

2 SHB 1859 - S COMM AMD

3 By Committee on Human Services & Corrections

4

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

7 "Sec. 1. RCW 41.06.076 and 1993 c 281 s 22 are each amended to  
8 read as follows:

9 In addition to the exemptions set forth in RCW 41.06.070, the  
10 provisions of this chapter shall not apply in the department of social  
11 and health services to the secretary; the secretary's executive  
12 assistant, if any; not to exceed six assistant secretaries, thirteen  
13 division directors, six regional directors; one confidential secretary  
14 for each of the above-named officers; not to exceed six bureau chiefs;  
15 all social worker V positions; and all superintendents of institutions  
16 of which the average daily population equals or exceeds one hundred  
17 residents: PROVIDED, That each such confidential secretary must meet  
18 the minimum qualifications for the class of secretary II as determined  
19 by the Washington personnel resources board.

20 NEW SECTION. Sec. 2. A new section is added to chapter 41.06 RCW  
21 to read as follows:

22 The salary and fringe benefits of all social worker V positions  
23 created under RCW 41.06.076 shall be determined by the Washington  
24 personnel resources board. In establishing the salary and fringe  
25 benefits the board shall consider: (1) The consequences of extended  
26 travel and out of home living; (2) the importance to the department of  
27 caseload reduction and increased efficiencies; (3) the requirements of  
28 and qualifications involved in caseworker training; (4) the complexity  
29 of the work requirements; and (5) the desirability of avoiding employee  
30 turnover in these positions.

31 The salary and fringe benefits shall exceed that of the highest  
32 position in the social worker classification on the effective date of  
33 this section.

1        NEW SECTION.    **Sec. 3.** A new section is added to chapter 43.20A RCW  
2 to read as follows:

3        There is created in the department the classification of social  
4 worker V. Employees who are appointed to fill the position shall have:  
5 (1) An employment history that demonstrates significant and successful  
6 experience in the efficient investigation and resolution of high-risk  
7 or complex cases involving child abuse and neglect, including child sex  
8 abuse cases; (2) advanced education and training; (3) supervisory  
9 experience; (4) a demonstrated commitment to professional improvement  
10 and advancement; and (5) capacity to successfully provide support and  
11 mentoring to coworkers. Social worker V positions shall not be  
12 included in the Washington management service. This classification  
13 shall not have more than thirty-six positions.

14        NEW SECTION.    **Sec. 4.** A new section is added to chapter 43.20A RCW  
15 to read as follows:

16        The secretary shall establish the most cost-effective and efficient  
17 administrative structure for use of the social worker V positions,  
18 consistent with the requirements of this section. The social worker V  
19 employees shall be assigned by the secretary to regions where the  
20 average child protective services' caseloads exceed the state-wide  
21 average, with consideration also given to the number of high-risk or  
22 complex cases in a region, for the purpose of assisting in the  
23 reduction of the caseload, training and mentoring other caseworkers,  
24 and providing hands-on training and assistance in high-risk, complex,  
25 or large cases. The social worker V employees shall be assigned high-  
26 risk and complex cases consistent with their qualifications and the  
27 goal of caseload reduction. They shall carry no more than one-third  
28 the average number of cases for social workers in the region to which  
29 they are assigned.

30        The social worker V employees shall be assigned to region as a task  
31 force consisting of no less than ten employees. The assignment shall  
32 be time-limited and in no event shall exceed two years in duration in  
33 any one region. Upon completion of the work in the region the task  
34 force members shall continue to remain in contact with the coworkers  
35 from the previous assignment for a period of twelve months to perform  
36 additional follow-up and mentoring.

1        NEW SECTION.    **Sec. 5.** A new section is added to chapter 43.20A RCW  
2 to read as follows:

3        The secretary shall develop a plan for implementation for the  
4 social worker V employees. The implementation plan shall be submitted  
5 to the governor and the legislature by December 1, 1997.

6        NEW SECTION.    **Sec. 6.** A new section is added to chapter 43.20A RCW  
7 to read as follows:

8        The Washington state institute for public policy shall conduct or  
9 contract for monitoring and tracking of sections 2 through 5 of this  
10 act to determine whether these efforts result in a measurable reduction  
11 in caseloads, increased capacities and efficiencies of caseworkers, and  
12 improved resolution of cases. The institute shall report its findings  
13 to the governor and legislature by December 1, 2004. If the institute  
14 contracts for the study required under this section, it shall consult  
15 with the appropriate committees of the legislature to assure the  
16 request for proposals adequately reflects the legislative intent.

17        NEW SECTION.    **Sec. 7.** A new section is added to chapter 43.20A RCW  
18 to read as follows:

19        Sections 2 through 6 of this act expire June 30, 2005.

20        **Sec. 8.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read  
21 as follows:

22        For purposes of this chapter:

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

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

30        (~~(+2)~~) (3) "Current placement episode" means the period of time  
31 that begins with the most recent date that the child was removed from  
32 the home of the parent, guardian, or legal custodian for purposes of  
33 placement in out-of-home care and continues until the child returns  
34 home, an adoption decree or guardianship order is entered, or the  
35 dependency is dismissed, whichever occurs soonest. If the most recent  
36 date of removal occurred prior to the filing of a dependency petition

1 under this chapter or after filing but prior to entry of a disposition  
2 order, such time periods shall be included when calculating the length  
3 of a child's current placement episode.

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

6 (5) "Dependency guardian" means the person, nonprofit corporation,  
7 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
8 the limited purpose of assisting the court in the supervision of the  
9 dependency.

10 ~~((+4+))~~ (6) "Dependent child" means any child:

11 (a) Who has been abandoned; that is, where the child's parent,  
12 guardian, or other custodian has expressed either by statement or  
13 conduct, an intent to forego, for an extended period, parental rights  
14 or parental responsibilities despite an ability to do so. If the court  
15 finds that the petitioner has exercised due diligence in attempting to  
16 locate the parent, no contact between the child and the child's parent,  
17 guardian, or other custodian for a period of three months creates a  
18 rebuttable presumption of abandonment, even if there is no expressed  
19 intent to abandon;

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

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

26 (d) Who has a developmental disability, as defined in RCW  
27 71A.10.020 and whose parent, guardian, or legal custodian together with  
28 the department determines that services appropriate to the child's  
29 needs can not be provided in the home. However, (a), (b), and (c) of  
30 this subsection may still be applied if other reasons for removal of  
31 the child from the home exist.

32 ~~((+5+))~~ (7) "Guardian" means the person or agency that: (a) Has  
33 been appointed as the guardian of a child in a legal proceeding other  
34 than a proceeding under this chapter; and (b) has the legal right to  
35 custody of the child pursuant to such appointment. The term "guardian"  
36 shall not include a "dependency guardian" appointed pursuant to a  
37 proceeding under this chapter.

38 ~~((+6+))~~ (8) "Guardian ad litem" means a person, appointed by the  
39 court to represent the best interest of a child in a proceeding under

1 this chapter, or in any matter which may be consolidated with a  
2 proceeding under this chapter. A "court-appointed special advocate"  
3 appointed by the court to be the guardian ad litem for the child, or to  
4 perform substantially the same duties and functions as a guardian ad  
5 litem, shall be deemed to be guardian ad litem for all purposes and  
6 uses of this chapter.

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

14 ~~((+8))~~ (10) "Out-of-home care" means placement in a foster family  
15 home or group care facility licensed pursuant to chapter 74.15 RCW or  
16 placement in a home, other than that of the child's parent, guardian,  
17 or legal custodian, not required to be licensed pursuant to chapter  
18 74.15 RCW.

19 ~~((+9))~~ (11) "Preventive services" means preservation services, as  
20 defined in chapter 74.14C RCW, and other reasonably available services  
21 capable of preventing the need for out-of-home placement while  
22 protecting the child.

23 **Sec. 9.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and  
24 1995 c 53 s 1 are each reenacted and amended to read as follows:

25 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
26 been proven by a preponderance of the evidence that the child is  
27 dependent within the meaning of RCW 13.34.030; after consideration of  
28 the predisposition report prepared pursuant to RCW 13.34.110 and after  
29 a disposition hearing has been held pursuant to RCW 13.34.110, the  
30 court shall enter an order of disposition pursuant to this section.

31 (1) The court shall order one of the following dispositions of the  
32 case:

33 (a) Order a disposition other than removal of the child from his or  
34 her home, which shall provide a program designed to alleviate the  
35 immediate danger to the child, to mitigate or cure any damage the child  
36 has already suffered, and to aid the parents so that the child will not  
37 be endangered in the future. In selecting a program, the court should

1 choose those services that least interfere with family autonomy,  
2 provided that the services are adequate to protect the child.

3 (b) Order that the child be removed from his or her home and  
4 ordered into the custody, control, and care of a relative or the  
5 department of social and health services or a licensed child placing  
6 agency for placement in a foster family home or group care facility  
7 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
8 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
9 cause to believe that the safety or welfare of the child would be  
10 jeopardized or that efforts to reunite the parent and child will be  
11 hindered, such child shall be placed with a person who is related to  
12 the child as defined in RCW 74.15.020(4)(a) and with whom the child has  
13 a relationship and is comfortable, and who is willing and available to  
14 care for the child. Placement of the child with a relative under this  
15 subsection shall be given preference by the court. An order for out-  
16 of-home placement may be made only if the court finds that reasonable  
17 efforts have been made to prevent or eliminate the need for removal of  
18 the child from the child's home and to make it possible for the child  
19 to return home, specifying the services that have been provided to the  
20 child and the child's parent, guardian, or legal custodian, and that  
21 preventive services have been offered or provided and have failed to  
22 prevent the need for out-of-home placement, unless the health, safety,  
23 and welfare of the child cannot be protected adequately in the home,  
24 and that:

25 (i) There is no parent or guardian available to care for such  
26 child;

27 (ii) The parent, guardian, or legal custodian is not willing to  
28 take custody of the child;

29 (iii) The court finds, by clear and convincing evidence, a manifest  
30 danger exists that the child will suffer serious abuse or neglect if  
31 the child is not removed from the home and an order under RCW 26.44.063  
32 would not protect the child from danger; or

33 (iv) The extent of the child's disability is such that the parent,  
34 guardian, or legal custodian is unable to provide the necessary care  
35 for the child and the parent, guardian, or legal custodian has  
36 determined that the child would benefit from placement outside of the  
37 home.

38 (2) If the court has ordered a child removed from his or her home  
39 pursuant to subsection (1)(b) of this section, the court may order that

1 a petition seeking termination of the parent and child relationship be  
2 filed if the court finds it is recommended by the supervising agency,  
3 that it is in the best interests of the child and that it is not  
4 reasonable to provide further services to reunify the family because  
5 the existence of aggravated circumstances make it unlikely that  
6 services will effectuate the return of the child to the child's parents  
7 in the near future. In determining whether aggravated circumstances  
8 exist, the court shall consider one or more of the following:

9 (a) Conviction of the parent of rape of the child in the first,  
10 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
11 9A.44.079;

12 (b) Conviction of the parent of criminal mistreatment of the child  
13 in the first or second degree as defined in RCW 9A.42.020 and  
14 9A.42.030;

15 (c) Conviction of the parent of one of the following assault  
16 crimes, when the child is the victim: Assault in the first or second  
17 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
18 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

19 (d) Conviction of the parent of murder, manslaughter, or homicide  
20 by abuse of the child's other parent, sibling, or another child;

21 (e) A finding by a court that a parent is a sexually violent  
22 predator as defined in RCW 71.09.020;

23 (f) Failure of the parent to complete available treatment ordered  
24 under this chapter or the equivalent laws of another state, where such  
25 failure has resulted in a prior termination of parental rights to  
26 another child and the parent has failed to effect significant change in  
27 the interim.

28 (3) Whenever a child is ordered removed from the child's home, the  
29 agency charged with his or her care shall provide the court with:

30 (a) A permanency plan of care that shall identify one of the  
31 following outcomes as a primary goal and may identify additional  
32 outcomes as alternative goals: Return of the child to the home of the  
33 child's parent, guardian, or legal custodian; adoption; guardianship;  
34 or long-term relative or foster care, until the child is age eighteen,  
35 with a written agreement between the parties and the care provider; and  
36 independent living, if appropriate and if the child is age sixteen or  
37 older. Whenever a permanency plan identifies independent living as a  
38 goal, the plan shall also specifically identify the services that will  
39 be provided to assist the child to make a successful transition from

1 foster care to independent living. Before the court approves  
2 independent living as a permanency plan of care, the court shall make  
3 a finding that the provision of services to assist the child in making  
4 a transition from foster care to independent living will allow the  
5 child to manage his or her financial affairs and to manage his or her  
6 personal, social, educational, and nonfinancial affairs. The  
7 department shall not discharge a child to an independent living  
8 situation before the child is eighteen years of age unless the child  
9 becomes emancipated pursuant to chapter 13.64 RCW.

10 (b) Unless the court has ordered, pursuant to subsection (2) of  
11 this section, that a termination petition be filed, a specific plan as  
12 to where the child will be placed, what steps will be taken to return  
13 the child home, and what actions the agency will take to maintain  
14 parent-child ties. All aspects of the plan shall include the goal of  
15 achieving permanence for the child.

16 (i) The agency plan shall specify what services the parents will be  
17 offered in order to enable them to resume custody, what requirements  
18 the parents must meet in order to resume custody, and a time limit for  
19 each service plan and parental requirement.

20 (ii) The agency shall be required to encourage the maximum parent-  
21 child contact possible, including regular visitation and participation  
22 by the parents in the care of the child while the child is in  
23 placement. Visitation may be limited or denied only if the court  
24 determines that such limitation or denial is necessary to protect the  
25 child's health, safety, or welfare.

26 (iii) A child shall be placed as close to the child's home as  
27 possible, preferably in the child's own neighborhood, unless the court  
28 finds that placement at a greater distance is necessary to promote the  
29 child's or parents' well-being.

30 (iv) The agency charged with supervising a child in placement shall  
31 provide all reasonable services that are available within the agency,  
32 or within the community, or those services which the department of  
33 social and health services has existing contracts to purchase. It  
34 shall report to the court if it is unable to provide such services.

35 (c) If the court has ordered, pursuant to subsection (2) of this  
36 section, that a termination petition be filed, a specific plan as to  
37 where the child will be placed, what steps will be taken to achieve  
38 permanency for the child, services to be offered or provided to the  
39 child, and, if visitation would be in the best interests of the child,



1 a recommendation to the court regarding visitation between parent and  
2 child pending a fact-finding hearing on the termination petition. The  
3 agency shall not be required to develop a plan of services for the  
4 parents or provide services to the parents.

5 (4) If there is insufficient information at the time of the  
6 disposition hearing upon which to base a determination regarding the  
7 suitability of a proposed placement with a relative, the child shall  
8 remain in foster care and the court shall direct the supervising agency  
9 to conduct necessary background investigations as provided in chapter  
10 74.15 RCW and report the results of such investigation to the court  
11 within thirty days. However, if such relative appears otherwise  
12 suitable and competent to provide care and treatment, the criminal  
13 history background check need not be completed before placement, but as  
14 soon as possible after placement. Any placements with relatives,  
15 pursuant to this section, shall be contingent upon cooperation by the  
16 relative with the agency case plan and compliance with court orders  
17 related to the care and supervision of the child including, but not  
18 limited to, court orders regarding parent-child contacts and any other  
19 conditions imposed by the court. Noncompliance with the case plan or  
20 court order shall be grounds for removal of the child from the  
21 relative's home, subject to review by the court.

22 (5) Except for children whose cases are reviewed by a citizen  
23 review board under chapter 13.70 RCW, the status of all children found  
24 to be dependent shall be reviewed by the court at least every six  
25 months from the beginning date of the placement episode or the date  
26 dependency is established, whichever is first, at a hearing in which it  
27 shall be determined whether court supervision should continue. The  
28 review shall include findings regarding the agency and parental  
29 completion of disposition plan requirements, and if necessary, revised  
30 permanency time limits.

31 (a) A child shall not be returned home at the review hearing unless  
32 the court finds that a reason for removal as set forth in this section  
33 no longer exists. The parents, guardian, or legal custodian shall  
34 report to the court the efforts they have made to correct the  
35 conditions which led to removal. If a child is returned, casework  
36 supervision shall continue for a period of six months, at which time  
37 there shall be a hearing on the need for continued intervention.

38 (b) If the child is not returned home, the court shall establish in  
39 writing:

1 (i) Whether reasonable services have been provided to or offered to  
2 the parties to facilitate reunion, specifying the services provided or  
3 offered;

4 (ii) Whether the child has been placed in the least-restrictive  
5 setting appropriate to the child's needs, including whether  
6 consideration and preference has been given to placement with the  
7 child's relatives;

8 (iii) Whether there is a continuing need for placement and whether  
9 the placement is appropriate;

10 (iv) Whether there has been compliance with the case plan by the  
11 child, the child's parents, and the agency supervising the placement;

12 (v) Whether progress has been made toward correcting the problems  
13 that necessitated the child's placement in out-of-home care;

14 (vi) Whether the parents have visited the child and any reasons why  
15 visitation has not occurred or has been infrequent;

16 (vii) Whether additional services are needed to facilitate the  
17 return of the child to the child's parents; if so, the court shall  
18 order that reasonable services be offered specifying such services; and

19 (viii) The projected date by which the child will be returned home  
20 or other permanent plan of care will be implemented.

21 (c) The court at the review hearing may order that a petition  
22 seeking termination of the parent and child relationship be filed.

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 13.34 RCW  
24 to read as follows:

25 (1) The department shall contract for delivery of services for at  
26 least two but not more than three models of alternative response  
27 systems. The services shall be reasonably available throughout the  
28 state but need not be sited in every county in the state. Subject to  
29 such conditions and limitations as may be specified in the biennial  
30 appropriations act, there shall be a minimum of nine sites state-wide.

31 (2) The systems shall provide delivery of services in the least  
32 intrusive manner reasonably likely to achieve improved family  
33 cohesiveness, prevention of rereferrals of the family for alleged abuse  
34 or neglect, and improvement in the health and safety of children.

35 (3) The department shall identify and prioritize risk and  
36 protective factors associated with the type of abuse or neglect  
37 referrals that are appropriate for services delivered by alternative  
38 response systems. Contractors who provide services through an

1 alternative response system shall use the factors in determining which  
2 services to deliver, consistent with the provisions of subsection (2)  
3 of this section.

4 (4) The department shall identify appropriate data to determine and  
5 evaluate outcomes of the services delivered by the alternative response  
6 systems. All contracts for delivery of alternative response system  
7 services shall include provisions and funding for data collection.

8 (5) The Washington institute for public policy shall prepare and  
9 conduct an evaluation of the services under contracts executed under  
10 this section. The evaluation, which shall include the factors  
11 identified in subsection (2) of this section, must include an analysis  
12 of the cost-effectiveness of the services, the rate of rereferrals of  
13 families who initially receive the services to the department for  
14 alleged abuse or neglect, and the rate of rereferrals of families  
15 compared to similarly situated families who do not receive services  
16 with those receiving services under the contracts. The analysis of the  
17 rereferrals shall review substantiation rates, comparative levels of  
18 risk at the time of initial service delivery and conclusion of service,  
19 and rereferral, if any. The institute for public policy shall do a  
20 comparative analysis of the effectiveness of the models used. The  
21 evaluation shall be completed not later than September 1, 2004.

22 (6) The department shall have in place, not later than July 1,  
23 2001, contracts creating sufficient capacity to provide alternative  
24 response system services to at least sixty percent of the families who  
25 meet the criteria for such services.

26 (7) This section expires July 1, 2005.

27 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.34 RCW  
28 to read as follows:

29 The court may order a parent or family to participate in the  
30 services offered by an alternative response system only when the  
31 department recommends such disposition and the services are readily  
32 available.

33 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.34 RCW  
34 to read as follows:

35 The responsibility for any child who is or has been found to be  
36 dependent under RCW 13.34.130 and who meets the criteria set forth in  
37 RCW 13.34.030(6)(d) shall be within the department's division of

1 developmental disabilities, as soon as is practical following the  
2 determination of dependency. The secretary of the department shall  
3 determine the appropriate administrative entity within the department  
4 to proceed with the petition required under this chapter. All funds  
5 and personnel associated with the provision of services for children  
6 who are transferred under this section shall be transferred to the  
7 division.

8 The secretary may exercise discretion to permit a limited number of  
9 children under this section to remain within the children's  
10 administration of the department if: (1) The transfer would cause  
11 undue hardship for the parents or relatives as a result of logistical  
12 changes; or (2) the number of cases being transferred would not achieve  
13 administrative efficiencies for offices located in rural areas.

14 **Sec. 13.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read  
15 as follows:

16 (1) For purposes of this chapter:

17 (a) "Juvenile justice or care agency" means any of the following:  
18 Police, diversion units, court, prosecuting attorney, defense attorney,  
19 detention center, attorney general, the legislative children's  
20 oversight committee, the office of family and children's ombudsman, the  
21 department of social and health services and its contracting agencies,  
22 schools; and, in addition, persons or public or private agencies having  
23 children committed to their custody;

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

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

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

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

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

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

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

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

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

15 (5) Any person who has reasonable cause to believe information  
16 concerning that person is included in the records of a juvenile justice  
17 or care agency and who has been denied access to those records by the  
18 agency may make a motion to the court for an order authorizing that  
19 person to inspect the juvenile justice or care agency record concerning  
20 that person. The court shall grant the motion to examine records  
21 unless it finds that in the interests of justice or in the best  
22 interests of the juvenile the records or parts of them should remain  
23 confidential.

24 (6) A juvenile, or his or her parents, or any person who has  
25 reasonable cause to believe information concerning that person is  
26 included in the records of a juvenile justice or care agency may make  
27 a motion to the court challenging the accuracy of any information  
28 concerning the moving party in the record or challenging the continued  
29 possession of the record by the agency. If the court grants the  
30 motion, it shall order the record or information to be corrected or  
31 destroyed.

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

36 (8) The court may permit inspection of records by, or release of  
37 information to, any clinic, hospital, or agency which has the subject  
38 person under care or treatment. The court may also permit inspection  
39 by or release to individuals or agencies, including juvenile justice

1 advisory committees of county law and justice councils, engaged in  
2 legitimate research for educational, scientific, or public purposes.  
3 The court may also permit inspection of, or release of information  
4 from, records which have been sealed pursuant to RCW 13.50.050(11).  
5 The court shall release to the sentencing guidelines commission records  
6 needed for its research and data-gathering functions under RCW  
7 9.94A.040 and other statutes. Access to records or information for  
8 research purposes shall be permitted only if the anonymity of all  
9 persons mentioned in the records or information will be preserved.  
10 Each person granted permission to inspect juvenile justice or care  
11 agency records for research purposes shall present a notarized  
12 statement to the court stating that the names of juveniles and parents  
13 will remain confidential.

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

19 (10) Requirements in this chapter relating to the court's authority  
20 to compel disclosure shall not apply to the legislative children's  
21 oversight committee or the office of the family and children's  
22 ombudsman.

23 **Sec. 14.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to  
24 read as follows:

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

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

28 (3) Records retained or produced by any juvenile justice or care  
29 agency may be released to other participants in the juvenile justice or  
30 care system only when an investigation or case involving the juvenile  
31 in question is being pursued by the other participant or when that  
32 other participant is assigned the responsibility of supervising the  
33 juvenile. Records covered under this section and maintained by the  
34 juvenile courts which relate to the official actions of the agency may  
35 be entered in the state-wide juvenile court information system.

36 (4) A juvenile, his or her parents, the juvenile's attorney and the  
37 juvenile's parent's attorney, shall, upon request, be given access to

1 all records and information collected or retained by a juvenile justice  
2 or care agency which pertain to the juvenile except:

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

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

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

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

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

31 (7) Subject to the rules of discovery in civil cases, any party to  
32 a proceeding seeking a declaration of dependency or a termination of  
33 the parent-child relationship and any party's counsel and the guardian  
34 ad litem of any party, shall have access to the records of any natural  
35 or adoptive child of the parent, subject to the limitations in  
36 subsection (4) of this section. A party denied access to records may  
37 request judicial review of the denial. If the party prevails, he or  
38 she shall be awarded attorneys' fees, costs, and an amount not less

1 than five dollars and not more than one hundred dollars for each day  
2 the records were wrongfully denied.

3 **Sec. 15.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to  
4 read as follows:

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

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

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

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

17 **Sec. 16.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to  
18 read as follows:

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

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

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

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

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

36 (5) "Department" means the state department of social and health  
37 services.



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

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

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

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

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

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

25 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual  
26 exploitation, negligent treatment, or maltreatment of a child, adult  
27 dependent, or developmentally disabled person by any person under  
28 circumstances which indicate that the child's or adult's health,  
29 welfare, and safety is harmed, excluding conduct permitted under RCW  
30 9A.16.100. An abused child is a child who has been subjected to child  
31 abuse or neglect as defined herein.

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

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

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

1 pornographic photographing, filming, or depicting of a child by any  
2 person.

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

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

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

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

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

30 **Sec. 17.** RCW 26.44.030 and 1996 c 278 s 2 are each amended to read  
31 as follows:

32 (1)(a) When any practitioner, county coroner or medical examiner,  
33 law enforcement officer, professional school personnel, registered or  
34 licensed nurse, social service counselor, psychologist, pharmacist,  
35 licensed or certified child care providers or their employees, employee  
36 of the department, (~~(or)~~) juvenile probation officer, or state family  
37 and children's ombudsman or any volunteer in the ombudsman's office has  
38 reasonable cause to believe that a child or adult dependent or

1 developmentally disabled person, has suffered abuse or neglect, he or  
2 she shall report such incident, or cause a report to be made, to the  
3 proper law enforcement agency or to the department as provided in RCW  
4 26.44.040.

5 (b) The reporting requirement shall also apply to department of  
6 corrections personnel who, in the course of their employment, observe  
7 offenders or the children with whom the offenders are in contact. If,  
8 as a result of observations or information received in the course of  
9 his or her employment, any department of corrections personnel has  
10 reasonable cause to believe that a child or adult dependent or  
11 developmentally disabled person has suffered abuse or neglect, he or  
12 she shall report the incident, or cause a report to be made, to the  
13 proper law enforcement agency or to the department as provided in RCW  
14 26.44.040.

15 (c) The reporting requirement shall also apply to any adult who has  
16 reasonable cause to believe that a child or adult dependent or  
17 developmentally disabled person, who resides with them, has suffered  
18 severe abuse, and is able or capable of making a report. For the  
19 purposes of this subsection, "severe abuse" means any of the following:  
20 Any single act of abuse that causes physical trauma of sufficient  
21 severity that, if left untreated, could cause death; any single act of  
22 sexual abuse that causes significant bleeding, deep bruising, or  
23 significant external or internal swelling; or more than one act of  
24 physical abuse, each of which causes bleeding, deep bruising,  
25 significant external or internal swelling, bone fracture, or  
26 unconsciousness.

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

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

38 (3) Any other person who has reasonable cause to believe that a  
39 child or adult dependent or developmentally disabled person has

1 suffered abuse or neglect may report such incident to the proper law  
2 enforcement agency or to the department of social and health services  
3 as provided in RCW 26.44.040.

4 (4) The department, upon receiving a report of an incident of  
5 alleged abuse or neglect pursuant to this chapter, involving a child or  
6 adult dependent or developmentally disabled person who has died or has  
7 had physical injury or injuries inflicted upon him or her other than by  
8 accidental means or who has been subjected to alleged sexual abuse,  
9 shall report such incident to the proper law enforcement agency. In  
10 emergency cases, where the child, adult dependent, or developmentally  
11 disabled person's welfare is endangered, the department shall notify  
12 the proper law enforcement agency within twenty-four hours after a  
13 report is received by the department. In all other cases, the  
14 department shall notify the law enforcement agency within seventy-two  
15 hours after a report is received by the department. If the department  
16 makes an oral report, a written report shall also be made to the proper  
17 law enforcement agency within five days thereafter.

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

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

1 (7) The department may conduct ongoing case planning and  
2 consultation with those persons or agencies required to report under  
3 this section, with consultants designated by the department, and with  
4 designated representatives of Washington Indian tribes if the client  
5 information exchanged is pertinent to cases currently receiving child  
6 protective services or department case services for the developmentally  
7 disabled. Upon request, the department shall conduct such planning and  
8 consultation with those persons required to report under this section  
9 if the department determines it is in the best interests of the child  
10 or developmentally disabled person. Information considered privileged  
11 by statute and not directly related to reports required by this section  
12 shall not be divulged without a valid written waiver of the privilege.

13 (8) Any case referred to the department by a physician licensed  
14 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
15 opinion that child abuse, neglect, or sexual assault has occurred and  
16 that the child's safety will be seriously endangered if returned home,  
17 the department shall file a dependency petition unless a second  
18 licensed physician of the parents' choice believes that such expert  
19 medical opinion is incorrect. If the parents fail to designate a  
20 second physician, the department may make the selection. If a  
21 physician finds that a child has suffered abuse or neglect but that  
22 such abuse or neglect does not constitute imminent danger to the  
23 child's health or safety, and the department agrees with the  
24 physician's assessment, the child may be left in the parents' home  
25 while the department proceeds with reasonable efforts to remedy  
26 parenting deficiencies.

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

31 (10) Upon receiving reports of alleged abuse or neglect, the  
32 department or law enforcement agency may interview children. The  
33 interviews may be conducted on school premises, at day-care facilities,  
34 at the child's home, or at other suitable locations outside of the  
35 presence of parents. Parental notification of the interview shall  
36 occur at the earliest possible point in the investigation that will not  
37 jeopardize the safety or protection of the child or the course of the  
38 investigation. Prior to commencing the interview the department or law  
39 enforcement agency shall determine whether the child wishes a third

1 party to be present for the interview and, if so, shall make reasonable  
2 efforts to accommodate the child's wishes. Unless the child objects,  
3 the department or law enforcement agency shall make reasonable efforts  
4 to include a third party in any interview so long as the presence of  
5 the third party will not jeopardize the course of the investigation.

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

10 (12) The department shall maintain investigation records and  
11 conduct timely and periodic reviews of all cases constituting abuse and  
12 neglect. The department shall maintain a log of screened-out  
13 nonabusive cases.

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

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

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

27 (15) The department shall make reasonable efforts to learn the  
28 name, address, and telephone number of each person making a report of  
29 abuse or neglect under this section. The department shall provide  
30 assurances of appropriate confidentiality of the identification of  
31 persons reporting under this section. If the department is unable to  
32 learn the information required under this subsection, the department  
33 shall only investigate cases in which: (a) The department believes  
34 there is a serious threat of substantial harm to the child; (b) the  
35 report indicates conduct involving a criminal offense that has, or is  
36 about to occur, in which the child is the victim; or (c) the department  
37 has substantiated a report of abuse or neglect with regard to a member  
38 of the household within three years of receipt of the referral.

1       **Sec. 18.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read  
2 as follows:

3       If the department or a law enforcement agency responds to a  
4 complaint of alleged child abuse or neglect and discovers that another  
5 agency has also responded to the complaint, the agency shall notify the  
6 other agency of their presence, and the agencies shall coordinate the  
7 investigation and keep each other apprised of progress.

8       The department, each law enforcement agency, each county  
9 prosecuting attorney, each city attorney, and each court shall make as  
10 soon as practicable a written record and shall maintain records of all  
11 incidents of suspected child abuse reported to that person or agency.  
12 Records kept under this section shall be identifiable by means of an  
13 agency code for child abuse.

14       **Sec. 19.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to  
15 read as follows:

16       An immediate oral report shall be made by telephone or otherwise to  
17 the proper law enforcement agency or the department of social and  
18 health services and, upon request, shall be followed by a report in  
19 writing. Such reports shall contain the following information, if  
20 known:

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

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

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

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

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

29       (6) Any evidence of previous injuries, including their nature and  
30 extent; and

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

35       **Sec. 20.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to  
36 read as follows:

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

7 (2) At any time prior to or during a hearing in such a case, the  
8 court may, on its own motion, or the motion of the guardian ad litem,  
9 or other parties, order the examination by a physician, psychologist,  
10 or psychiatrist, of any parent or child or other person having custody  
11 of the child at the time of the alleged child abuse or neglect, if the  
12 court finds such an examination is necessary to the proper  
13 determination of the case. The hearing may be continued pending the  
14 completion of such examination. The physician, psychologist, or  
15 psychiatrist conducting such an examination may be required to testify  
16 concerning the results of such examination and may be asked to give his  
17 or her opinion as to whether the protection of the child requires that  
18 he or she not be returned to the custody of his or her parents or other  
19 persons having custody of him or her at the time of the alleged child  
20 abuse or neglect. Persons so testifying shall be subject to cross-  
21 examination as are other witnesses. No information given at any such  
22 examination of the parent or any other person having custody of the  
23 child may be used against such person in any subsequent criminal  
24 proceedings against such person or custodian concerning the alleged  
25 abuse or neglect of the child.

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

30 **Sec. 21.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read  
31 as follows:

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



1 (b) A person convicted of a violation of subsection (4) of this  
2 section shall not be immune from liability under (a) of this  
3 subsection.

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

8 (3) Conduct conforming with the reporting requirements of this  
9 chapter shall not be deemed a violation of the confidential  
10 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and  
11 18.83.110. Nothing in this chapter shall be construed as to supersede  
12 or abridge remedies provided in chapter 4.92 RCW.

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

16 **Sec. 22.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

31 (g) Any evidence of previous injuries, including their nature and  
32 extent; and

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

36 (2) Each law enforcement agency receiving such a report shall, in  
37 addition to taking the action required by RCW 70.124.050, immediately  
38 relay the report to the department and to other law enforcement

1 agencies, as appropriate. For any report it receives, the department  
2 shall likewise take the required action and in addition relay the  
3 report to the appropriate law enforcement agency or agencies. The  
4 appropriate law enforcement agency or agencies shall receive immediate  
5 notification when the department, upon receipt of such report, has  
6 reasonable cause to believe that a criminal act has been committed.

7 **Sec. 23.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to  
8 read as follows:

9 (1) The facility must inform the resident both orally and in  
10 writing in a language that the resident understands of his or her  
11 rights and all rules and regulations governing resident conduct and  
12 responsibilities during the stay in the facility. The notification  
13 must be made prior to or upon admission. Receipt of the information  
14 must be acknowledged in writing.

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

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

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

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

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

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

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

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

1 (5) Notification of changes.

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

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

8 (ii) A significant change in the resident's physical, mental, or  
9 psychosocial status (i.e., a deterioration in health, mental, or  
10 psychosocial status in either life-threatening conditions or clinical  
11 complications).

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

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

16 (ii) A decision to transfer or discharge the resident from the  
17 facility.

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

21 **Sec. 24.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read  
22 as follows:

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

25 (1) Develop, administer, supervise, and monitor a coordinated and  
26 comprehensive plan that establishes, aids, and strengthens services for  
27 the protection and care of homeless, runaway, dependent, or neglected  
28 children.

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

36 (3) Investigate complaints of alleged neglect, abuse, or  
37 abandonment of children, and on the basis of the findings of such  
38 investigation, offer child welfare services in relation to the problem

1 to such parents, legal custodians, or persons serving in loco parentis,  
2 and/or bring the situation to the attention of an appropriate court, or  
3 another community agency: PROVIDED, That an investigation is not  
4 required of nonaccidental injuries which are clearly not the result of  
5 a lack of care or supervision by the child's parents, legal custodians,  
6 or persons serving in loco parentis. If the investigation reveals that  
7 a crime may have been committed, the department shall notify the  
8 appropriate law enforcement agency.

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

11 (5) Monitor out-of-home placements, on a timely and routine basis,  
12 to assure the safety, well-being, and quality of care being provided is  
13 within the scope of the intent of the legislature as defined in RCW  
14 74.13.010 and 74.15.010, and annually submit a report delineating the  
15 results to the house and senate committees on social and health  
16 services.

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

26 (7) Have authority to provide temporary shelter to children who  
27 have run away from home and who are admitted to crisis residential  
28 centers.

29 (8) Have authority to purchase care for children; and shall follow  
30 in general the policy of using properly approved private agency  
31 services for the actual care and supervision of such children insofar  
32 as they are available, paying for care of such children as are accepted  
33 by the department as eligible for support at reasonable rates  
34 established by the department.

35 (9) Establish a children's services advisory committee which shall  
36 assist the secretary in the development of a partnership plan for  
37 utilizing resources of the public and private sectors, and advise on  
38 all matters pertaining to child welfare, licensing of child care

1 agencies, adoption, and services related thereto. At least one member  
2 shall represent the adoption community.

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

6 (11) Have authority within funds appropriated for foster care  
7 services to purchase care for Indian children who are in the custody of  
8 a federally recognized Indian tribe or tribally licensed child-placing  
9 agency pursuant to parental consent, tribal court order, or state  
10 juvenile court order; and the purchase of such care shall be subject to  
11 the same eligibility standards and rates of support applicable to other  
12 children for whom the department purchases care.

13 Notwithstanding any other provision of RCW 13.32A.170 through  
14 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
15 services to be provided by the department of social and health services  
16 under subsections (4), (6), and (7) of this section, subject to the  
17 limitations of these subsections, may be provided by any program  
18 offering such services funded pursuant to Titles II and III of the  
19 federal juvenile justice and delinquency prevention act of 1974.

20 **Sec. 25.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read  
21 as follows:

22 The secretary shall have the power and it shall be the secretary's  
23 duty:

24 (1) In consultation with the children's services advisory  
25 committee, and with the advice and assistance of persons representative  
26 of the various type agencies to be licensed, to designate categories of  
27 facilities for which separate or different requirements shall be  
28 developed as may be appropriate whether because of variations in the  
29 ages, sex and other characteristics of persons served, variations in  
30 the purposes and services offered or size or structure of the agencies  
31 to be licensed hereunder, or because of any other factor relevant  
32 thereto;

33 (2) In consultation with the children's services advisory  
34 committee, and with the advice and assistance of persons representative  
35 of the various type agencies to be licensed, to adopt and publish  
36 minimum requirements for licensing applicable to each of the various  
37 categories of agencies to be licensed.

38 The minimum requirements shall be limited to:

1 (a) The size and suitability of a facility and the plan of  
2 operation for carrying out the purpose for which an applicant seeks a  
3 license;

4 (b) The character, suitability and competence of an agency and  
5 other persons associated with an agency directly responsible for the  
6 care and treatment of children, expectant mothers or developmentally  
7 disabled persons. In consultation with law enforcement personnel, the  
8 secretary shall investigate the conviction record or pending charges  
9 and dependency record information under chapter 43.43 RCW of each  
10 agency and its staff seeking licensure or relicensure. In order to  
11 determine the suitability of applicants for an agency license,  
12 licensees, their employees, and other persons who have unsupervised  
13 access to children in care, and who have not resided in the state of  
14 Washington during the three-year period before being authorized to care  
15 for children shall be fingerprinted. The fingerprints shall be  
16 forwarded to the Washington state patrol and federal bureau of  
17 investigation for a criminal history records check. The fingerprint  
18 criminal history records checks will be at the expense of the licensee  
19 except that in the case of a foster family home, if this expense would  
20 work a hardship on the licensee, the department shall pay the expense.  
21 The licensee may not pass this cost on to the employee or prospective  
22 employee, unless the employee is determined to be unsuitable due to his  
23 or her criminal history record. The secretary shall use the  
24 information solely for the purpose of determining eligibility for a  
25 license and for determining the character, suitability, and competence  
26 of those persons or agencies, excluding parents, not required to be  
27 licensed who are authorized to care for children, expectant mothers,  
28 and developmentally disabled persons. Criminal justice agencies shall  
29 provide the secretary such information as they may have and that the  
30 secretary may require for such purpose;

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

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

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

1 (f) The financial ability of an agency to comply with minimum  
2 requirements established pursuant to chapter 74.15 RCW and RCW  
3 74.13.031; and

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

6 (3) To investigate any person, including relatives by blood or  
7 marriage except for parents, for character, suitability, and competence  
8 in the care and treatment of children, expectant mothers, and  
9 developmentally disabled persons prior to authorizing that person to  
10 care for children, expectant mothers, and developmentally disabled  
11 persons. However, if a child is placed with a relative under RCW  
12 13.34.060 or 13.34.130, and if such relative appears otherwise suitable  
13 and competent to provide care and treatment the criminal history  
14 background check required by this section need not be completed before  
15 placement, but shall be completed as soon as possible after placement;

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

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

25 (6) To prescribe the procedures and the form and contents of  
26 reports necessary for the administration of chapter 74.15 RCW and RCW  
27 74.13.031 and to require regular reports from each licensee;

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

31 (8) To review requirements adopted hereunder at least every two  
32 years and to adopt appropriate changes after consultation with the  
33 child care coordinating committee and other affected groups for child  
34 day-care requirements and with the children's services advisory  
35 committee for requirements for other agencies; and

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

1       **Sec. 26.** RCW 74.34.050 and 1986 c 187 s 3 are each amended to read  
2 as follows:

3       (1) A person participating in good faith in making a report under  
4 this chapter or testifying about ((the)) alleged abuse, neglect,  
5 abandonment, or exploitation of a vulnerable adult in a judicial  
6 proceeding under this chapter is immune from liability resulting from  
7 the report or testimony. The making of permissive reports as allowed  
8 in RCW 74.34.030 does not create any duty to report and no civil  
9 liability shall attach for any failure to make a permissive report  
10 under RCW 74.34.030.

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

15       **Sec. 27.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each  
16 amended to read as follows:

17       In responding to reports of alleged abuse, exploitation, neglect,  
18 or abandonment under this chapter, the department shall provide  
19 information to the frail elder or vulnerable adult on protective  
20 services available to the person and inform the person of the right to  
21 refuse such services. The department shall develop cooperative  
22 agreements with community-based agencies servicing the abused elderly  
23 and vulnerable adults. The agreements shall cover such subjects as the  
24 appropriate roles and responsibilities of the department and community-  
25 based agencies in identifying and responding to reports of alleged  
26 abuse, the provision of case-management services, standardized data  
27 collection procedures, and related coordination activities.

28       **Sec. 28.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read  
29 as follows:

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

35       (2) At all stages of a proceeding in which a child is alleged to be  
36 dependent pursuant to RCW 13.34.030((+2)) (6), the child's parent,  
37 guardian, or legal custodian has the right to be represented by



1 counsel, and if indigent, to have counsel appointed for him or her by  
2 the court. Unless waived in court, counsel shall be provided to the  
3 child's parent, guardian, or legal custodian, if such person (a) has  
4 appeared in the proceeding or requested the court to appoint counsel  
5 and (b) is financially unable to obtain counsel because of indigency as  
6 defined in chapter 10.101 RCW.

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

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

22 **Sec. 29.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to  
23 read as follows:

24 (1) To aid the court in its decision on disposition, a social  
25 study, consisting of a written evaluation of matters relevant to the  
26 disposition of the case, shall be made by the person or agency filing  
27 the petition. The study shall include all social records and may also  
28 include facts relating to the child's cultural heritage, and shall be  
29 made available to the court. The court shall consider the social file,  
30 social study, guardian ad litem report, the court-appointed special  
31 advocate's report, if any, and any reports filed by a party at the  
32 disposition hearing in addition to evidence produced at the fact-  
33 finding hearing. At least ten working days before the disposition  
34 hearing, the department shall mail to the parent and his or her  
35 attorney a copy of the agency's social study and proposed service plan,  
36 which shall be in writing or in a form understandable to the parents or  
37 custodians. In addition, the department shall provide an opportunity  
38 for parents to review and comment on the plan at the community service

1 office. If the parents disagree with the agency's plan or any part  
2 thereof, the parents shall submit to the court at least twenty-four  
3 hours before the hearing, in writing, or signed oral statement, an  
4 alternative plan to correct the problems which led to the finding of  
5 dependency. This section shall not interfere with the right of the  
6 parents or custodians to submit oral arguments regarding the  
7 disposition plan at the hearing.

8 (2) In addition to the requirements set forth in subsection (1) of  
9 this section, a predisposition study to the court in cases of  
10 dependency alleged pursuant to RCW 13.34.030(~~(4)~~) (6) (b) or (c)  
11 shall contain the following information:

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

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

19 (c) If removal is recommended, a full description of the reasons  
20 why the child cannot be protected adequately in the home, including a  
21 description of any previous efforts to work with the parents and the  
22 child in the home; the in-home treatment programs which have been  
23 considered and rejected; the preventive services that have been offered  
24 or provided and have failed to prevent the need for out-of-home  
25 placement, unless the health, safety, and welfare of the child cannot  
26 be protected adequately in the home; and the parents' attitude toward  
27 placement of the child;

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

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

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

36 **Sec. 30.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are  
37 each reenacted and amended to read as follows:

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

6 (1) That the child has been found to be a dependent child under RCW  
7 13.34.030(~~((2))~~) (6); and

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

10 (3) That the child has been removed or will, at the time of the  
11 hearing, have been removed from the custody of the parent for a period  
12 of at least six months pursuant to a finding of dependency under RCW  
13 13.34.030(~~((2))~~) (6); and

14 (4) That the services ordered under RCW 13.34.130 have been offered  
15 or provided and all necessary services, reasonably available, capable  
16 of correcting the parental deficiencies within the foreseeable future  
17 have been offered or provided; and

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

22 (a) Use of intoxicating or controlled substances so as to render  
23 the parent incapable of providing proper care for the child for  
24 extended periods of time and documented unwillingness of the parent to  
25 receive and complete treatment or documented multiple failed treatment  
26 attempts; or

27 (b) Psychological incapacity or mental deficiency of the parent  
28 that is so severe and chronic as to render the parent incapable of  
29 providing proper care for the child for extended periods of time, and  
30 documented unwillingness of the parent to receive and complete  
31 treatment or documentation that there is no treatment that can render  
32 the parent capable of providing proper care for the child in the near  
33 future; and

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

37 (7) In lieu of the allegations in subsections (1) through (6) of  
38 this section, the petition may allege that the child was found under  
39 such circumstances that the whereabouts of the child's parent are

1 unknown and no person has acknowledged paternity or maternity and  
2 requested custody of the child within two months after the child was  
3 found.

4 A parent's failure to substantially improve parental deficiencies  
5 within twelve months following entry of the dispositional order shall  
6 give rise to a rebuttable presumption that there is little likelihood  
7 that conditions will be remedied so that the child can be returned to  
8 the parent in the near future. The presumption shall not arise unless  
9 the petitioner makes a showing that all necessary services reasonably  
10 capable of correcting the parental deficiencies within the foreseeable  
11 future have been offered or provided.

12 Notice of rights shall be served upon the parent, guardian, or  
13 legal custodian with the petition and shall be in substantially the  
14 following form:

15 "NOTICE

16 A petition for termination of parental rights has been filed  
17 against you. You have important legal rights and you must take  
18 steps to protect your interests. This petition could result in  
19 permanent loss of your parental rights.

20 1. You have the right to a fact-finding hearing before  
21 a judge.

22 2. You have the right to have a lawyer represent you at  
23 the hearing. A lawyer can look at the files in your case, talk  
24 to the department of social and health services and other  
25 agencies, tell you about the law, help you understand your  
26 rights, and help you at hearings. If you cannot afford a  
27 lawyer, the court will appoint one to represent you. To get a  
28 court-appointed lawyer you must contact:     (explain local  
29 procedure)    .

30 3. At the hearing, you have the right to speak on your  
31 own behalf, to introduce evidence, to examine witnesses, and to  
32 receive a decision based solely on the evidence presented to  
33 the judge.

34 You should be present at this hearing.

35 You may call     (insert agency)     for more information  
36 about your child. The agency's name and telephone number are  
37     (insert name and telephone number)    ."

1       **Sec. 31.** RCW 43.43.700 and 1989 c 334 s 6 are each amended to read  
2 as follows:

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

6       In order to aid the administration of justice the section shall  
7 install systems for the identification of individuals, including the  
8 fingerprint system and such other systems as the chief deems necessary.  
9 The section shall keep a complete record and index of all information  
10 received in convenient form for consultation and comparison.

11       The section shall obtain from whatever source available and file  
12 for record the fingerprints, palmprints, photographs, or such other  
13 identification data as it deems necessary, of persons who have been or  
14 shall hereafter be lawfully arrested and charged with, or convicted of  
15 any criminal offense. The section may obtain like information  
16 concerning persons arrested for or convicted of crimes under the laws  
17 of another state or government.

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

24       **Sec. 32.** RCW 43.43.840 and 1989 c 334 s 5 and 1989 c 90 s 5 are  
25 each reenacted and amended to read as follows:

26       (1) The supreme court shall by rule require the courts of the state  
27 to notify the state patrol of any dependency action under RCW  
28 (~~(13.34.030(2)(b))~~) 13.34.040, domestic relations action under Title 26  
29 RCW, or protection action under chapter 74.34 RCW, in which the court  
30 makes specific findings of physical abuse or sexual abuse or  
31 exploitation of a child or abuse or financial exploitation of a  
32 vulnerable adult.

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

37       (3) When a business or an organization terminates, fires,  
38 dismisses, fails to renew the contract, or permits the resignation of

1 an employee because of crimes against children or other persons or  
2 because of crimes relating to the financial exploitation of a  
3 vulnerable adult, and if that employee is employed in a position  
4 requiring a certificate or license issued by a licensing agency such as  
5 the state board of education, the business or organization shall notify  
6 the licensing agency of such termination of employment.

7 **Sec. 33.** RCW 43.20A.050 and 1979 c 141 s 63 are each amended to  
8 read as follows:

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

23 NEW SECTION. **Sec. 34.** It is the intent of the legislature, in  
24 enacting the chapter . . . , Laws of 1997 changes to RCW 41.64.100  
25 (section 35 of this act), to provide a prompt and efficient method of  
26 expediting employee appeals regarding alleged misconduct that may have  
27 placed children at serious risk of harm. The legislature recognizes  
28 that children are at risk of harm in cases of abuse or neglect and  
29 intends to provide a method of reducing such risk as well as mitigating  
30 the potential liability to the state associated with employee  
31 misconduct involving children. The legislature does not intend to  
32 impair any existing rights of appeals held by employees, nor does it  
33 intend to restrict consideration of any appropriate evidence or facts  
34 by the personnel appeals board.

35 **Sec. 35.** RCW 41.64.100 and 1981 c 311 s 11 are each amended to  
36 read as follows:

1 (1) In all appeals over which the board has jurisdiction involving  
2 reduction, dismissal, suspension, or demotion, the board shall set the  
3 case for hearing, and the final decision, including an appeal to the  
4 board from the hearing examiner, if any, shall be rendered within  
5 ninety days from the date the appeal was first received(~~(:—PROVIDED,~~  
6 ~~That))~~). An extension may be permitted if agreed to by the employee and  
7 the employing agency. The board shall furnish the agency with a copy  
8 of the appeal in advance of the hearing.

9 (2) Notwithstanding subsection (1) of this section, in a case  
10 involving misconduct that has placed a child at serious risk of harm as  
11 a result of actions taken or not taken under chapter 13.32A, 13.34,  
12 13.40, 26.44, 74.13, 74.14A, 74.14B, 74.14C, or 74.15 RCW, the board  
13 shall hear the case before all other unresolved or unscheduled cases.  
14 The board shall issue its order within forty-five days of hearing the  
15 case unless there are extraordinary circumstances, in which case, an  
16 additional thirty days may elapse until the case is decided.

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

20 NEW SECTION. Sec. 36. Section 35 of this act shall not be  
21 construed to alter an existing collective bargaining unit or the  
22 provisions of any existing bargaining agreement in place on the  
23 effective date of this section before the expiration of such agreement.

24 **Sec. 37.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to  
25 read as follows:

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

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

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

32 (3) "Practitioner of the healing arts" or "practitioner" means a  
33 person licensed by this state to practice podiatric medicine and  
34 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
35 medicine and surgery, or medicine and surgery or to provide other  
36 health services. The term "practitioner" shall include a duly  
37 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a

1 person who is being furnished Christian Science treatment by a duly  
2 accredited Christian Science practitioner shall not be considered, for  
3 that reason alone, a neglected person for the purposes of this chapter.

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

6 (5) "Department" means the state department of social and health  
7 services.

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

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

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

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

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

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

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

38 (13) "Child protective services section" shall mean the child  
39 protective services section of the department.



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

4 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or  
5 encouraging a child to engage in prostitution by any person; or (b)  
6 allowing, permitting, encouraging, or engaging in the obscene or  
7 pornographic photographing, filming, or depicting of a child by any  
8 person.

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

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

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

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

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

1        NEW SECTION.    **Sec. 38.**    A new section is added to chapter 43.20A  
2    RCW to read as follows:

3        (1) Notwithstanding the provisions of RCW 26.44.020 and chapter  
4    74.13 RCW, the secretary may exercise his or her discretion to permit  
5    employees of the department to provide child protective services and  
6    child welfare services under the following circumstances:

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

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

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

17       NEW SECTION.    **Sec. 39.**    The Washington institute for public policy  
18    shall review the department's programs and policies for the development  
19    of permanency plans to determine which programs and policies are the  
20    most successful in developing plans for children fourteen years of age  
21    or older.    The institute shall provide a report, including  
22    recommendations, to the governor and legislature by June 1, 1998.

23       NEW SECTION.    **Sec. 40.**    The Washington institute for public policy  
24    shall review the criteria and policies of the department relating to  
25    establishment of guardianships for children involved with permanency  
26    planning.    The review shall include an examination of whether: (1)  
27    There are methods of improving the department's role in the lives of  
28    children for whom a guardianship has been established, without  
29    impairing the duties of a guardian and the guardian's ability to  
30    provide the services for which he or she is responsible; (2) criteria  
31    for establishing, reviewing, and terminating a guardianship accurately  
32    reflects the needs of children of all ages; (3) existing laws and  
33    policies facilitate or impair the movement of children from  
34    guardianship status to permanent placement; and (4) existing data  
35    collection is accurate and adequate.

1        NEW SECTION.    **Sec. 41.**    A new section is added to chapter 43.20A  
2 RCW to read as follows:

3        The department shall prepare an annual quality assurance report  
4 that shall include but is not limited to: (1) Performance outcomes  
5 regarding health and safety of children in the children's services  
6 system; (2) children's length of stay in out-of-home placement from  
7 each date of referral; (3) adherence to permanency planning timelines;  
8 and (4) the response time on child protective services investigations  
9 differentiated by risk level determined at intake. The report shall be  
10 provided to the governor and legislature not later than July 1.

11        NEW SECTION.    **Sec. 42.**    The secretary of the department of social  
12 and health services shall review the mission statement and guiding  
13 principles for the children's administration for the purpose of  
14 developing an operating statement. The operating statement shall  
15 establish a formal framework for implementation of the administration's  
16 mission and shall include: (1) Prioritization of management and worker  
17 actions; (2) methods of ensuring accountability for attaining the  
18 mission by both management and workers; (3) clear definitions of "child  
19 safety" and "reasonable efforts"; and (4) methods for broad  
20 dissemination of the administration's child welfare plan.

21        The secretary shall submit a copy of the operating statement for  
22 the children's administration to the legislature by October 31, 1998.

23        NEW SECTION.    **Sec. 43.**    A new section is added to chapter 26.44 RCW  
24 to read as follows:

25        (1) When, as a result of a report of alleged child abuse or  
26 neglect, an investigation is made that includes an in-person contact  
27 with the person who is alleged to have committed the abuse or neglect,  
28 there shall be a determination of whether it is probable that the use  
29 of alcohol or controlled substances is a contributing factor to the  
30 alleged abuse or neglect.

31        (2) The department shall provide appropriate training for persons  
32 who conduct the investigations under subsection (1) of this section.  
33 The training shall include methods of identifying indicators of abuse  
34 of alcohol or controlled substances.

35        (3) If a determination is made under subsection (1) of this section  
36 that there is probable cause to believe abuse of alcohol or controlled  
37 substances has contributed to the child abuse or neglect, the

1 department shall, within available funds, cause a comprehensive  
2 chemical dependency evaluation to be made of the person or persons so  
3 identified. The evaluation shall be conducted by a physician or  
4 persons certified under rules adopted by the department to make such  
5 evaluation.

6 NEW SECTION. **Sec. 44.** The department shall perform the duties  
7 assigned under section 43 and sections 1 through 5 of this act within  
8 existing personnel resources.

9 NEW SECTION. **Sec. 45.** The following acts or parts of acts are  
10 each repealed:

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

12 NEW SECTION. **Sec. 46.** Sections 8 through 26 of this act apply  
13 only to incidents occurring on or after January 1, 1998.

14 NEW SECTION. **Sec. 47.** Sections 8 through 26 of this act take  
15 effect January 1, 1998."

16 **SHB 1859** - S COMM AMD  
17 By Committee on Human Services & Corrections

18  
19 On page 1, line 2 of the title, after "persons;" strike the  
20 remainder of the title and insert "amending RCW 41.06.076, 13.34.030,  
21 13.50.010, 13.50.100, 26.44.015, 26.44.020, 26.44.030, 26.44.035,  
22 26.44.040, 26.44.053, 26.44.060, 70.124.040, 70.129.030, 74.13.031,  
23 74.15.030, 74.34.050, 74.34.070, 13.34.090, 13.34.120, 43.43.700,  
24 43.20A.050, 41.64.100, and 26.44.020; reenacting and amending RCW  
25 13.34.130, 13.34.180, and 43.43.840; adding a new section to chapter  
26 41.06 RCW; adding new sections to chapter 43.20A RCW; adding new  
27 sections to chapter 13.34 RCW; adding a new section to chapter 26.44  
28 RCW; creating new sections; repealing RCW 43.06A.040; providing an  
29 effective date; and providing expiration dates."

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