

2 **E2SSB 5710** - H COMM AMD  
3 By Committee on Children & Family Services

**ADOPTED**  
**4-10-97**

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 13.34.030 and 1995 c 311 s 23 are each amended to  
8 read as follows:

9 For purposes of this chapter:

10 (1) "Alternative response system" means voluntary family-centered  
11 services that are: (a) Provided by an entity with which the department  
12 contracts; and (b) intended to increase the strengths and cohesiveness  
13 of families that the department determines present a low risk of child  
14 abuse or neglect.

15 (2) "Child" and "juvenile" means any individual under the age of  
16 eighteen years.

17 ~~((+2))~~ (3) "Current placement episode" means the period of time  
18 that begins with the most recent date that the child was removed from  
19 the home of the parent, guardian, or legal custodian for purposes of  
20 placement in out-of-home care and continues until the child returns  
21 home, an adoption decree or guardianship order is entered, or the  
22 dependency is dismissed, whichever occurs soonest. If the most recent  
23 date of removal occurred prior to the filing of a dependency petition  
24 under this chapter or after filing but prior to entry of a disposition  
25 order, such time periods shall be included when calculating the length  
26 of a child's current placement episode.

27 ~~((+3))~~ (4) "Department" means the department of social and health  
28 services.

29 (5) "Dependency guardian" means the person, nonprofit corporation,  
30 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
31 the limited purpose of assisting the court in the supervision of the  
32 dependency.

33 ~~((+4))~~ (6) "Dependent child" means any child:

34 (a) Who has been abandoned; that is, where the child's parent,  
35 guardian, or other custodian has expressed either by statement or  
36 conduct, an intent to forego, for an extended period, parental rights

1 or parental responsibilities despite an ability to do so. If the court  
2 finds that the petitioner has exercised due diligence in attempting to  
3 locate the parent, no contact between the child and the child's parent,  
4 guardian, or other custodian for a period of three months creates a  
5 rebuttable presumption of abandonment, even if there is no expressed  
6 intent to abandon;

7 (b) Who is abused or neglected as defined in chapter 26.44 RCW by  
8 a person legally responsible for the care of the child;

9 (c) Who has no parent, guardian, or custodian capable of adequately  
10 caring for the child, such that the child is in circumstances which  
11 constitute a danger of substantial damage to the child's psychological  
12 or physical development; or

13 (d) Who has a developmental disability, as defined in RCW  
14 71A.10.020 and whose parent, guardian, or legal custodian together with  
15 the department determines that services appropriate to the child's  
16 needs can not be provided in the home. However, (a), (b), and (c) of  
17 this subsection may still be applied if other reasons for removal of  
18 the child from the home exist.

19 ~~((+5))~~ (7) "Guardian" means the person or agency that: (a) Has  
20 been appointed as the guardian of a child in a legal proceeding other  
21 than a proceeding under this chapter; and (b) has the legal right to  
22 custody of the child pursuant to such appointment. The term "guardian"  
23 shall not include a "dependency guardian" appointed pursuant to a  
24 proceeding under this chapter.

25 ~~((+6))~~ (8) "Guardian ad litem" means a person, appointed by the  
26 court to represent the best interest of a child in a proceeding under  
27 this chapter, or in any matter which may be consolidated with a  
28 proceeding under this chapter. A "court-appointed special advocate"  
29 appointed by the court to be the guardian ad litem for the child, or to  
30 perform substantially the same duties and functions as a guardian ad  
31 litem, shall be deemed to be guardian ad litem for all purposes and  
32 uses of this chapter.

33 ~~((+7))~~ (9) "Guardian ad litem program" means a court-authorized  
34 volunteer program, which is or may be established by the superior court  
35 of the county in which such proceeding is filed, to manage all aspects  
36 of volunteer guardian ad litem representation for children alleged or  
37 found to be dependent. Such management shall include but is not  
38 limited to: Recruitment, screening, training, supervision, assignment,  
39 and discharge of volunteers.

1       (~~(8)~~) (10) "Out-of-home care" means placement in a foster family  
2 home or group care facility licensed pursuant to chapter 74.15 RCW or  
3 placement in a home, other than that of the child's parent, guardian,  
4 or legal custodian, not required to be licensed pursuant to chapter  
5 74.15 RCW.

6       (~~(9)~~) (11) "Preventive services" means preservation services, as  
7 defined in chapter 74.14C RCW, and other reasonably available services  
8 capable of preventing the need for out-of-home placement while  
9 protecting the child.

10       NEW SECTION.   **Sec. 2.** A new section is added to chapter 26.44 RCW  
11 to read as follows:

12       The department may create a community-based alternative response  
13 system for families referred to child protective services who are  
14 identified as low-risk cases. The system shall assess family needs and  
15 strengths, and arrange services for eligible families. Services  
16 provided through the system shall be contracted for with community-  
17 based organizations.

18       NEW SECTION.   **Sec. 3.** If specific funding for the purposes of  
19 section 2 of this act, referencing this act by bill or chapter and  
20 section number, is not provided by June 30, 1997, in the omnibus  
21 appropriations act, this act is null and void.

22       NEW SECTION.   **Sec. 4.** Section 2 of this act is necessary for the  
23 immediate preservation of the public peace, health, or safety, or  
24 support of the state government and its existing public institutions,  
25 and takes effect July 1, 1997.

26       NEW SECTION.   **Sec. 5.** The legislature intends to consolidate all  
27 services provided to children with developmental disabilities through  
28 the department of social and health services in the division of  
29 developmental disabilities. The legislature also intends to provide a  
30 discrete, separate process for children with developmental disabilities  
31 who require home-based or out-of-home care that complies with the  
32 federal requirements for receipt of federal funds for services under  
33 Title IV-B and Title IV-E of the social security act. The legislature  
34 intends by sections 6 through 9 of this act to minimize the  
35 embarrassment and inconvenience of children with developmental

1 disabilities and their families caused by complying with these federal  
2 requirements.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 71A.10 RCW  
4 to read as follows:

5 As used in this chapter, "developmentally disabled dependent child"  
6 is a child who has a developmental disability as defined in RCW  
7 71A.10.020 and whose parent, guardian, or legal custodian and with the  
8 department mutually agree that services appropriate to the child's  
9 needs can not be provided in the home.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 71A.10 RCW  
11 to read as follows:

12 It is the intent of the legislature that parents are responsible  
13 for the care and support of children with developmental disabilities.  
14 The legislature recognizes that, because of the intense support  
15 required to care for a child with developmental disabilities, the help  
16 of an out-of-home placement may be needed. It is the intent of the  
17 legislature that, when the sole reason for the out-of-home placement is  
18 the child's developmental disability, such services be offered by the  
19 department to these children and their families through a voluntary  
20 placement agreement. In these cases, the parents shall retain legal  
21 custody of the child.

22 As used in this section, "voluntary placement agreement" means a  
23 written agreement between the department and a child's legal guardian  
24 authorizing the department to place the child in a licensed facility.  
25 Under the terms of this agreement, the parent or legal guardian shall  
26 retain legal custody and the department shall be responsible for the  
27 child's placement and care. The agreement shall at a minimum specify  
28 the legal status of the child and the rights and obligations of the  
29 parent or legal guardian, the child, and the department while the child  
30 is in placement. The agreement must be signed by the child's parent  
31 and the department to be in effect.

32 As used in this section, "out-of-home placement" means the  
33 placement of a child in a facility licensed to care for children with  
34 developmental disabilities on a twenty-four hour basis.

35 Whenever the department places a child in out-of-home care under a  
36 voluntary placement pursuant to this section, the department shall have  
37 the responsibility for the child's placement and care. When a child

1 remains in out-of-home care under a voluntary agreement for more than  
2 one hundred eighty days, the juvenile court shall make a judicial  
3 determination, within the first one hundred eighty days of the  
4 placement, that the placement is in the best interests of the child.  
5 In addition, the juvenile court shall hold a permanency planning  
6 hearing as specified in RCW 13.34.145 and thereafter as specified in  
7 federal law during the continuation of the placement. The permanency  
8 planning hearings shall review whether the child's best interests are  
9 served by continued out-of-home placement and determine the future  
10 status of the child.

11 The department shall provide for foster care citizen reviews or  
12 administrative reviews as required by federal law. A review may be  
13 called at any time by either the department or the parent.

14 The court may appoint a guardian ad litem if the court finds an  
15 independent investigation is needed to examine the best interests of  
16 the child.

17 Nothing in this section shall prevent the department from filing a  
18 dependency petition if the child is abused or neglected or the parents  
19 discontinue contact with the child.

20 The department shall adopt rules providing for the implementation  
21 of sections 8 and 9 of this act and the transfer of responsibility for  
22 out-of-home placements from the dependency process under chapter 13.34  
23 RCW to the process under chapter 71A.10 RCW.

24 NEW SECTION. **Sec. 8.** Section 7 of this act is necessary for the  
25 immediate preservation of the public peace, health, or safety, or  
26 support of the state government and its existing public institutions,  
27 and takes effect immediately.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 71A.10 RCW  
29 to read as follows:

30 The department shall consolidate all services provided through the  
31 department to children with developmental disabilities in the division  
32 of developmental disabilities. The department shall provide for an  
33 orderly transfer of staff, equipment, and related responsibilities from  
34 the division of children and family services to the division of  
35 developmental disabilities. The division of developmental disabilities  
36 shall assume responsibilities for children with developmental  
37 disabilities under this section no later than March 1, 1998. Any

1 disputes between the division of children and family services and the  
2 division of developmental disabilities regarding the transfer of  
3 responsibilities under this section shall be resolved by the secretary  
4 of the department of social and health services.

5 **Sec. 10.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to  
6 read as follows:

7 For purposes of this chapter:

8 (1) "Child" and "juvenile" means any individual under the age of  
9 eighteen years.

10 (2) "Current placement episode" means the period of time that  
11 begins with the most recent date that the child was removed from the  
12 home of the parent, guardian, or legal custodian for purposes of  
13 placement in out-of-home care and continues until the child returns  
14 home, an adoption decree or guardianship order is entered, or the  
15 dependency is dismissed, whichever occurs soonest. If the most recent  
16 date of removal occurred prior to the filing of a dependency petition  
17 under this chapter or after filing but prior to entry of a disposition  
18 order, such time periods shall be included when calculating the length  
19 of a child's current placement episode.

20 (3) "Dependency guardian" means the person, nonprofit corporation,  
21 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
22 the limited purpose of assisting the court in the supervision of the  
23 dependency.

24 (4) "Dependent child" means any child:

25 (a) Who has been abandoned; that is, where the child's parent,  
26 guardian, or other custodian has expressed either by statement or  
27 conduct, an intent to forego, for an extended period, parental rights  
28 or parental responsibilities despite an ability to do so. If the court  
29 finds that the petitioner has exercised due diligence in attempting to  
30 locate the parent, no contact between the child and the child's parent,  
31 guardian, or other custodian for a period of three months creates a  
32 rebuttable presumption of abandonment, even if there is no expressed  
33 intent to abandon;

34 (b) Who is abused or neglected as defined in chapter 26.44 RCW by  
35 a person legally responsible for the care of the child; or

36 (c) Who has no parent, guardian, or custodian capable of adequately  
37 caring for the child, such that the child is in circumstances which

1 constitute a danger of substantial damage to the child's psychological  
2 or physical development(~~(or~~

3 ~~(d) Who has a developmental disability, as defined in RCW~~  
4 ~~71A.10.020 and whose parent, guardian, or legal custodian together with~~  
5 ~~the department determines that services appropriate to the child's~~  
6 ~~needs can not be provided in the home. However, (a), (b), and (c) of~~  
7 ~~this subsection may still be applied if other reasons for removal of~~  
8 ~~the child from the home exist)).~~

9 (5) "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 this chapter; and (b) has the legal right to custody  
12 of the child pursuant to such appointment. The term "guardian" shall  
13 not include a "dependency guardian" appointed pursuant to a proceeding  
14 under this chapter.

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

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

30 (8) "Out-of-home care" means placement in a foster family home or  
31 group care facility licensed pursuant to chapter 74.15 RCW or placement  
32 in a home, other than that of the child's parent, guardian, or legal  
33 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

34 (9) "Preventive services" means preservation services, as defined  
35 in chapter 74.14C RCW, and other reasonably available services capable  
36 of preventing the need for out-of-home placement while protecting the  
37 child.

1        NEW SECTION.    **Sec. 11.**    Sections 5, 6, 9, and 10 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and take effect July 1, 1997.

5        **Sec. 12.**    RCW 13.50.010 and 1996 c 232 s 6 are each amended to read  
6 as follows:

7        (1) For purposes of this chapter:

8        (a) "Juvenile justice or care agency" means any of the following:  
9 Police, diversion units, court, prosecuting attorney, defense attorney,  
10 detention center, attorney general, the legislative children's  
11 oversight committee, the office of family and children's ombudsman, the  
12 department of social and health services and its contracting agencies,  
13 schools; and, in addition, persons or public or private agencies having  
14 children committed to their custody;

15        (b) "Official juvenile court file" means the legal file of the  
16 juvenile court containing the petition or information, motions,  
17 memorandums, briefs, findings of the court, and court orders;

18        (c) "Social file" means the juvenile court file containing the  
19 records and reports of the probation counselor;

20        (d) "Records" means the official juvenile court file, the social  
21 file, and records of any other juvenile justice or care agency in the  
22 case.

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

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

29        (a) The agency may never knowingly record inaccurate information.  
30 Any information in records maintained by the department of social and  
31 health services relating to a petition filed pursuant to chapter 13.34  
32 RCW that is found by the court, upon proof presented, to be false or  
33 inaccurate shall be corrected or expunged from such records by the  
34 agency;

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



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

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

7 (5) Any person who has reasonable cause to believe information  
8 concerning that person is included in the records of a juvenile justice  
9 or care agency and who has been denied access to those records by the  
10 agency may make a motion to the court for an order authorizing that  
11 person to inspect the juvenile justice or care agency record concerning  
12 that person. The court shall grant the motion to examine records  
13 unless it finds that in the interests of justice or in the best  
14 interests of the juvenile the records or parts of them should remain  
15 confidential.

16 (6) A juvenile, or his or her parents, or any person who has  
17 reasonable cause to believe information concerning that person is  
18 included in the records of a juvenile justice or care agency may make  
19 a motion to the court challenging the accuracy of any information  
20 concerning the moving party in the record or challenging the continued  
21 possession of the record by the agency. If the court grants the  
22 motion, it shall order the record or information to be corrected or  
23 destroyed.

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

28 (8) The court may permit inspection of records by, or release of  
29 information to, any clinic, hospital, or agency which has the subject  
30 person under care or treatment. The court may also permit inspection  
31 by or release to individuals or agencies, including juvenile justice  
32 advisory committees of county law and justice councils, engaged in  
33 legitimate research for educational, scientific, or public purposes.  
34 The court may also permit inspection of, or release of information  
35 from, records which have been sealed pursuant to RCW 13.50.050(11).  
36 The court shall release to the sentencing guidelines commission records  
37 needed for its research and data-gathering functions under RCW  
38 9.94A.040 and other statutes. Access to records or information for  
39 research purposes shall be permitted only if the anonymity of all

1 persons mentioned in the records or information will be preserved.  
2 Each person granted permission to inspect juvenile justice or care  
3 agency records for research purposes shall present a notarized  
4 statement to the court stating that the names of juveniles and parents  
5 will remain confidential.

6 (9) Juvenile detention facilities shall release records to the  
7 sentencing guidelines commission under RCW 13.40.025 and 9.94A.040 upon  
8 request. The commission shall not disclose the names of any juveniles  
9 or parents mentioned in the records without the named individual's  
10 written permission.

11 (10) Requirements in this chapter relating to the court's authority  
12 to compel disclosure shall not apply to the legislative children's  
13 oversight committee or the office of the family and children's  
14 ombudsman.

15 **Sec. 13.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to  
16 read as follows:

17 (1) This section governs records not covered by RCW 13.50.050.

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

20 (3) Records retained or produced by any juvenile justice or care  
21 agency may be released to other participants in the juvenile justice or  
22 care system only when an investigation or case involving the juvenile  
23 in question is being pursued by the other participant or when that  
24 other participant is assigned the responsibility of supervising the  
25 juvenile. Records covered under this section and maintained by the  
26 juvenile courts which relate to the official actions of the agency may  
27 be entered in the state-wide juvenile court information system.

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

32 (a) If it is determined by the agency that release of this  
33 information is likely to cause severe psychological or physical harm to  
34 the juvenile or his or her parents the agency may withhold the  
35 information subject to other order of the court: PROVIDED, That if the  
36 court determines that limited release of the information is  
37 appropriate, the court may specify terms and conditions for the release  
38 of the information; or

1 (b) If the information or record has been obtained by a juvenile  
2 justice or care agency in connection with the provision of counseling,  
3 psychological, psychiatric, or medical services to the juvenile, when  
4 the services have been sought voluntarily by the juvenile, and the  
5 juvenile has a legal right to receive those services without the  
6 consent of any person or agency, then the information or record may not  
7 be disclosed to the juvenile's parents without the informed consent of  
8 the juvenile unless otherwise authorized by law; or

9 (c) That the department of social and health services may delete  
10 the name and identifying information regarding persons or organizations  
11 who have reported (~~suspected~~) alleged child abuse or neglect.

12 (5) A juvenile or his or her parent denied access to any records  
13 following an agency determination under subsection (4) of this section  
14 may file a motion in juvenile court requesting access to the records.  
15 The court shall grant the motion unless it finds access may not be  
16 permitted according to the standards found in subsections (4) (a) and  
17 (b) of this section.

18 (6) The person making a motion under subsection (5) of this section  
19 shall give reasonable notice of the motion to all parties to the  
20 original action and to any agency whose records will be affected by the  
21 motion.

22 (7) Subject to the rules of discovery in civil cases, any party to  
23 a proceeding seeking a declaration of dependency or a termination of  
24 the parent-child relationship and any party's counsel and the guardian  
25 ad litem of any party, shall have access to the records of any natural  
26 or adoptive child of the parent, subject to the limitations in  
27 subsection (4) of this section.

28 **Sec. 14.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to  
29 read as follows:

30 (1) This chapter shall not be construed to authorize interference  
31 with child-raising practices, including reasonable parental discipline,  
32 which are not injurious to the child's health, welfare, and safety.

33 (2) Nothing in this chapter may be used to prohibit the reasonable  
34 use of corporal punishment as a means of discipline.

35 (3) No parent or guardian may be deemed abusive or neglectful  
36 solely by reason of the parent's or child's blindness, deafness,  
37 developmental disability, or other handicap.

1 (4) A person reporting alleged injury, abuse, or neglect to an  
2 adult dependent person shall not suffer negative consequences if the  
3 person reporting believes in good faith that the adult dependent person  
4 has been found legally incompetent or disabled.

5 **Sec. 15.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to  
6 read as follows:

7 For the purpose of and as used in this chapter:

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

10 (2) "Law enforcement agency" means the police department, the  
11 prosecuting attorney, the state patrol, the director of public safety,  
12 or the office of the sheriff.

13 (3) "Practitioner of the healing arts" or "practitioner" means a  
14 person licensed by this state to practice podiatric medicine and  
15 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
16 medicine and surgery, or medicine and surgery or to provide other  
17 health services. The term "practitioner" shall include a duly  
18 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a  
19 person who is being furnished Christian Science treatment by a duly  
20 accredited Christian Science practitioner shall not be considered, for  
21 that reason alone, a neglected person for the purposes of this chapter.

22 (4) "Institution" means a private or public hospital or any other  
23 facility providing medical diagnosis, treatment or care.

24 (5) "Department" means the state department of social and health  
25 services.

26 (6) "Child" or "children" means any person under the age of  
27 eighteen years of age.

28 (7) "Professional school personnel" shall include, but not be  
29 limited to, teachers, counselors, administrators, child care facility  
30 personnel, and school nurses.

31 (8) "Social service counselor" shall mean anyone engaged in a  
32 professional capacity during the regular course of employment in  
33 encouraging or promoting the health, welfare, support or education of  
34 children, or providing social services to adults or families, including  
35 mental health, drug and alcohol treatment, and domestic violence  
36 programs, whether in an individual capacity, or as an employee or agent  
37 of any public or private organization or institution.

1 (9) "Psychologist" shall mean 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 (10) "Pharmacist" shall mean any registered pharmacist under the  
6 provisions of chapter 18.64 RCW, whether acting in an individual  
7 capacity or as an employee or agent of any public or private  
8 organization or institution.

9 (11) "Clergy" shall mean any regularly licensed or ordained  
10 minister, priest or rabbi of any church or religious denomination,  
11 whether acting in an individual capacity or as an employee or agent of  
12 any public or private organization or institution.

13 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual  
14 exploitation, negligent treatment, or maltreatment of a child, adult  
15 dependent, or developmentally disabled person by any person under  
16 circumstances which indicate that the child's or adult's health,  
17 welfare, and safety is harmed, excluding conduct permitted under RCW  
18 9A.16.100. An abused child is a child who has been subjected to child  
19 abuse or neglect as defined herein.

20 (13) "Child protective services section" shall mean the child  
21 protective services section of the department.

22 (14) "Adult dependent persons" shall be defined as those persons  
23 over the age of eighteen years who have been found to be legally  
24 incompetent or disabled pursuant to chapter 11.88 RCW.

25 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or  
26 encouraging a child to engage in prostitution by any person; or (b)  
27 allowing, permitting, encouraging, or engaging in the obscene or  
28 pornographic photographing, filming, or depicting of a child by any  
29 person.

30 (16) "Negligent treatment or maltreatment" means an act or omission  
31 which evidences a serious disregard of consequences of such magnitude  
32 as to constitute a clear and present danger to the child's health,  
33 welfare, and safety.

34 (17) "Developmentally disabled person" means a person who has a  
35 disability defined in RCW 71A.10.020.

36 (18) "Child protective services" means those services provided by  
37 the department designed to protect children from child abuse and  
38 neglect and safeguard the general welfare of such children and shall  
39 include investigations of child abuse and neglect reports, including

1 reports regarding child care centers and family child care homes, and  
2 the development, management, and provision of or referral to services  
3 to ameliorate conditions which endanger the welfare of children, the  
4 coordination of necessary programs and services relevant to the  
5 prevention, intervention, and treatment of child abuse and neglect, and  
6 services to children to ensure that each child has a permanent home.  
7 In determining whether protective services should be provided, the  
8 department shall not decline to provide such services solely because of  
9 the child's unwillingness or developmental inability to describe the  
10 nature and severity of the abuse or neglect.

11 (19) "Malice" or "maliciously" means an evil intent, wish, or  
12 design to vex, annoy, or injure another person. Such malice may be  
13 inferred from an act done in wilful disregard of the rights of another,  
14 or an act wrongfully done without just cause or excuse, or an act or  
15 omission of duty betraying a wilful disregard of social duty.

16 (20) "Sexually aggressive youth" means a child who is defined in  
17 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

18 **Sec. 16.** RCW 26.44.030 and 1996 c 278 s 2 are each amended to read  
19 as follows:

20 (1)(a) When any practitioner, county coroner or medical examiner,  
21 law enforcement officer, professional school personnel, registered or  
22 licensed nurse, social service counselor, psychologist, pharmacist,  
23 licensed or certified child care providers or their employees, employee  
24 of the department, ~~((or))~~ juvenile probation officer, or state family  
25 and children's ombudsman or any volunteer in the ombudsman's office has  
26 reasonable cause to believe that a child or adult dependent or  
27 developmentally disabled person, has suffered abuse or neglect, he or  
28 she shall report such incident, or cause a report to be made, to the  
29 proper law enforcement agency or to the department as provided in RCW  
30 26.44.040.

31 (b) The reporting requirement shall also apply to department of  
32 corrections personnel who, in the course of their employment, observe  
33 offenders or the children with whom the offenders are in contact. If,  
34 as a result of observations or information received in the course of  
35 his or her employment, any department of corrections personnel has  
36 reasonable cause to believe that a child or adult dependent or  
37 developmentally disabled person has suffered abuse or neglect, he or  
38 she shall report the incident, or cause a report to be made, to the

1 proper law enforcement agency or to the department as provided in RCW  
2 26.44.040.

3 (c) The reporting requirement shall also apply to any adult who has  
4 reasonable cause to believe that a child or adult dependent or  
5 developmentally disabled person, who resides with them, has suffered  
6 severe abuse, and is able or capable of making a report. For the  
7 purposes of this subsection, "severe abuse" means any of the following:  
8 Any single act of abuse that causes physical trauma of sufficient  
9 severity that, if left untreated, could cause death; any single act of  
10 sexual abuse that causes significant bleeding, deep bruising, or  
11 significant external or internal swelling; or more than one act of  
12 physical abuse, each of which causes bleeding, deep bruising,  
13 significant external or internal swelling, bone fracture, or  
14 unconsciousness.

15 (d) The report shall be made at the first opportunity, but in no  
16 case longer than forty-eight hours after there is reasonable cause to  
17 believe that the child or adult has suffered abuse or neglect. The  
18 report shall include the identity of the accused if known.

19 (2) The reporting requirement of subsection (1) of this section  
20 does not apply to the discovery of abuse or neglect that occurred  
21 during childhood if it is discovered after the child has become an  
22 adult. However, if there is reasonable cause to believe other  
23 children, dependent adults, or developmentally disabled persons are or  
24 may be at risk of abuse or neglect by the accused, the reporting  
25 requirement of subsection (1) of this section shall apply.

26 (3) Any other person who has reasonable cause to believe that a  
27 child or adult dependent or developmentally disabled person has  
28 suffered abuse or neglect may report such incident to the proper law  
29 enforcement agency or to the department of social and health services  
30 as provided in RCW 26.44.040.

31 (4) The department, upon receiving a report of an incident of  
32 alleged abuse or neglect pursuant to this chapter, involving a child or  
33 adult dependent or developmentally disabled person who has died or has  
34 had physical injury or injuries inflicted upon him or her other than by  
35 accidental means or who has been subjected to alleged sexual abuse,  
36 shall report such incident to the proper law enforcement agency. In  
37 emergency cases, where the child, adult dependent, or developmentally  
38 disabled person's welfare is endangered, the department shall notify  
39 the proper law enforcement agency within twenty-four hours after a

1 report is received by the department. In all other cases, the  
2 department shall notify the law enforcement agency within seventy-two  
3 hours after a report is received by the department. If the department  
4 makes an oral report, a written report shall also be made to the proper  
5 law enforcement agency within five days thereafter.

6 (5) Any law enforcement agency receiving a report of an incident of  
7 alleged abuse or neglect pursuant to this chapter, involving a child or  
8 adult dependent or developmentally disabled person who has died or has  
9 had physical injury or injuries inflicted upon him or her other than by  
10 accidental means, or who has been subjected to alleged sexual abuse,  
11 shall report such incident in writing as provided in RCW 26.44.040 to  
12 the proper county prosecutor or city attorney for appropriate action  
13 whenever the law enforcement agency's investigation reveals that a  
14 crime may have been committed. The law enforcement agency shall also  
15 notify the department of all reports received and the law enforcement  
16 agency's disposition of them. In emergency cases, where the child,  
17 adult dependent, or developmentally disabled person's welfare is  
18 endangered, the law enforcement agency shall notify the department  
19 within twenty-four hours. In all other cases, the law enforcement  
20 agency shall notify the department within seventy-two hours after a  
21 report is received by the law enforcement agency.

22 (6) Any county prosecutor or city attorney receiving a report under  
23 subsection (5) of this section shall notify the victim, any persons the  
24 victim requests, and the local office of the department, of the  
25 decision to charge or decline to charge a crime, within five days of  
26 making the decision.

27 (7) The department may conduct ongoing case planning and  
28 consultation with those persons or agencies required to report under  
29 this section, with consultants designated by the department, and with  
30 designated representatives of Washington Indian tribes if the client  
31 information exchanged is pertinent to cases currently receiving child  
32 protective services or department case services for the developmentally  
33 disabled. Upon request, the department shall conduct such planning and  
34 consultation with those persons required to report under this section  
35 if the department determines it is in the best interests of the child  
36 or developmentally disabled person. Information considered privileged  
37 by statute and not directly related to reports required by this section  
38 shall not be divulged without a valid written waiver of the privilege.



1 (8) Any case referred to the department by a physician licensed  
2 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
3 opinion that child abuse, neglect, or sexual assault has occurred and  
4 that the child's safety will be seriously endangered if returned home,  
5 the department shall file a dependency petition unless a second  
6 licensed physician of the parents' choice believes that such expert  
7 medical opinion is incorrect. If the parents fail to designate a  
8 second physician, the department may make the selection. If a  
9 physician finds that a child has suffered abuse or neglect but that  
10 such abuse or neglect does not constitute imminent danger to the  
11 child's health or safety, and the department agrees with the  
12 physician's assessment, the child may be left in the parents' home  
13 while the department proceeds with reasonable efforts to remedy  
14 parenting deficiencies.

15 (9) Persons or agencies exchanging information under subsection (7)  
16 of this section shall not further disseminate or release the  
17 information except as authorized by state or federal statute.  
18 Violation of this subsection is a misdemeanor.

19 (10) Upon receiving reports of alleged abuse or neglect, the  
20 department or law enforcement agency may interview children. The  
21 interviews may be conducted on school premises, at day-care facilities,  
22 at the child's home, or at other suitable locations outside of the  
23 presence of parents. Parental notification of the interview shall  
24 occur at the earliest possible point in the investigation that will not  
25 jeopardize the safety or protection of the child or the course of the  
26 investigation. Prior to commencing the interview the department or law  
27 enforcement agency shall determine whether the child wishes a third  
28 party to be present for the interview and, if so, shall make reasonable  
29 efforts to accommodate the child's wishes. Unless the child objects,  
30 the department or law enforcement agency shall make reasonable efforts  
31 to include a third party in any interview so long as the presence of  
32 the third party will not jeopardize the course of the investigation.

33 (11) Upon receiving a report of alleged child abuse and neglect,  
34 the department or investigating law enforcement agency shall have  
35 access to all relevant records of the child in the possession of  
36 mandated reporters and their employees.

37 (12) The department shall maintain investigation records and  
38 conduct timely and periodic reviews of all cases constituting abuse and

1 neglect. The department shall maintain a log of screened-out  
2 nonabusive cases.

3 (13) The department shall use a risk assessment process when  
4 investigating alleged child abuse and neglect referrals. The  
5 department shall present the risk factors at all hearings in which the  
6 placement of a dependent child is an issue. The department shall,  
7 within funds appropriated for this purpose, offer enhanced community-  
8 based services to persons who are determined not to require further  
9 state intervention.

10 The department shall provide annual reports to the legislature on  
11 the effectiveness of the risk assessment process.

12 (14) Upon receipt of a report of alleged abuse or neglect the law  
13 enforcement agency may arrange to interview the person making the  
14 report and any collateral sources to determine if any malice is  
15 involved in the reporting.

16 (15) The department shall make reasonable efforts to learn the  
17 name, address, and telephone number of each person making a report of  
18 abuse or neglect under this section. The department shall provide  
19 assurances of appropriate confidentiality of the identification of  
20 persons reporting under this section. If the department is unable to  
21 learn the information required under this subsection, the department  
22 shall only investigate cases in which: (a) The department believes  
23 there is a serious threat of substantial harm to the child; (b) the  
24 report indicates conduct involving a criminal offense that has, or is  
25 about to occur, in which the child is the victim; or (c) the department  
26 has a report of abuse or neglect that has been founded with regard to  
27 a member of the household within three years of receipt of the  
28 referral.

29 **Sec. 17.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read  
30 as follows:

31 If the department or a law enforcement agency responds to a  
32 complaint of alleged child abuse or neglect and discovers that another  
33 agency has also responded to the complaint, the agency shall notify the  
34 other agency of their presence, and the agencies shall coordinate the  
35 investigation and keep each other apprised of progress.

36 The department, each law enforcement agency, each county  
37 prosecuting attorney, each city attorney, and each court shall make as  
38 soon as practicable a written record and shall maintain records of all

1 incidents of suspected child abuse reported to that person or agency.  
2 Records kept under this section shall be identifiable by means of an  
3 agency code for child abuse.

4 **Sec. 18.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to  
5 read as follows:

6 An immediate oral report shall be made by telephone or otherwise to  
7 the proper law enforcement agency or the department of social and  
8 health services and, upon request, shall be followed by a report in  
9 writing. Such reports shall contain the following information, if  
10 known:

11 (1) The name, address, and age of the child or adult dependent or  
12 developmentally disabled person;

13 (2) The name and address of the child's parents, stepparents,  
14 guardians, or other persons having custody of the child or the  
15 residence of the adult dependent or developmentally disabled person;

16 (3) The nature and extent of the alleged injury or injuries;

17 (4) The nature and extent of the alleged neglect;

18 (5) The nature and extent of the alleged sexual abuse;

19 (6) Any evidence of previous injuries, including their nature and  
20 extent; and

21 (7) Any other information which may be helpful in establishing the  
22 cause of the child's or adult dependent or developmentally disabled  
23 person's death, injury, or injuries and the identity of the alleged  
24 perpetrator or perpetrators.

25 **Sec. 19.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to  
26 read as follows:

27 (1) In any judicial proceeding under this chapter or chapter 13.34  
28 RCW in which it is alleged that a child has been subjected to child  
29 abuse or neglect, the court shall appoint a guardian ad litem for the  
30 child as provided in chapter 13.34 RCW. The requirement of a guardian  
31 ad litem may be deemed satisfied if the child is represented by counsel  
32 in the proceedings.

33 (2) At any time prior to or during a hearing in such a case, the  
34 court may, on its own motion, or the motion of the guardian ad litem,  
35 or other parties, order the examination by a physician, psychologist,  
36 or psychiatrist, of any parent or child or other person having custody  
37 of the child at the time of the alleged child abuse or neglect, if the

1 court finds such an examination is necessary to the proper  
2 determination of the case. The hearing may be continued pending the  
3 completion of such examination. The physician, psychologist, or  
4 psychiatrist conducting such an examination may be required to testify  
5 concerning the results of such examination and may be asked to give his  
6 or her opinion as to whether the protection of the child requires that  
7 he or she not be returned to the custody of his or her parents or other  
8 persons having custody of him or her at the time of the alleged child  
9 abuse or neglect. Persons so testifying shall be subject to cross-  
10 examination as are other witnesses. No information given at any such  
11 examination of the parent or any other person having custody of the  
12 child may be used against such person in any subsequent criminal  
13 proceedings against such person or custodian concerning the alleged  
14 abuse or neglect of the child.

15 (3) A parent or other person having legal custody of a child  
16 alleged to be abused or neglected shall be a party to any proceeding  
17 that may impair or impede such person's interest in and custody or  
18 control of the child.

19 **Sec. 20.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read  
20 as follows:

21 (1)(a) Except as provided in (b) of this subsection, any person  
22 participating in good faith in the making of a report pursuant to this  
23 chapter or testifying as to alleged child abuse or neglect in a  
24 judicial proceeding shall in so doing be immune from any liability  
25 arising out of such reporting or testifying under any law of this state  
26 or its political subdivisions.

27 (b) A person convicted of a violation of subsection (4) of this  
28 section shall not be immune from liability under (a) of this  
29 subsection.

30 (2) An administrator of a hospital or similar institution or any  
31 physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a  
32 child into custody pursuant to RCW 26.44.056 shall not be subject to  
33 criminal or civil liability for such taking into custody.

34 (3) Conduct conforming with the reporting requirements of this  
35 chapter shall not be deemed a violation of the confidential  
36 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and  
37 18.83.110. Nothing in this chapter shall be construed as to supersede  
38 or abridge remedies provided in chapter 4.92 RCW.

1 (4) A person who, intentionally and in bad faith or maliciously,  
2 knowingly makes a false report of alleged abuse or neglect shall be  
3 guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

4 **Sec. 21.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to  
5 read as follows:

6 (1) Where a report is deemed warranted under RCW 70.124.030, an  
7 immediate oral report shall be made by telephone or otherwise to either  
8 a law enforcement agency or to the department and, upon request, shall  
9 be followed by a report in writing. The reports shall contain the  
10 following information, if known:

11 (a) The name and address of the person making the report;

12 (b) The name and address of the nursing home or state hospital  
13 patient;

14 (c) The name and address of the patient's relatives having  
15 responsibility for the patient;

16 (d) The nature and extent of the alleged injury or injuries;

17 (e) The nature and extent of the alleged neglect;

18 (f) The nature and extent of the alleged sexual abuse;

19 (g) Any evidence of previous injuries, including their nature and  
20 extent; and

21 (h) Any other information which may be helpful in establishing the  
22 cause of the patient's death, injury, or injuries, and the identity of  
23 the perpetrator or perpetrators.

24 (2) Each law enforcement agency receiving such a report shall, in  
25 addition to taking the action required by RCW 70.124.050, immediately  
26 relay the report to the department and to other law enforcement  
27 agencies, as appropriate. For any report it receives, the department  
28 shall likewise take the required action and in addition relay the  
29 report to the appropriate law enforcement agency or agencies. The  
30 appropriate law enforcement agency or agencies shall receive immediate  
31 notification when the department, upon receipt of such report, has  
32 reasonable cause to believe that a criminal act has been committed.

33 **Sec. 22.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to  
34 read as follows:

35 (1) The facility must inform the resident both orally and in  
36 writing in a language that the resident understands of his or her  
37 rights and all rules and regulations governing resident conduct and

1 responsibilities during the stay in the facility. The notification  
2 must be made prior to or upon admission. Receipt of the information  
3 must be acknowledged in writing.

4 (2) The resident or his or her legal representative has the right:

5 (a) Upon an oral or written request, to access all records  
6 pertaining to himself or herself including clinical records within  
7 twenty-four hours; and

8 (b) After receipt of his or her records for inspection, to purchase  
9 at a cost not to exceed the community standard photocopies of the  
10 records or portions of them upon request and two working days' advance  
11 notice to the facility.

12 (3) The facility must inform each resident in writing before, or at  
13 the time of admission, and at least once every twenty-four months  
14 thereafter of: (a) Services available in the facility; (b) charges for  
15 those services including charges for services not covered by the  
16 facility's per diem rate or applicable public benefit programs; and (c)  
17 the rules of operations required under RCW 70.129.140(2).

18 (4) The facility must furnish a written description of residents  
19 rights that includes:

20 (a) A description of the manner of protecting personal funds, under  
21 RCW 70.129.040;

22 (b) A posting of names, addresses, and telephone numbers of the  
23 state survey and certification agency, the state licensure office, the  
24 state ombudsmen program, and the protection and advocacy systems; and

25 (c) A statement that the resident may file a complaint with the  
26 appropriate state licensing agency concerning alleged resident abuse,  
27 neglect, and misappropriation of resident property in the facility.

28 (5) Notification of changes.

29 (a) A facility must immediately consult with the resident's  
30 physician, and if known, make reasonable efforts to notify the  
31 resident's legal representative or an interested family member when  
32 there is:

33 (i) An accident involving the resident which requires or has the  
34 potential for requiring physician intervention;

35 (ii) A significant change in the resident's physical, mental, or  
36 psychosocial status (i.e., a deterioration in health, mental, or  
37 psychosocial status in either life-threatening conditions or clinical  
38 complications).

1 (b) The facility must promptly notify the resident or the  
2 resident's representative shall make reasonable efforts to notify an  
3 interested family member, if known, when there is:

4 (i) A change in room or roommate assignment; or

5 (ii) A decision to transfer or discharge the resident from the  
6 facility.

7 (c) The facility must record and update the address and phone  
8 number of the resident's representative or interested family member,  
9 upon receipt of notice from them.

10 **Sec. 23.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read  
11 as follows:

12 The department shall have the duty to provide child welfare  
13 services as defined in RCW 74.13.020, and shall:

14 (1) Develop, administer, supervise, and monitor a coordinated and  
15 comprehensive plan that establishes, aids, and strengthens services for  
16 the protection and care of homeless, runaway, dependent, or neglected  
17 children.

18 (2) Develop a recruiting plan for recruiting an adequate number of  
19 prospective adoptive and foster homes, both regular and specialized,  
20 i.e. homes for children of ethnic minority, including Indian homes for  
21 Indian children, sibling groups, handicapped and emotionally disturbed,  
22 and annually submit the plan for review to the house and senate  
23 committees on social and health services. The plan shall include a  
24 section entitled "Foster Home Turn-Over, Causes and Recommendations."

25 (3) Investigate complaints of alleged neglect, abuse, or  
26 abandonment of children, and on the basis of the findings of such  
27 investigation, offer child welfare services in relation to the problem  
28 to such parents, legal custodians, or persons serving in loco parentis,  
29 and/or bring the situation to the attention of an appropriate court, or  
30 another community agency: PROVIDED, That an investigation is not  
31 required of nonaccidental injuries which are clearly not the result of  
32 a lack of care or supervision by the child's parents, legal custodians,  
33 or persons serving in loco parentis. If the investigation reveals that  
34 a crime may have been committed, the department shall notify the  
35 appropriate law enforcement agency.

36 (4) Offer, on a voluntary basis, family reconciliation services to  
37 families who are in conflict.

1 (5) Monitor out-of-home placements, on a timely and routine basis,  
2 to assure the safety, well-being, and quality of care being provided is  
3 within the scope of the intent of the legislature as defined in RCW  
4 74.13.010 and 74.15.010, and annually submit a report delineating the  
5 results to the house and senate committees on social and health  
6 services.

7 (6) Have authority to accept custody of children from parents and  
8 to accept custody of children from juvenile courts, where authorized to  
9 do so under law, to provide child welfare services including placement  
10 for adoption, and to provide for the physical care of such children and  
11 make payment of maintenance costs if needed. Except where required by  
12 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency  
13 which receives children for adoption from the department shall  
14 discriminate on the basis of race, creed, or color when considering  
15 applications in their placement for adoption.

16 (7) Have authority to provide temporary shelter to children who  
17 have run away from home and who are admitted to crisis residential  
18 centers.

19 (8) Have authority to purchase care for children; and shall follow  
20 in general the policy of using properly approved private agency  
21 services for the actual care and supervision of such children insofar  
22 as they are available, paying for care of such children as are accepted  
23 by the department as eligible for support at reasonable rates  
24 established by the department.

25 (9) Establish a children's services advisory committee which shall  
26 assist the secretary in the development of a partnership plan for  
27 utilizing resources of the public and private sectors, and advise on  
28 all matters pertaining to child welfare, licensing of child care  
29 agencies, adoption, and services related thereto. At least one member  
30 shall represent the adoption community.

31 (10) Have authority to provide continued foster care or group care  
32 for individuals from eighteen through twenty years of age to enable  
33 them to complete their high school or vocational school program.

34 (11) Have authority within funds appropriated for foster care  
35 services to purchase care for Indian children who are in the custody of  
36 a federally recognized Indian tribe or tribally licensed child-placing  
37 agency pursuant to parental consent, tribal court order, or state  
38 juvenile court order; and the purchase of such care shall be subject to



1 the same eligibility standards and rates of support applicable to other  
2 children for whom the department purchases care.

3 Notwithstanding any other provision of RCW 13.32A.170 through  
4 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
5 services to be provided by the department of social and health services  
6 under subsections (4), (6), and (7) of this section, subject to the  
7 limitations of these subsections, may be provided by any program  
8 offering such services funded pursuant to Titles II and III of the  
9 federal juvenile justice and delinquency prevention act of 1974.

10 **Sec. 24.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read  
11 as follows:

12 The secretary shall have the power and it shall be the secretary's  
13 duty:

14 (1) In consultation with the children's services advisory  
15 committee, and with the advice and assistance of persons representative  
16 of the various type agencies to be licensed, to designate categories of  
17 facilities for which separate or different requirements shall be  
18 developed as may be appropriate whether because of variations in the  
19 ages, sex and other characteristics of persons served, variations in  
20 the purposes and services offered or size or structure of the agencies  
21 to be licensed hereunder, or because of any other factor relevant  
22 thereto;

23 (2) In consultation with the children's services advisory  
24 committee, and with the advice and assistance of persons representative  
25 of the various type agencies to be licensed, to adopt and publish  
26 minimum requirements for licensing applicable to each of the various  
27 categories of agencies to be licensed.

28 The minimum requirements shall be limited to:

29 (a) The size and suitability of a facility and the plan of  
30 operation for carrying out the purpose for which an applicant seeks a  
31 license;

32 (b) The character, suitability and competence of an agency and  
33 other persons associated with an agency directly responsible for the  
34 care and treatment of children, expectant mothers or developmentally  
35 disabled persons. In consultation with law enforcement personnel, the  
36 secretary shall investigate the conviction record or pending charges  
37 and dependency record information under chapter 43.43 RCW of each  
38 agency and its staff seeking licensure or relicensure. In order to

1 determine the suitability of applicants for an agency license,  
2 licensees, their employees, and other persons who have unsupervised  
3 access to children in care, and who have not resided in the state of  
4 Washington during the three-year period before being authorized to care  
5 for children shall be fingerprinted. The fingerprints shall be  
6 forwarded to the Washington state patrol and federal bureau of  
7 investigation for a criminal history records check. The fingerprint  
8 criminal history records checks will be at the expense of the licensee  
9 except that in the case of a foster family home, if this expense would  
10 work a hardship on the licensee, the department shall pay the expense.  
11 The licensee may not pass this cost on to the employee or prospective  
12 employee, unless the employee is determined to be unsuitable due to his  
13 or her criminal history record. The secretary shall use the  
14 information solely for the purpose of determining eligibility for a  
15 license and for determining the character, suitability, and competence  
16 of those persons or agencies, excluding parents, not required to be  
17 licensed who are authorized to care for children, expectant mothers,  
18 and developmentally disabled persons. Criminal justice agencies shall  
19 provide the secretary such information as they may have and that the  
20 secretary may require for such purpose;

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

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

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

29 (f) The financial ability of an agency to comply with minimum  
30 requirements established pursuant to chapter 74.15 RCW and RCW  
31 74.13.031; and

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

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

1 13.34.060 or 13.34.130, and if such relative appears otherwise suitable  
2 and competent to provide care and treatment the criminal history  
3 background check required by this section need not be completed before  
4 placement, but shall be completed as soon as possible after placement;

5 (4) On reports of alleged child abuse and neglect, to investigate  
6 agencies in accordance with chapter 26.44 RCW, including child day-care  
7 centers and family day-care homes, to determine whether the alleged  
8 abuse or neglect has occurred, and whether child protective services or  
9 referral to a law enforcement agency is appropriate;

10 (5) To issue, revoke, or deny licenses to agencies pursuant to  
11 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
12 category of care which an agency is authorized to render and the ages,  
13 sex and number of persons to be served;

14 (6) To prescribe the procedures and the form and contents of  
15 reports necessary for the administration of chapter 74.15 RCW and RCW  
16 74.13.031 and to require regular reports from each licensee;

17 (7) To inspect agencies periodically to determine whether or not  
18 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
19 requirements adopted hereunder;

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

25 (9) To consult with public and private agencies in order to help  
26 them improve their methods and facilities for the care of children,  
27 expectant mothers and developmentally disabled persons.

28 **Sec. 25.** RCW 74.34.050 and 1986 c 187 s 3 are each amended to read  
29 as follows:

30 (1) A person participating in good faith in making a report under  
31 this chapter or testifying about ((the)) alleged abuse, neglect,  
32 abandonment, or exploitation of a vulnerable adult in a judicial  
33 proceeding under this chapter is immune from liability resulting from  
34 the report or testimony. The making of permissive reports as allowed  
35 in RCW 74.34.030 does not create any duty to report and no civil  
36 liability shall attach for any failure to make a permissive report  
37 under RCW 74.34.030.

1 (2) Conduct conforming with the reporting and testifying provisions  
2 of this chapter shall not be deemed a violation of any confidential  
3 communication privilege. Nothing in this chapter shall be construed as  
4 superseding or abridging remedies provided in chapter 4.92 RCW.

5 **Sec. 26.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each  
6 amended to read as follows:

7 In responding to reports of alleged abuse, exploitation, neglect,  
8 or abandonment under this chapter, the department shall provide  
9 information to the frail elder or vulnerable adult on protective  
10 services available to the person and inform the person of the right to  
11 refuse such services. The department shall develop cooperative  
12 agreements with community-based agencies servicing the abused elderly  
13 and vulnerable adults. The agreements shall cover such subjects as the  
14 appropriate roles and responsibilities of the department and community-  
15 based agencies in identifying and responding to reports of alleged  
16 abuse, the provision of case-management services, standardized data  
17 collection procedures, and related coordination activities.

18 **Sec. 27.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read  
19 as follows:

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

25 (2) At all stages of a proceeding in which a child is alleged to be  
26 dependent pursuant to RCW 13.34.030(~~(+2)~~) (6), the child's parent,  
27 guardian, or legal custodian has the right to be represented by  
28 counsel, and if indigent, to have counsel appointed for him or her by  
29 the court. Unless waived in court, counsel shall be provided to the  
30 child's parent, guardian, or legal custodian, if such person (a) has  
31 appeared in the proceeding or requested the court to appoint counsel  
32 and (b) is financially unable to obtain counsel because of indigency as  
33 defined in chapter 10.101 RCW.

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

1 (4) Copies of department of social and health services or  
2 supervising agency records to which parents have legal access pursuant  
3 to chapter 13.50 RCW shall be given to the child's parent, guardian,  
4 legal custodian, or his or her legal counsel, within twenty days after  
5 the department or supervising agency receives a written request for  
6 such records from the parent, guardian, legal custodian, or his or her  
7 legal counsel. These records shall be provided to the child's parents,  
8 guardian, legal custodian, or legal counsel prior to the shelter care  
9 hearing in order to allow an opportunity to review the records prior to  
10 the hearing. These records shall be legible and shall be provided at  
11 no expense to the parents, guardian, legal custodian, or his or her  
12 counsel.

13 **Sec. 28.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to  
14 read as follows:

15 (1) To aid the court in its decision on disposition, a social  
16 study, consisting of a written evaluation of matters relevant to the  
17 disposition of the case, shall be made by the person or agency filing  
18 the petition. The study shall include all social records and may also  
19 include facts relating to the child's cultural heritage, and shall be  
20 made available to the court. The court shall consider the social file,  
21 social study, guardian ad litem report, the court-appointed special  
22 advocate's report, if any, and any reports filed by a party at the  
23 disposition hearing in addition to evidence produced at the fact-  
24 finding hearing. At least ten working days before the disposition  
25 hearing, the department shall mail to the parent and his or her  
26 attorney a copy of the agency's social study and proposed service plan,  
27 which shall be in writing or in a form understandable to the parents or  
28 custodians. In addition, the department shall provide an opportunity  
29 for parents to review and comment on the plan at the community service  
30 office. If the parents disagree with the agency's plan or any part  
31 thereof, the parents shall submit to the court at least twenty-four  
32 hours before the hearing, in writing, or signed oral statement, an  
33 alternative plan to correct the problems which led to the finding of  
34 dependency. This section shall not interfere with the right of the  
35 parents or custodians to submit oral arguments regarding the  
36 disposition plan at the hearing.

37 (2) In addition to the requirements set forth in subsection (1) of  
38 this section, a predisposition study to the court in cases of

1 dependency alleged pursuant to RCW 13.34.030(~~(4)~~) (6) (b) or (c)  
2 shall contain the following information:

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

5 (b) A description of the specific programs, for both the parents  
6 and child, that are needed in order to prevent serious harm to the  
7 child; the reasons why such programs are likely to be useful; the  
8 availability of any proposed services; and the agency's overall plan  
9 for ensuring that the services will be delivered;

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 which have been  
14 considered and rejected; the preventive services that have been offered  
15 or provided and have failed to prevent the need for out-of-home  
16 placement, unless the health, safety, and welfare of the child cannot  
17 be protected adequately in the home; and the parents' attitude toward  
18 placement of the child;

19 (d) A statement of the likely harms the child will suffer as a  
20 result of removal. This section should include an exploration of the  
21 nature of the parent-child attachment and the meaning of separation and  
22 loss to both the parents and the child;

23 (e) A description of the steps that will be taken to minimize harm  
24 to the child that may result if separation occurs; and

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

27 **Sec. 29.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are  
28 each reenacted and amended to read as follows:

29 A petition seeking termination of a parent and child relationship  
30 may be filed in juvenile court by any party to the dependency  
31 proceedings concerning that child. Such petition shall conform to the  
32 requirements of RCW 13.34.040, shall be served upon the parties as  
33 provided in RCW 13.34.070(8), and shall allege:

34 (1) That the child has been found to be a dependent child under RCW  
35 13.34.030(~~(2)~~) (6); and

36 (2) That the court has entered a dispositional order pursuant to  
37 RCW 13.34.130; and

1 (3) That the child has been removed or will, at the time of the  
2 hearing, have been removed from the custody of the parent for a period  
3 of at least six months pursuant to a finding of dependency under RCW  
4 13.34.030(~~(+2)~~) (6); and

5 (4) That the services ordered under RCW 13.34.130 have been offered  
6 or provided and all necessary services, reasonably available, capable  
7 of correcting the parental deficiencies within the foreseeable future  
8 have been offered or provided; and

9 (5) That there is little likelihood that conditions will be  
10 remedied so that the child can be returned to the parent in the near  
11 future. In determining whether the conditions will be remedied the  
12 court may consider, but is not limited to, the following factors:

13 (a) Use of intoxicating or controlled substances so as to render  
14 the parent incapable of providing proper care for the child for  
15 extended periods of time and documented unwillingness of the parent to  
16 receive and complete treatment or documented multiple failed treatment  
17 attempts; or

18 (b) Psychological incapacity or mental deficiency of the parent  
19 that is so severe and chronic as to render the parent incapable of  
20 providing proper care for the child for extended periods of time, and  
21 documented unwillingness of the parent to receive and complete  
22 treatment or documentation that there is no treatment that can render  
23 the parent capable of providing proper care for the child in the near  
24 future; and

25 (6) That continuation of the parent and child relationship clearly  
26 diminishes the child's prospects for early integration into a stable  
27 and permanent home; or

28 (7) In lieu of the allegations in subsections (1) through (6) of  
29 this section, the petition may allege that the child was found under  
30 such circumstances that the whereabouts of the child's parent are  
31 unknown and no person has acknowledged paternity or maternity and  
32 requested custody of the child within two months after the child was  
33 found.

34 A parent's failure to substantially improve parental deficiencies  
35 within twelve months following entry of the dispositional order shall  
36 give rise to a rebuttable presumption that there is little likelihood  
37 that conditions will be remedied so that the child can be returned to  
38 the parent in the near future. The presumption shall not arise unless  
39 the petitioner makes a showing that all necessary services reasonably

1 capable of correcting the parental deficiencies within the foreseeable  
2 future have been offered or provided.

3 Notice of rights shall be served upon the parent, guardian, or  
4 legal custodian with the petition and shall be in substantially the  
5 following form:

6 "NOTICE

7 A petition for termination of parental rights has been filed  
8 against you. You have important legal rights and you must take  
9 steps to protect your interests. This petition could result in  
10 permanent loss of your parental rights.

11 1. You have the right to a fact-finding hearing before  
12 a judge.

13 2. You have the right to have a lawyer represent you at  
14 the hearing. A lawyer can look at the files in your case, talk  
15 to the department of social and health services and other  
16 agencies, tell you about the law, help you understand your  
17 rights, and help you at hearings. If you cannot afford a  
18 lawyer, the court will appoint one to represent you. To get a  
19 court-appointed lawyer you must contact:       (explain local  
20 procedure)      .

21 3. At the hearing, you have the right to speak on your  
22 own behalf, to introduce evidence, to examine witnesses, and to  
23 receive a decision based solely on the evidence presented to  
24 the judge.

25 You should be present at this hearing.

26 You may call       (insert agency)       for more information  
27 about your child. The agency's name and telephone number are  
28       (insert name and telephone number)      ."

29 **Sec. 30.** RCW 43.43.700 and 1989 c 334 s 6 are each amended to read  
30 as follows:

31 There is hereby established within the Washington state patrol a  
32 section on identification, child abuse, vulnerable adult abuse, and  
33 criminal history hereafter referred to as the section.

34 In order to aid the administration of justice the section shall  
35 install systems for the identification of individuals, including the  
36 fingerprint system and such other systems as the chief deems necessary.



1 The section shall keep a complete record and index of all information  
2 received in convenient form for consultation and comparison.

3 The section shall obtain from whatever source available and file  
4 for record the fingerprints, palmprints, photographs, or such other  
5 identification data as it deems necessary, of persons who have been or  
6 shall hereafter be lawfully arrested and charged with, or convicted of  
7 any criminal offense. The section may obtain like information  
8 concerning persons arrested for or convicted of crimes under the laws  
9 of another state or government.

10 The section shall also contain like information concerning persons,  
11 over the age of eighteen years, who have been found, pursuant to a  
12 dependency proceeding under RCW 13.34.030(~~(+2)~~) (6)(b) to have  
13 physically abused or sexually abused or exploited a child or, pursuant  
14 to a protection proceeding under chapter 74.34 RCW, to have abused or  
15 financially exploited a vulnerable adult.

16 **Sec. 31.** RCW 43.43.840 and 1989 c 334 s 5 and 1989 c 90 s 5 are  
17 each reenacted and amended to read as follows:

18 (1) The supreme court shall by rule require the courts of the state  
19 to notify the state patrol of any dependency action under RCW  
20 (~~(13.34.030(2)(b))~~) 13.34.040, domestic relations action under Title 26  
21 RCW, or protection action under chapter 74.34 RCW, in which the court  
22 makes specific findings of physical abuse or sexual abuse or  
23 exploitation of a child or abuse or financial exploitation of a  
24 vulnerable adult.

25 (2) The department of licensing shall notify the state patrol of  
26 any disciplinary board final decision that includes specific findings  
27 of physical abuse or sexual abuse or exploitation of a child or abuse  
28 or financial exploitation of a vulnerable adult.

29 (3) When a business or an organization terminates, fires,  
30 dismisses, fails to renew the contract, or permits the resignation of  
31 an employee because of crimes against children or other persons or  
32 because of crimes relating to the financial exploitation of a  
33 vulnerable adult, and if that employee is employed in a position  
34 requiring a certificate or license issued by a licensing agency such as  
35 the state board of education, the business or organization shall notify  
36 the licensing agency of such termination of employment.

1       **Sec. 32.** RCW 43.20A.050 and 1979 c 141 s 63 are each amended to  
2 read as follows:

3       It is the intent of the legislature wherever possible to place the  
4 internal affairs of the department under the control of the secretary  
5 (~~(in order that he may)~~) to institute (~~(therein)~~) the flexible, alert  
6 and intelligent management of its business that changing contemporary  
7 circumstances require. Therefore, whenever (~~(his)~~) the secretary's  
8 authority is not specifically limited by law, he or she shall have  
9 complete charge and supervisory powers over the department. (~~(He)~~) The  
10 secretary is authorized to create such administrative structures as  
11 (~~(he may deem)~~) deemed appropriate, except as otherwise specified by  
12 law. The secretary shall have the power to employ such assistants and  
13 personnel as may be necessary for the general administration of the  
14 department(~~(:—PROVIDED, That,)~~). Except as elsewhere specified, such  
15 employment (~~(is)~~) shall be in accordance with the rules of the state  
16 civil service law, chapter 41.06 RCW.

17       NEW SECTION. **Sec. 33.** It is the intent of the legislature, in  
18 enacting the chapter . . . , Laws of 1997 changes to RCW 41.64.100  
19 (section 34 of this act), to provide a prompt and efficient method of  
20 expediting employee appeals regarding alleged misconduct that may have  
21 placed children at serious risk of harm. The legislature recognizes  
22 that children are at risk of harm in cases of abuse or neglect and  
23 intends to provide a method of reducing such risk as well as mitigating  
24 the potential liability to the state associated with employee  
25 misconduct involving children. The legislature does not intend to  
26 impair any existing rights of appeals held by employees, nor does it  
27 intend to restrict consideration of any appropriate evidence or facts  
28 by the personnel appeals board.

29       **Sec. 34.** RCW 41.64.100 and 1981 c 311 s 11 are each amended to  
30 read as follows:

31       (1) In all appeals over which the board has jurisdiction involving  
32 reduction, dismissal, suspension, or demotion, the board shall set the  
33 case for hearing, and the final decision, including an appeal to the  
34 board from the hearing examiner, if any, shall be rendered within  
35 ninety days from the date the appeal was first received(~~(:—PROVIDED,~~  
36 ~~That)~~). An extension may be permitted if agreed to by the employee and

1 the employing agency. The board shall furnish the agency with a copy  
2 of the appeal in advance of the hearing.

3 (2) Notwithstanding subsection (1) of this section, in a case  
4 involving misconduct that has placed a child at serious risk of harm as  
5 a result of actions taken or not taken under chapter 13.32A, 13.34,  
6 13.40, 26.44, 74.13, 74.14A, 74.14B, 74.14C, or 74.15 RCW, the board  
7 shall hear the case before all other unresolved or unscheduled cases.  
8 The board shall issue its order within forty-five days of hearing the  
9 case unless there are extraordinary circumstances, in which case, an  
10 additional thirty days may elapse until the case is decided.

11 (3) In all appeals made pursuant to RCW 41.06.170(~~(+3))~~) (4), as  
12 now or hereafter amended, the decision of the board is final and not  
13 appealable to court.

14 NEW SECTION. **Sec. 35.** Section 34 of this act shall not be  
15 construed to alter an existing collective bargaining unit or the  
16 provisions of any existing bargaining agreement in place on the  
17 effective date of this section before the expiration of such agreement.

18 **Sec. 36.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to  
19 read as follows:

20 For the purpose of and as used in this chapter:

21 (1) "Court" means the superior court of the state of Washington,  
22 juvenile department.

23 (2) "Law enforcement agency" means the police department, the  
24 prosecuting attorney, the state patrol, the director of public safety,  
25 or the office of the sheriff.

26 (3) "Practitioner of the healing arts" or "practitioner" means a  
27 person licensed by this state to practice podiatric medicine and  
28 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
29 medicine and surgery, or medicine and surgery or to provide other  
30 health services. The term "practitioner" shall include a duly  
31 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a  
32 person who is being furnished Christian Science treatment by a duly  
33 accredited Christian Science practitioner shall not be considered, for  
34 that reason alone, a neglected person for the purposes of this chapter.

35 (4) "Institution" means a private or public hospital or any other  
36 facility providing medical diagnosis, treatment or care.

1 (5) "Department" means the state department of social and health  
2 services.

3 (6) "Child" or "children" means any person under the age of  
4 eighteen years of age.

5 (7) "Professional school personnel" shall include, but not be  
6 limited to, teachers, counselors, administrators, child care facility  
7 personnel, and school nurses.

8 (8) "Social service counselor" shall mean anyone engaged in a  
9 professional capacity during the regular course of employment in  
10 encouraging or promoting the health, welfare, support or education of  
11 children, or providing social services to adults or families, including  
12 mental health, drug and alcohol treatment, and domestic violence  
13 programs, whether in an individual capacity, or as an employee or agent  
14 of any public or private organization or institution.

15 (9) "Psychologist" shall mean any person licensed to practice  
16 psychology under chapter 18.83 RCW, whether acting in an individual  
17 capacity or as an employee or agent of any public or private  
18 organization or institution.

19 (10) "Pharmacist" shall mean any registered pharmacist under the  
20 provisions of chapter 18.64 RCW, whether acting in an individual  
21 capacity or as an employee or agent of any public or private  
22 organization or institution.

23 (11) "Clergy" shall mean any regularly licensed or ordained  
24 minister, priest or rabbi of any church or religious denomination,  
25 whether acting in an individual capacity or as an employee or agent of  
26 any public or private organization or institution.

27 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual  
28 exploitation, negligent treatment, or maltreatment of a child, adult  
29 dependent, or developmentally disabled person by any person under  
30 circumstances which indicate that the child's or adult's health,  
31 welfare, and safety is harmed. An abused child is a child who has been  
32 subjected to child abuse or neglect as defined herein.

33 (13) "Child protective services section" shall mean the child  
34 protective services section of the department.

35 (14) "Adult dependent persons" shall be defined as those persons  
36 over the age of eighteen years who have been found to be legally  
37 incompetent or disabled pursuant to chapter 11.88 RCW.

38 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or  
39 encouraging a child to engage in prostitution by any person; or (b)

1 allowing, permitting, encouraging, or engaging in the obscene or  
2 pornographic photographing, filming, or depicting of a child by any  
3 person.

4 (16) "Negligent treatment or maltreatment" means an act or omission  
5 which evidences a serious disregard of consequences of such magnitude  
6 as to constitute a clear and present danger to the child's health,  
7 welfare, and safety.

8 (17) "Developmentally disabled person" means a person who has a  
9 disability defined in RCW 71A.10.020.

10 (18) "Child protective services" means those services provided by  
11 the department designed to protect children from child abuse and  
12 neglect and safeguard (~~the general welfare of~~) such children (~~and~~  
13 ~~shall include~~) from future abuse and neglect, and conduct  
14 investigations of child abuse and neglect reports(~~(, including reports~~  
15 ~~regarding child care centers and family child care homes, and the~~  
16 ~~development, management, and provision of or~~)). Investigations may be  
17 conducted regardless of the location of the alleged abuse or neglect.  
18 Child protective services includes referral to services to ameliorate  
19 conditions which endanger the welfare of children, the coordination of  
20 necessary programs and services relevant to the prevention,  
21 intervention, and treatment of child abuse and neglect, and services to  
22 children to ensure that each child has a permanent home. In  
23 determining whether protective services should be provided, the  
24 department shall not decline to provide such services solely because of  
25 the child's unwillingness or developmental inability to describe the  
26 nature and severity of the abuse or neglect.

27 (19) "Malice" or "maliciously" means an evil intent, wish, or  
28 design to vex, annoy, or injure another person. Such malice may be  
29 inferred from an act done in wilful disregard of the rights of another,  
30 or an act wrongfully done without just cause or excuse, or an act or  
31 omission of duty betraying a wilful disregard of social duty.

32 (20) "Sexually aggressive youth" means a child who is defined in  
33 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

34 NEW SECTION. Sec. 37. A new section is added to chapter 43.20A  
35 RCW to read as follows:

36 (1) Notwithstanding the provisions of RCW 26.44.020 and chapter  
37 74.13 RCW, the secretary may exercise his or her discretion to permit

1 employees of the department to provide child protective services and  
2 child welfare services under the following circumstances:

3 (a) The number of employees in an office or the location of an  
4 office makes it administratively impractical to require a strict  
5 segregation between the delivery of both types of services; or

6 (b) There are exceptional circumstances, including such things as  
7 a disproportionately large number of vacant positions in an office; or

8 (2) The changes required to implement RCW 26.44.020 and this  
9 section shall not be made until the expiration of any collective  
10 bargaining agreement in effect on the effective date of this section,  
11 unless the parties to the agreement determine such changes can be made  
12 before that time.

13 NEW SECTION. **Sec. 38.** The Washington institute for public policy  
14 shall review the department's programs and policies for the  
15 implementation of permanency plans to determine which programs and  
16 policies are the most successful in developing plans for children  
17 fourteen years of age or older. The institute shall provide a report,  
18 including recommendations, to the governor and legislature by June 1,  
19 1998.

20 NEW SECTION. **Sec. 39.** The Washington institute for public policy  
21 shall review the criteria and policies of the department relating to  
22 establishment of guardianships for children involved with permanency  
23 planning. The review shall include an examination of whether: (1)  
24 There are methods of improving the department's role in the lives of  
25 children for whom a guardianship has been established, without  
26 impairing the duties of a guardian and the guardian's ability to  
27 provide the services for which he or she is responsible; (2) criteria  
28 for establishing, reviewing, and terminating a guardianship accurately  
29 reflects the needs of children of all ages; (3) existing laws and  
30 policies facilitate or impair the movement of children from  
31 guardianship status to permanent placement; and (4) existing data  
32 collection is accurate and adequate.

33 NEW SECTION. **Sec. 40.** A new section is added to chapter 43.20A  
34 RCW to read as follows:

35 The department shall prepare an annual quality assurance report  
36 that shall include but is not limited to: (1) Performance outcomes

1 regarding health and safety of children in the children's services  
2 system; (2) children's length of stay in out-of-home placement from  
3 each date of referral; (3) adherence to permanency planning timelines;  
4 and (4) the response time on child protective services investigations  
5 differentiated by risk level determined at intake. The report shall be  
6 provided to the governor and legislature not later than July 1.

7 NEW SECTION. **Sec. 41.** A new section is added to chapter 26.44 RCW  
8 to read as follows:

9 (1) When, as a result of a report of alleged child abuse or  
10 neglect, an investigation is made that includes an in-person contact  
11 with the person who is alleged to have committed the abuse or neglect,  
12 there shall be a determination of whether it is probable that the use  
13 of alcohol or controlled substances is a contributing factor to the  
14 alleged abuse or neglect.

15 (2) The department shall provide appropriate training for persons  
16 who conduct the investigations under subsection (1) of this section.  
17 The training shall include methods of identifying indicators of abuse  
18 of alcohol or controlled substances.

19 (3) If a determination is made under subsection (1) of this section  
20 that there is probable cause to believe abuse of alcohol or controlled  
21 substances has contributed to the child abuse or neglect, the  
22 department shall, within available funds, cause a comprehensive  
23 chemical dependency evaluation to be made of the person or persons so  
24 identified. The evaluation shall be conducted by a physician or  
25 persons certified under rules adopted by the department to make such  
26 evaluation.

27 NEW SECTION. **Sec. 42.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 43.06A.040 and 1996 c 131 s 5."

30 Correct the title.

--- END ---