver training, educational services, or other necessary
26 services provided by contractors or agency staff members;

27 (c) Specialized foster homes; and

28 (d) Shared parenting homes.

29 (4) Residential care options as identified in subsection (3) of
30 this section may provide temporary services to families requiring a

1 break from caregiving or other short or long-term services according to
2 the individualized family support options plan as defined in subsection
3 (2) of this section.

4 (5) The department shall develop an interagency agreement with the
5 department of health that establishes minimum standards and guides the
6 selection of facilities and agencies authorized to establish
7 residential care options for special needs children as defined in
8 subsection (3) of this section. The department shall submit its plan
9 and schedule for gathering and processing the information necessary to
10 develop the required policy and standards. The legislative budget
11 committee shall provide oversight in developing this agreement and the
12 children's long-term care policy and prepare a report to the
13 appropriate legislative committees, submitted by December 1, 1991.

14 NEW SECTION. **Sec. 5.** The legislative budget committee shall
15 conduct an independent evaluation of short and long-term residential
16 care options for special needs children. The evaluation shall identify
17 the number of special needs children and available residential care
18 options, compare the quality assurance and health and safety standards
19 of available options, and identify inconsistencies in licensing
20 authority and standards and compare the cost of available services to
21 the estimated cost of services available under the federal Tax Equity
22 and Financial Recovery Act (TEFRA) of 1982. The evaluation shall make
23 recommendations to the legislature on the expansion of residential care
24 options for special needs children and the licensing authority and
25 standards for such options.