

2 **SHB 2556** - S COMM AMD (S5084.1)  
3 By Committee on Human Services & Corrections

4 ADOPTED AS AMENDED 3/5/98

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

7 "**Sec. 1.** RCW 13.34.020 and 1990 c 284 s 31 are each amended to  
8 read as follows:

9 The legislature declares that the family unit is a fundamental  
10 resource of American life which should be nurtured. Toward the  
11 continuance of this principle, the legislature declares that the family  
12 unit should remain intact unless a child's right to conditions of basic  
13 nurture, health, or safety is jeopardized. When the rights of basic  
14 nurture, physical and mental health, and safety of the child and the  
15 legal rights of the parents are in conflict, the rights and safety of  
16 the child should prevail. In making reasonable efforts under this  
17 chapter, the child's health and safety shall be the paramount concern.  
18 The right of a child to basic nurturing includes the right to a safe,  
19 stable, and permanent home and a speedy resolution of any proceeding  
20 under this chapter.

21 **Sec. 2.** RCW 13.34.130 and 1997 c 280 s 1 are each amended to read  
22 as follows:

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

29 (1) The court shall order one of the following dispositions of the  
30 case:

31 (a) Order a disposition other than removal of the child from his or  
32 her home, which shall provide a program designed to alleviate the  
33 immediate danger to the child, to mitigate or cure any damage the child  
34 has already suffered, and to aid the parents so that the child will not  
35 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, cogent, and convincing evidence,  
30 a manifest danger exists that the child will suffer serious abuse or  
31 neglect if the child is not removed from the home and an order under  
32 RCW 26.44.063 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))~~: (a) Termination is recommended by the  
3 supervising agency ~~((, that it))~~; (b) termination is in the best  
4 interests of the child; and (c) that ~~((it is not reasonable to provide  
5 further services to reunify the family))~~ because of the existence of  
6 aggravated circumstances ~~((make it unlikely that services will  
7 effectuate the return of the child to the child's parents in the near  
8 future))~~, reasonable efforts to unify the family are not required.  
9 Notwithstanding the existence of aggravated circumstances, reasonable  
10 efforts may be required if the court or department determines it is in  
11 the best interest of the child. In determining whether aggravated  
12 circumstances exist, the court shall consider one or more of the  
13 following:

14 ~~((a))~~ (i) Conviction of the parent of rape of the child in the  
15 first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076,  
16 and 9A.44.079;

17 ~~((b))~~ (ii) Conviction of the parent of criminal mistreatment of  
18 the child in the first or second degree as defined in RCW 9A.42.020 and  
19 9A.42.030;

20 ~~((c))~~ (iii) Conviction of the parent of one of the following  
21 assault crimes, when the child is the victim: Assault in the first or  
22 second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of  
23 a child in the first or second degree as defined in RCW 9A.36.120 or  
24 9A.36.130;

25 ~~((d))~~ (iv) Conviction of the parent of murder, manslaughter, or  
26 homicide by abuse of the child's other parent, sibling, or another  
27 child;

28 ~~((e))~~ (v) Conviction of the parent of attempting, soliciting, or  
29 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of  
30 this subsection;

31 (vi) A finding by a court that a parent is a sexually violent  
32 predator as defined in RCW 71.09.020;

33 ~~((f))~~ (vii) Failure of the parent to complete available treatment  
34 ordered under this chapter or the equivalent laws of another state,  
35 where such failure has resulted in a prior termination of parental  
36 rights to another child and the parent has failed to effect significant  
37 change in the interim.

38 (3) If reasonable efforts are not ordered under this subsection (3)  
39 a permanency plan hearing shall be held within thirty days. Reasonable

1 efforts shall be made to place the child in a timely manner in  
2 accordance with the permanency plan, and to complete whatever steps are  
3 necessary to finalize the permanent placement of the child;

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

6 (a) A permanency plan of care that shall identify one of the  
7 following outcomes as a primary goal and may identify additional  
8 outcomes as alternative goals: Return of the child to the home of the  
9 child's parent, guardian, or legal custodian; adoption; guardianship;  
10 or long-term relative or foster care, until the child is age eighteen,  
11 with a written agreement between the parties and the care provider; and  
12 independent living, if appropriate and if the child is age sixteen or  
13 older. Whenever a permanency plan identifies independent living as a  
14 goal, the plan shall also specifically identify the services that will  
15 be provided to assist the child to make a successful transition from  
16 foster care to independent living. Before the court approves  
17 independent living as a permanency plan of care, the court shall make  
18 a finding that the provision of services to assist the child in making  
19 a transition from foster care to independent living will allow the  
20 child to manage his or her financial affairs and to manage his or her  
21 personal, social, educational, and nonfinancial affairs. The  
22 department shall not discharge a child to an independent living  
23 situation before the child is eighteen years of age unless the child  
24 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

35 (ii) The agency shall be required to encourage the maximum parent-  
36 child contact possible, including regular visitation and participation  
37 by the parents in the care of the child while the child is in  
38 placement. Visitation may be limited or denied only if the court

1 determines that such limitation or denial is necessary to protect the  
2 child's health, safety, or welfare.

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

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

12 (c) If the court has ordered, pursuant to subsection (2) of this  
13 section, that a termination petition be filed, a specific plan as to  
14 where the child will be placed, what steps will be taken to achieve  
15 permanency for the child, services to be offered or provided to the  
16 child, and, if visitation would be in the best interests of the child,  
17 a recommendation to the court regarding visitation between parent and  
18 child pending a fact-finding hearing on the termination petition. The  
19 agency shall not be required to develop a plan of services for the  
20 parents or provide services to the parents.

21 ~~((4))~~ (5) If the court determines that the continuation of  
22 reasonable efforts to prevent or eliminate the need to remove the child  
23 from his or her home or to safely return the child home is inconsistent  
24 with the permanency plan of care for the child, reasonable efforts  
25 shall be made to place the child in a timely manner in accordance with  
26 the permanency plan of care and to complete whatever steps are  
27 necessary to finalize the permanent placement of the child.

28 (6) If there is insufficient information at the time of the  
29 disposition hearing upon which to base a determination regarding the  
30 suitability of a proposed placement with a relative, the child shall  
31 remain in foster care and the court shall direct the supervising agency  
32 to conduct necessary background investigations as provided in chapter  
33 74.15 RCW and report the results of such investigation to the court  
34 within thirty days. However, if such relative appears otherwise  
35 suitable and competent to provide care and treatment, the criminal  
36 history background check need not be completed before placement, but as  
37 soon as possible after placement. Any placements with relatives,  
38 pursuant to this section, shall be contingent upon cooperation by the  
39 relative with the agency case plan and compliance with court orders

1 related to the care and supervision of the child including, but not  
2 limited to, court orders regarding parent-child contacts and any other  
3 conditions imposed by the court. Noncompliance with the case plan or  
4 court order shall be grounds for removal of the child from the  
5 relative's home, subject to review by the court.

6 ~~((+5))~~ (7) Except for children whose cases are reviewed by a  
7 citizen review board under chapter 13.70 RCW, the status of all  
8 children found to be dependent shall be reviewed by the court at least  
9 every six months from the beginning date of the placement episode or  
10 the date dependency is established, whichever is first, at a hearing in  
11 which it shall be determined whether court supervision should continue.  
12 The review shall include findings regarding the agency and parental  
13 completion of disposition plan requirements, and if necessary, revised  
14 permanency time limits. The supervising agency shall provide a foster  
15 parent, preadoptive parent, or relative with notice of, and their right  
16 to an opportunity to be heard in, a review hearing pertaining to the  
17 child, but only if that person is currently providing care to that  
18 child at the time of the hearing. This section shall not be construed  
19 to grant party status to any person who has been provided an  
20 opportunity to be heard.

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

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

30 (i) Whether reasonable services have been provided to or offered to  
31 the parties to facilitate reunion, specifying the services provided or  
32 offered;

33 (ii) Whether the child has been placed in the least-restrictive  
34 setting appropriate to the child's needs, including whether  
35 consideration and preference has been given to placement with the  
36 child's relatives;

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

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

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

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

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

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

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

14 **Sec. 3.** RCW 13.34.145 and 1995 c 311 s 20 and 1995 c 53 s 2 are  
15 each reenacted and amended to read as follows:

16 (1) A permanency plan shall be developed no later than sixty days  
17 from the time the supervising agency assumes responsibility for  
18 providing services, including placing the child, or at the time of a  
19 hearing under RCW 13.34.130, whichever occurs first. The permanency  
20 planning process continues until a permanency planning goal is achieved  
21 or dependency is dismissed. The planning process shall include  
22 reasonable efforts to return the child to the parent's home.

23 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
24 13.34.130, the agency that has custody of the child shall provide the  
25 court with a written permanency plan of care directed towards securing  
26 a safe, stable, and permanent home for the child as soon as possible.  
27 The plan shall identify one of the following outcomes as the primary  
28 goal and may also identify additional outcomes as alternative goals:  
29 Return of the child to the home of the child's parent, guardian, or  
30 legal custodian; adoption; guardianship; or long-term relative or  
31 foster care, until the child is age eighteen, with a written agreement  
32 between the parties and the care provider; and independent living, if  
33 appropriate and if the child is age sixteen or older and the provisions  
34 of subsection (2) of this section are met.

35 (b) The identified outcomes and goals of the permanency plan may  
36 change over time based upon the circumstances of the particular case.

37 (c) Permanency planning goals should be achieved at the earliest  
38 possible date, preferably before the child has been in out-of-home care

1 for fifteen months. In cases where parental rights have been  
2 terminated, the child is legally free for adoption, and adoption has  
3 been identified as the primary permanency planning goal, it shall be a  
4 goal to complete the adoption within six months following entry of the  
5 termination order.

6 (2) Whenever a permanency plan identifies independent living as a  
7 goal, the plan shall also specifically identify the services that will  
8 be provided to assist the child to make a successful transition from  
9 foster care to independent living. Before the court approves  
10 independent living as a permanency plan of care, the court shall make  
11 a finding that the provision of services to assist the child in making  
12 a transition from foster care to independent living will allow the  
13 child to manage his or her financial affairs and to manage his or her  
14 personal, social, educational, and nonfinancial affairs. The  
15 department shall not discharge a child to an independent living  
16 situation before the child is eighteen years of age unless the child  
17 becomes emancipated pursuant to chapter 13.64 RCW.

18 (3)(~~(a) For children ten and under,~~) A permanency planning  
19 hearing shall be held in all cases where the child has remained in out-  
20 of-home care for at least nine months and an adoption decree or  
21 guardianship order has not previously been entered. The hearing shall  
22 take place no later than twelve months following commencement of the  
23 current placement episode.

24 (~~(b) For children over ten, a permanency planning hearing shall be~~  
25 ~~held in all cases where the child has remained in out-of-home care for~~  
26 ~~at least fifteen months and an adoption decree or guardianship order~~  
27 ~~has not previously been entered. The hearing shall take place no later~~  
28 ~~than eighteen months following commencement of the current placement~~  
29 ~~episode.))~~

30 (4) Whenever a child is removed from the home of a dependency  
31 guardian or long-term relative or foster care provider, and the child  
32 is not returned to the home of the parent, guardian, or legal custodian  
33 but is placed in out-of-home care, a permanency planning hearing shall  
34 take place no later than twelve (~~or eighteen~~) months, as provided in  
35 subsection (3) of this section, following the date of removal unless,  
36 prior to the hearing, the child returns to the home of the dependency  
37 guardian or long-term care provider, the child is placed in the home of  
38 the parent, guardian, or legal custodian, an adoption decree or  
39 guardianship order is entered, or the dependency is dismissed.



1 (5) No later than ten working days prior to the permanency planning  
2 hearing, the agency having custody of the child shall submit a written  
3 permanency plan to the court and shall mail a copy of the plan to all  
4 parties and their legal counsel, if any.

5 (6) At the permanency planning hearing, the court shall enter  
6 findings as required by RCW 13.34.130(~~(+5)~~) (7) and shall review the  
7 permanency plan prepared by the agency. If the child has resided in  
8 the home of a foster parent or relative for more than six months prior  
9 to the permanency planning hearing, the court shall also enter a  
10 finding regarding whether the foster parent or relative was informed of  
11 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal  
12 of long-term foster or relative care has been achieved prior to the  
13 permanency planning hearing, the court shall review the child's status  
14 to determine whether the placement and the plan for the child's care  
15 remain appropriate. In cases where the primary permanency planning  
16 goal has not yet been achieved, the court shall inquire regarding the  
17 reasons why the primary goal has not been achieved and determine what  
18 needs to be done to make it possible to achieve the primary goal. In  
19 all cases, the court shall:

20 (a)(i) Order the permanency plan prepared by the agency to be  
21 implemented; or

22 (ii) Modify the permanency plan, and order implementation of the  
23 modified plan; and

24 (b)(i) Order the child returned home only if the court finds that  
25 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

26 (ii) Order the child to remain in out-of-home care for a limited  
27 specified time period while efforts are made to implement the  
28 permanency plan.

29 (7) If the court orders the child returned home, casework  
30 supervision shall continue for at least six months, at which time a  
31 review hearing shall be held pursuant to RCW 13.34.130(~~(+5)~~) (7), and  
32 the court shall determine the need for continued intervention.

33 (8) Following the first permanency planning hearing, the court  
34 shall hold a further permanency planning hearing in accordance with  
35 this section at least once every twelve months until a permanency  
36 planning goal is achieved or the dependency is dismissed, whichever  
37 occurs first.

38 (9) Except as otherwise provided in RCW 13.34.235, the status of  
39 all dependent children shall continue to be reviewed by the court at

1 least once every six months, in accordance with RCW 13.34.130(~~(+5)~~)  
2 (7), until the dependency is dismissed. Prior to the second permanency  
3 planning hearing, the agency that has custody of the child shall  
4 consider whether to file a petition for termination of parental rights.

5 (10) Nothing in this chapter may be construed to limit the ability  
6 of the agency that has custody of the child to file a petition for  
7 termination of parental rights or a guardianship petition at any time  
8 following the establishment of dependency. Upon the filing of such a  
9 petition, a fact-finding hearing shall be scheduled and held in  
10 accordance with this chapter unless the agency requests dismissal of  
11 the petition prior to the hearing or unless the parties enter an agreed  
12 order terminating parental rights, establishing guardianship, or  
13 otherwise resolving the matter.

14 (11) The approval of a permanency plan that does not contemplate  
15 return of the child to the parent does not relieve the supervising  
16 agency of its obligation to provide reasonable services, under this  
17 chapter, intended to effectuate the return of the child to the parent,  
18 including but not limited to, visitation rights.

19 (12) Nothing in this chapter may be construed to limit the  
20 procedural due process rights of any party in a termination or  
21 guardianship proceeding filed under this chapter.

22 **Sec. 4.** RCW 13.34.180 and 1997 c 280 s 2 are each amended to read  
23 as follows:

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

29 (1) That the child has been found to be a dependent child under RCW  
30 13.34.030(4); and

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

33 (3) That the child has been removed or will, at the time of the  
34 hearing, have been removed from the custody of the parent for a period  
35 of at least six months pursuant to a finding of dependency under RCW  
36 13.34.030(4); and

37 (4) That the services ordered under RCW 13.34.130 have been clearly  
38 offered or provided and all necessary services, reasonably available,

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

3 (5) That there is little likelihood that conditions will be  
4 remedied so that the child can be returned to the parent in the near  
5 future. A parent's failure to substantially improve parental  
6 deficiencies within twelve months following entry of the dispositional  
7 order shall give rise to a rebuttable presumption that there is little  
8 likelihood that conditions will be remedied so that the child can be  
9 returned to the parent in the near future. The presumption shall not  
10 arise unless the petitioner makes a showing that all necessary services  
11 reasonably capable of correcting the parental deficiencies within the  
12 foreseeable future have been clearly offered or provided. In  
13 determining whether the conditions will be remedied the court may  
14 consider, but is not limited to, the following factors:

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

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

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

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

36 (8) In lieu of the allegations in subsections (2) through (6) of  
37 this section, the petition may allege that the parent has been found by  
38 a court of competent jurisdiction:

1 (a) To have committed, against another child of such parent, murder  
2 in the first degree, murder in the second degree, or homicide by abuse  
3 as defined in chapter 9A.32 RCW;

4 (b) To have committed, against another child of such parent,  
5 manslaughter in the first degree or manslaughter in the second degree,  
6 as defined in chapter 9A.32 RCW;

7 (c) To have attempted, conspired, or solicited to commit one or  
8 more of the crimes listed in (a) or (b) of this subsection; or

9 (d) To have committed assault in the first or second degree, as  
10 defined in chapter 9A.36 RCW, against the surviving child or another  
11 child of the parent.

12 ~~((A parent's failure to substantially improve parental deficiencies~~  
13 ~~within twelve months following entry of the dispositional order shall~~  
14 ~~give rise to a rebuttable presumption that there is little likelihood~~  
15 ~~that conditions will be remedied so that the child can be returned to~~  
16 ~~the parent in the near future. The presumption shall not arise unless~~  
17 ~~the petitioner makes a showing that all necessary services reasonably~~  
18 ~~capable of correcting the parental deficiencies within the foreseeable~~  
19 ~~future have been offered or provided.))~~

20 Notice of rights shall be served upon the parent, guardian, or  
21 legal custodian with the petition and shall be in substantially the  
22 following form:

23 "NOTICE

24 A petition for termination of parental rights has been filed  
25 against you. You have important legal rights and you must take  
26 steps to protect your interests. This petition could result in  
27 permanent loss of your parental rights.

28 1. You have the right to a fact-finding hearing before  
29 a judge.

30 2. You have the right to have a lawyer represent you at  
31 the hearing. A lawyer can look at the files in your case, talk  
32 to the department of social and health services and other  
33 agencies, tell you about the law, help you understand your  
34 rights, and help you at hearings. If you cannot afford a  
35 lawyer, the court will appoint one to represent you. To get a  
36 court-appointed lawyer you must contact:       (explain local  
37 procedure)      .

1           3. At the hearing, you have the right to speak on your  
2 own behalf, to introduce evidence, to examine witnesses, and to  
3 receive a decision based solely on the evidence presented to  
4 the judge.

5           You should be present at this hearing.

6           You may call      (insert agency)      for more information  
7 about your child. The agency's name and telephone number are  
8      (insert name and telephone number)     ."

9           NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW  
10 to read as follows:

11           The department shall file a petition for the expedited termination  
12 of a parent and child relationship when the court determines that an  
13 infant, under three years of age, has been abandoned as defined in RCW  
14 13.34.030(4)(a). The department shall, concurrently with proceeding  
15 with the petition, identify, recruit, process, and approve a qualified  
16 family for an adoption unless: (1) At the option of the department,  
17 the infant is being cared for by a relative; (2) the department has  
18 documented in the case plan a compelling reason for determining that  
19 the filing of such petition would not be in the best interest of the  
20 infant; or (3) the department has not provided the family such services  
21 as the department deems necessary for the safe return of the infant to  
22 the infant's home, if reasonable efforts are required to be made.

23           For the purposes of this section "expedited" refers to the filing  
24 of a petition for the termination of a parent and child relationship  
25 five months after an infant has been determined to be abandoned.

26           **Sec. 6.** RCW 13.34.190 and 1993 c 412 s 3 are each amended to read  
27 as follows:

28           After hearings pursuant to RCW 13.34.110, the court may enter an  
29 order terminating all parental rights to a child if the court finds  
30 that:

31           (1)(a) The allegations contained in the petition as provided in RCW  
32 13.34.180 (1) through (6) are established by clear, cogent, and  
33 convincing evidence; or

34           (~~(2)~~) (b) RCW 13.34.180 (3) and (4) may be waived because the  
35 allegations under RCW 13.34.180 (1), (2), (5), and (6) are established  
36 beyond a reasonable doubt; or

1       (~~(3)~~) (c) The allegation under RCW 13.34.180(7) is established  
2 beyond a reasonable doubt. In determining whether RCW 13.34.180 (5)  
3 and (6) are established beyond a reasonable doubt, the court shall  
4 consider whether one or more of the aggravated circumstances listed in  
5 RCW 13.34.130(2) exist; or

6       (d) The allegation under RCW 13.34.180(8) is established beyond a  
7 reasonable doubt; and

8       (~~(4)~~) (2) Such an order is in the best interests of the child.

9       **Sec. 7.** RCW 74.15.130 and 1995 c 302 s 5 are each amended to read  
10 as follows:

11       (1) An agency may be denied a license, or any license issued  
12 pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended,  
13 revoked, modified, or not renewed by the secretary upon proof (a) that  
14 the agency has failed or refused to comply with the provisions of  
15 chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated  
16 pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or  
17 (b) that the conditions required for the issuance of a license under  
18 chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect  
19 to such licenses. RCW 43.20A.205 governs notice of a license denial,  
20 revocation, suspension, or modification and provides the right to an  
21 adjudicative proceeding.

22       (2) In any adjudicative proceeding regarding the denial,  
23 modification, suspension, or revocation of a foster family home  
24 license, the department's decision shall be upheld if there is  
25 reasonable cause to believe that:

26       (a) The applicant or licensee lacks the character, suitability, or  
27 competence to care for children placed in out-of-home care, however, no  
28 unfounded report of child abuse or neglect may be used to deny  
29 employment or a license;

30       (b) The applicant or licensee has failed or refused to comply with  
31 any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements  
32 adopted pursuant to such provisions; or

33       (c) The conditions required for issuance of a license under chapter  
34 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such  
35 licenses.

36       (3) In any adjudicative proceeding regarding the denial,  
37 modification, suspension, or revocation of any license under this  
38 chapter, other than a foster family home license, the department's

1 decision shall be upheld if it is supported by a preponderance of the  
2 evidence.

3 (4) The department may assess civil monetary penalties upon proof  
4 that an agency has failed or refused to comply with the rules adopted  
5 under the provisions of this chapter and RCW 74.13.031 or that an  
6 agency subject to licensing under this chapter and RCW 74.13.031 is  
7 operating without a license except that civil monetary penalties shall  
8 not be levied against a licensed foster home. Monetary penalties  
9 levied against unlicensed agencies that submit an application for  
10 licensure within thirty days of notification and subsequently become  
11 licensed will be forgiven. These penalties may be assessed in addition  
12 to or in lieu of other disciplinary actions. Civil monetary penalties,  
13 if imposed, may be assessed and collected, with interest, for each day  
14 an agency is or was out of compliance. Civil monetary penalties shall  
15 not exceed seventy-five dollars per violation for a family day-care  
16 home and two hundred fifty dollars per violation for group homes, child  
17 day-care centers, and child-placing agencies. Each day upon which the  
18 same or substantially similar action occurs is a separate violation  
19 subject to the assessment of a separate penalty. The department shall  
20 provide a notification period before a monetary penalty is effective  
21 and may forgive the penalty levied if the agency comes into compliance  
22 during this period. The department may suspend, revoke, or not renew  
23 a license for failure to pay a civil monetary penalty it has assessed  
24 pursuant to this chapter within ten days after such assessment becomes  
25 final. Chapter 43.20A RCW governs notice of a civil monetary penalty  
26 and provides the right of an adjudicative proceeding. The  
27 preponderance of evidence standard shall apply in adjudicative  
28 proceedings related to assessment of civil monetary penalties.

29 **Sec. 8.** RCW 26.44.020 and 1997 c 386 s 45, 1997 c 386 s 24, 1997  
30 c 282 s 4, and 1997 c 132 s 2 are each reenacted and amended to read as  
31 follows:

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

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

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

1 (3) "Practitioner of the healing arts" or "practitioner" means a  
2 person licensed by this state to practice podiatric medicine and  
3 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
4 medicine and surgery, or medicine and surgery or to provide other  
5 health services. The term "practitioner" shall include a duly  
6 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a  
7 person who is being furnished Christian Science treatment by a duly  
8 accredited Christian Science practitioner shall not be considered, for  
9 that reason alone, a neglected person for the purposes of this chapter.

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

12 (5) "Department" means the state department of social and health  
13 services.

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

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

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

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

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

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

38 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual  
39 exploitation, negligent treatment, or maltreatment of a child, adult



1 dependent, or developmentally disabled person by any person under  
2 circumstances which indicate that the child's or adult's health,  
3 welfare, and safety is harmed, excluding conduct permitted under RCW  
4 9A.16.100. An abused child is a child who has been subjected to child  
5 abuse or neglect as defined herein.

6 (13) "Child protective services section" shall mean the child  
7 protective services section of the department.

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

11 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or  
12 encouraging a child to engage in prostitution by any person; or (b)  
13 allowing, permitting, encouraging, or engaging in the obscene or  
14 pornographic photographing, filming, or depicting of a child by any  
15 person.

16 (16) "Negligent treatment or maltreatment" means an act or omission  
17 which evidences a serious disregard of consequences of such magnitude  
18 as to constitute a clear and present danger to the child's health,  
19 welfare, and safety. The fact that siblings share a bedroom is not, in  
20 and of itself, "negligent treatment or maltreatment."

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

23 (18) "Child protective services" means those services provided by  
24 the department designed to protect children from child abuse and  
25 neglect and safeguard such children from future abuse and neglect, and  
26 conduct investigations of child abuse and neglect reports.  
27 Investigations may be conducted regardless of the location of the  
28 alleged abuse or neglect. Child protective services includes referral  
29 to services to ameliorate conditions which endanger the welfare of  
30 children, the coordination of necessary programs and services relevant  
31 to the prevention, intervention, and treatment of child abuse and  
32 neglect, and services to children to ensure that each child has a  
33 permanent home. In determining whether protective services should be  
34 provided, the department shall not decline to provide such services  
35 solely because of the child's unwillingness or developmental inability  
36 to describe the nature and severity of the abuse or neglect.

37 (19) "Malice" or "maliciously" means an evil intent, wish, or  
38 design to vex, annoy, or injure another person. Such malice may be  
39 inferred from an act done in wilful disregard of the rights of another,

1 or an act wrongfully done without just cause or excuse, or an act or  
2 omission of duty betraying a wilful disregard of social duty.

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

5 (21) "Unfounded" means available ((evidence)) information indicates  
6 that, more likely than not, child abuse or neglect did not occur.

7 **Sec. 9.** RCW 26.44.100 and 1997 c 282 s 2 are each amended to read  
8 as follows:

9 (1) The legislature finds parents and children often are not aware  
10 of their due process rights when agencies are investigating allegations  
11 of child abuse and neglect. The legislature reaffirms that all  
12 citizens, including parents, shall be afforded due process, that  
13 protection of children remains the priority of the legislature, and  
14 that this protection includes protecting the family unit from  
15 unnecessary disruption. To facilitate this goal, the legislature  
16 wishes to ensure that parents and children be advised in writing and  
17 orally, if feasible, of their basic rights and other specific  
18 information as set forth in this chapter, provided that nothing  
19 contained in this chapter shall cause any delay in protective custody  
20 action.

21 (2) The department shall notify the alleged perpetrator of the  
22 allegations of child abuse and neglect at the earliest possible point  
23 in the investigation that will not jeopardize the safety and protection  
24 of the child or the investigation process.

25 Whenever the department completes an investigation of a child abuse  
26 or neglect report under chapter 26.44 RCW, the department shall notify  
27 the alleged perpetrator of the report and the department's  
28 investigative findings. The notice shall also advise the alleged  
29 perpetrator that:

30 (a) A written response to the report may be provided to the  
31 department and that such response will be filed in the record following  
32 receipt by the department;

33 (b) Information in the department's record may be considered in  
34 subsequent investigations or proceedings related to child protection or  
35 child custody;

36 (c) ~~((There is currently information in the department's record  
37 that may))~~ Founded reports of child abuse and neglect may be considered  
38 in determining ~~((that))~~ whether the person is disqualified from being

1 licensed to provide child care, employed by a licensed child care  
2 agency, or authorized by the department to care for children; and

3 ~~(d) ((A person who has demonstrated a good faith desire to work in  
4 a licensed agency may request an informal meeting with the department  
5 to have an opportunity to discuss and contest the information currently  
6 in the record.))~~ An alleged perpetrator named in a founded report of  
7 child abuse or neglect has the right to seek review of the finding as  
8 provided in this chapter.

9 (3) The notification required by this section shall be made by  
10 ~~((regular))~~ certified mail, return receipt requested, to the person's  
11 last known address.

12 (4) The duty of notification created by this section is subject to  
13 the ability of the department to ascertain the location of the person  
14 to be notified. The department shall exercise reasonable, good-faith  
15 efforts to ascertain the location of persons entitled to notification  
16 under this section.

17 NEW SECTION. Sec. 10. A new section is added to chapter 26.44 RCW  
18 to read as follows:

19 (1) A person who is named as an alleged perpetrator after October  
20 1, 1998, in a founded report of child abuse or neglect has the right to  
21 seek review and amendment of the finding as provided in this section.

22 (2) Within twenty calendar days after receiving written notice from  
23 the department under RCW 26.44.100 that a person is named as an alleged  
24 perpetrator in a founded report of child abuse or neglect, he or she  
25 may request that the department review the finding. The request must  
26 be made in writing. If a request for review is not made as provided in  
27 this subsection, the alleged perpetrator may not further challenge the  
28 finding and shall have no right to agency review or to an adjudicative  
29 hearing or judicial review of the finding.

30 (3) Upon receipt of a written request for review, the department  
31 shall review and, if appropriate, may amend the finding. Management  
32 level staff within the children's administration designated by the  
33 secretary shall be responsible for the review. The review must be  
34 conducted in accordance with procedures the department establishes by  
35 rule. Upon completion of the review, the department shall notify the  
36 alleged perpetrator in writing of the agency's determination. The  
37 notification must be sent by certified mail, return receipt requested,  
38 to the person's last known address.

1 (4) If, following agency review, the report remains founded, the  
2 person named as the alleged perpetrator in the report may request an  
3 adjudicative hearing to contest the finding. The adjudicative  
4 proceeding is governed by chapter 34.05 RCW and this section. The  
5 request for an adjudicative proceeding must be filed within thirty  
6 calendar days after receiving notice of the agency review  
7 determination. If a request for an adjudicative proceeding is not made  
8 as provided in this subsection, the alleged perpetrator may not further  
9 challenge the finding and shall have no right to agency review or to an  
10 adjudicative hearing or judicial review of the finding.

11 (5) Reviews and hearings conducted under this section are  
12 confidential and shall not be open to the public. Information about  
13 reports, reviews, and hearings may be disclosed only in accordance with  
14 federal and state laws pertaining to child welfare records and child  
15 protective services reports.

16 (6) The department may adopt rules to implement this section.

17 **Sec. 11.** RCW 74.13.031 and 1997 c 386 s 32 and 1997 c 272 s 1 are  
18 each reenacted and amended to read as follows:

19 The department shall have the duty to provide child welfare  
20 services and shall:

21 (1) Develop, administer, supervise, and monitor a coordinated and  
22 comprehensive plan that establishes, aids, and strengthens services for  
23 the protection and care of homeless, runaway, dependent, or neglected  
24 children.

25 (2) Within available resources, recruit an adequate number of  
26 prospective adoptive and foster homes, both regular and specialized,  
27 i.e. homes for children of ethnic minority, including Indian homes for  
28 Indian children, sibling groups, handicapped and emotionally disturbed,  
29 teens, pregnant and parenting teens, and annually report to the  
30 governor and the legislature concerning the department's success in:  
31 (a) Meeting the need for adoptive and foster home placements; (b)  
32 reducing the foster parent turnover rate; (c) completing home studies  
33 for legally free children; and (d) implementing and operating the  
34 passport program required by RCW 74.13.285. The report shall include  
35 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

36 (3) Investigate complaints of (~~alleged neglect, abuse, or~~  
37 ~~abandonment of children~~) any recent act or failure to act on the part  
38 of a parent or caretaker that results in death, serious physical or

1 emotional harm, or sexual abuse or exploitation, or that presents an  
2 imminent risk of serious harm, and on the basis of the findings of such  
3 investigation, offer child welfare services in relation to the problem  
4 to such parents, legal custodians, or persons serving in loco parentis,  
5 and/or bring the situation to the attention of an appropriate court, or  
6 another community agency: PROVIDED, That an investigation is not  
7 required of nonaccidental injuries which are clearly not the result of  
8 a lack of care or supervision by the child's parents, legal custodians,  
9 or persons serving in loco parentis. If the investigation reveals that  
10 a crime against a child may have been committed, the department shall  
11 notify the appropriate law enforcement agency.

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

14 (5) Monitor out-of-home placements, on a timely and routine basis,  
15 to assure the safety, well-being, and quality of care being provided is  
16 within the scope of the intent of the legislature as defined in RCW  
17 74.13.010 and 74.15.010, and annually submit a report measuring the  
18 extent to which the department achieved the specified goals to the  
19 governor and the legislature.

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

29 (7) Have authority to provide temporary shelter to children who  
30 have run away from home and who are admitted to crisis residential  
31 centers.

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

38 (9) Establish a children's services advisory committee which shall  
39 assist the secretary in the development of a partnership plan for

1 utilizing resources of the public and private sectors, and advise on  
2 all matters pertaining to child welfare, licensing of child care  
3 agencies, adoption, and services related thereto. At least one member  
4 shall represent the adoption community.

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

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

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

22 **Sec. 12.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to  
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

26 (1) "Administrative costs" means the costs associated with  
27 procurement; payroll processing; personnel functions; management;  
28 maintenance and operation of space and property; data processing and  
29 computer services; accounting; budgeting; auditing; indirect costs; and  
30 organizational planning, consultation, coordination, and training.

31 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

32 (3) "At-risk" children are children who engage in or are victims of  
33 at-risk behaviors.

34 (4) "At-risk behaviors" means violent delinquent acts, teen  
35 substance abuse, teen pregnancy and male parentage, teen suicide  
36 attempts, dropping out of school, child abuse or neglect, and domestic  
37 violence.

1 (5) "Community public health and safety networks" or "networks"  
2 means the organizations authorized under RCW 70.190.060.

3 (6) "Comprehensive plan" means a two-year plan that examines  
4 available resources and unmet needs for a county or multicounty area,  
5 barriers that limit the effective use of resources, and a plan to  
6 address these issues that is broadly supported by local residents.

7 (7) "Participating state agencies" means the office of the  
8 superintendent of public instruction, the department of social and  
9 health services, the department of health, the employment security  
10 department, the department of community, trade, and economic  
11 development, and such other departments as may be specifically  
12 designated by the governor.

13 (8) "Family policy council" or "council" means the superintendent  
14 of public instruction, the secretary of social and health services, the  
15 secretary of health, the commissioner of the employment security  
16 department, and the director of the department of community, trade, and  
17 economic development or their designees, ((one)) two legislators from  
18 each caucus of the senate and house of representatives, and one  
19 representative of the governor.

20 (9) "Fiduciary interest" means (a) the right to compensation from  
21 a health, educational, social service, or justice system organization  
22 that receives public funds, or (b) budgetary or policy-making authority  
23 for an organization listed in (a) of this subsection. A person who  
24 acts solely in an advisory capacity and receives no compensation from  
25 a health, educational, social service, or justice system organization,  
26 and who has no budgetary or policy-making authority is deemed to have  
27 no fiduciary interest in the organization.

28 (10) "Outcome" or "outcome based" means defined and measurable  
29 outcomes used to evaluate progress in reducing the rate of at-risk  
30 children and youth through reducing risk factors and increasing  
31 protective factors.

32 (11) "Matching funds" means an amount no less than twenty-five  
33 percent of the amount budgeted for a network. The network's matching  
34 funds may be in-kind goods and services. Funding sources allowable for  
35 match include appropriate federal or local levy funds, private  
36 charitable funding, and other charitable giving. Basic education funds  
37 shall not be used as a match. State general funds shall not be used as  
38 a match for violence reduction and drug enforcement account funds  
39 created under RCW 69.50.520.

1 (12) "Policy development" has the same meaning as provided in RCW  
2 43.70.010.

3 (13) "Protective factors" means those factors determined by the  
4 department of health to be empirically associated with behaviors that  
5 contribute to socially acceptable and healthy nonviolent behaviors.  
6 Protective factors include promulgation, identification, and acceptance  
7 of community norms regarding appropriate behaviors in the area of  
8 delinquency, early sexual activity, alcohol and substance abuse,  
9 educational opportunities, employment opportunities, and absence of  
10 crime.

11 (14) "Risk factors" means those factors determined by the  
12 department of health to be empirically associated with at-risk  
13 behaviors that contribute to violence.

14 **Sec. 13.** RCW 70.190.060 and 1996 c 132 s 3 are each amended to  
15 read as follows:

16 (1) The legislature authorizes community public health and safety  
17 networks to reconnect parents and other citizens with children, youth,  
18 families, and community institutions which support health and safety.  
19 The networks have only those powers and duties expressly authorized  
20 under this chapter. The networks should empower parents and other  
21 citizens by being a means of expressing their attitudes, spirit, and  
22 perspectives regarding safe and healthy family and community life. The  
23 legislature intends that parent and other citizen perspectives exercise  
24 a controlling influence over policy and program operations of  
25 professional organizations concerned with children and family issues  
26 within networks in a manner consistent with the Constitution and state  
27 law. It is not the intent of the legislature that health, social  
28 service, or educational professionals dominate community public health  
29 and safety network processes or programs, but rather that these  
30 professionals use their skills to lend support to parents and other  
31 citizens in expressing their values as parents and other citizens  
32 identify community needs and establish community priorities. To this  
33 end, the legislature intends full participation of parents and other  
34 citizens in community public health and safety networks. The intent is  
35 that local community values are reflected in the operations of the  
36 network.

37 (2) A group of persons described in subsection (3) of this section  
38 may apply to be a community public health and safety network.



1 (3) Each community public health and safety network shall be  
2 composed of twenty-three people, thirteen of whom shall be citizens who  
3 live within the network boundary with no fiduciary interest. In  
4 selecting these members, first priority shall be given to members of  
5 community mobilization advisory boards, city or county children's  
6 services commissions, human services advisory boards, or other such  
7 organizations. The thirteen persons shall be selected as follows:  
8 Three by chambers of commerce, three by school board members, three by  
9 county legislative authorities, three by city legislative authorities,  
10 and one high school student, selected by student organizations. The  
11 remaining ten members shall live or work within the network boundary  
12 and shall include local representation selected by the following groups  
13 and entities: Cities; counties; federally recognized Indian tribes;  
14 parks and recreation programs; law enforcement agencies; state  
15 children's service workers; employment assistance workers; private  
16 social service providers, broad-based nonsecular organizations, or  
17 health service providers; and public education.

18 (4) Each of the twenty-three people who are members of each  
19 community public health and safety network must sign an annual  
20 declaration under penalty of perjury or a notarized statement that  
21 clearly, in plain and understandable language, states whether or not he  
22 or she has a fiduciary interest. If a member has a fiduciary interest,  
23 the nature of that interest must be made clear, in plain understandable  
24 language, on the signed statement.

25 (5) Members of the network shall serve terms of three years.

26 The terms of the initial members of each network shall be as  
27 follows: (a) One-third shall serve for one year; (b) one-third shall  
28 serve for two years; and (c) one-third shall serve for three years.  
29 Initial members may agree which shall serve fewer than three years or  
30 the decision may be made by lot. Any vacancy occurring during the term  
31 may be filled by the chair for the balance of the unexpired term.

32 ~~((+5))~~ (6) Not less than sixty days before the expiration of a  
33 network member's term, the chair shall submit the name of a nominee to  
34 the network for its approval. The network shall comply with subsection  
35 (3) of this section.

36 ~~((+6))~~ (7) Networks are subject to the open public meetings act  
37 under chapter 42.30 RCW and the public records provisions of RCW  
38 42.17.270 through 42.17.310.

1       **Sec. 14.** RCW 70.190.130 and 1996 c 132 s 8 are each amended to  
2 read as follows:

3       (1) The council shall only disburse funds to a network after a  
4 comprehensive plan has been prepared by the network and approved by the  
5 council. In approving the plan the council shall consider whether the  
6 network:

7       (a) Promoted input from the widest practical range of agencies and  
8 affected parties, including public hearings;

9       (b) Reviewed the indicators of violence data compiled by the local  
10 public health departments and incorporated a response to those  
11 indicators in the plan;

12       (c) Obtained a declaration by the largest health department within  
13 the network boundary, indicating whether the plan meets minimum  
14 standards for assessment and policy development relating to social  
15 development according to RCW 43.70.555;

16       (d) Included a specific mechanism of data collection and  
17 transmission based on the rules established under RCW 43.70.555;

18       (e) Considered all relevant causes of violence in its community and  
19 did not isolate only one or a few of the elements to the exclusion of  
20 others and demonstrated evidence of building community capacity through  
21 effective neighborhood and community development;

22       (f) Considered youth employment and job training programs outlined  
23 in this chapter as a strategy to reduce the rate of at-risk children  
24 and youth;

25       (g) Integrated local programs that met the network's priorities and  
26 were deemed successful by the network;

27       (h) Committed to make measurable reductions in the rate of at-risk  
28 children and youth by reducing the rate of state-funded out-of-home  
29 placements and make reductions in at least three of the following rates  
30 of youth: Violent criminal acts, substance abuse, pregnancy and male  
31 parentage, suicide attempts, dropping out of school, child abuse or  
32 neglect, and domestic violence; and

33       (i) Held a public hearing on its proposed comprehensive plan and  
34 submitted to the council all of the written comments received at the  
35 hearing and a copy of the minutes taken at the hearing.

36       (2) The council may establish a maximum amount to be expended by a  
37 network for purposes of planning and administrative duties(~~(, that~~  
38 ~~shall not, in total, exceed ten percent of funds available to a~~  
39 ~~network)). The council shall determine, as needed, the appropriate~~

1 maximum amount that can be spent by a network or group of networks on  
2 planning and administrative duties. This amount shall be determined  
3 after considering the size of the budgets of each network and giving  
4 consideration to setting a higher percentage for administrative and  
5 planning purposes in budgets for smaller networks and a smaller  
6 percentage of the budgets for administration and planning purposes in  
7 larger networks.

8 (3) The council may determine that a network is not in compliance  
9 with this chapter if it fails to comply with statutory requirements.  
10 Upon a determination of noncompliance, the council may suspend or  
11 revoke a network's status or contract and specify a process and  
12 deadline for the network's compliance.

13 NEW SECTION. Sec. 15. The legislature finds that it is critically  
14 important to the basic nurture, health, and safety of children that the  
15 state operate a state-wide program relating to child abuse and neglect  
16 that includes the creation of regional citizen review panels. The  
17 creation of these panels is intended to meet the federal requirements  
18 contained in the federal child abuse prevention and treatment act, 42  
19 U.S.C. Sec. 5106a. Citizen review panels will enable community members  
20 to contribute to improving the policy and programs critical to the  
21 well-being of children and their families and to ensure that the  
22 state's plan for the prevention and investigation of child abuse and  
23 neglect is being carried out as intended by the legislature. It has  
24 been long-standing public policy in Washington that the family unit is  
25 a fundamental resource of American life which should be nurtured.  
26 Toward continuation of this principle, the legislature finds that  
27 through the performance of these panels, which are broadly  
28 representative of the community, knowledge of the policies and  
29 procedures of state and local agencies and an examination of specific  
30 cases will occur. From this an evaluation of the state-wide program to  
31 prevent child abuse and neglect will yield improvements that are in the  
32 best interest of children and families and further the principle that  
33 the family unit should remain intact, recognizing that the child's  
34 health and safety are paramount.

35 NEW SECTION. Sec. 16. There are hereby created a minimum of six  
36 citizen review panels, at least one for each service delivery region of  
37 the department of social and health services. The department of

1 community, trade, and economic development shall contract with a  
2 private nonprofit organization to serve as the administrator for and  
3 the appointing authority of the citizen review panels. The department  
4 or its contractor shall provide administrative coordination and support  
5 to the local citizen review panels and shall:

6 (1) Recruit applicants through public service announcements in  
7 local radio, television, and newspapers of record and accept  
8 application on a first-come basis based on postmarked date of receipt;

9 (2) Obtain background checks, screening applicants on the same  
10 suitability, character, and competence standards as required in RCW  
11 74.15.130;

12 (3) Select citizen review panel members for each region and  
13 establish basic requirements for participation;

14 (4) Stagger the terms of membership on each panel so that there is  
15 always a quorum of members who have had at least six months' experience  
16 and have participated in at least two meetings of the panel;

17 (5) Provide consultation and basic training to local panels as  
18 requested;

19 (6) Compile and provide aggregate citizen review panel reports;

20 (7) Consider recommendations of local teams; and

21 (8) Ensure that they meet at least every three months.

22 NEW SECTION. **Sec. 17.** The department shall ensure that the  
23 citizen review panels have been created no later than July 1, 1999.

24 NEW SECTION. **Sec. 18.** (1) The citizen review panels shall have  
25 only those powers and duties expressly authorized under this chapter.

26 (2) The citizen review panels must have access to all information  
27 from the department of social and health services, criminal justice  
28 agencies, law enforcement, schools, and medical providers, and other  
29 sources that have relevant information, including reports and records  
30 made and maintained by the department and its contracting agencies.

31 (3) The panels shall receive, upon request and with the full  
32 assistance of the agency with the information, complete access to  
33 information on cases that the panel desires to review if such  
34 information is necessary for the panel to carry out its duties.

35 (4) The citizen review panels must preserve the confidentiality of  
36 all records in order to protect the rights of the child and of the  
37 child's parents or guardians. However, the state shall always have the

1 right to refuse to disclose identifying information concerning the  
2 individual alleging suspected instances of child abuse or neglect. The  
3 state must make such information known to the citizen review panel only  
4 where a court orders such disclosure after such court has reviewed, in  
5 camera, the record of the state related to the report or complaint and  
6 has found it has reason to believe that the reporter knowingly made a  
7 false report.

8 NEW SECTION. **Sec. 19.** The powers and duties of the citizen review  
9 panels are to:

10 (1) Examine the policies and procedures of state agencies and,  
11 where appropriate, specific cases, to evaluate the extent to which the  
12 agencies are effectively discharging their child protection  
13 responsibilities according to the state law and the state plan required  
14 under 42 U.S.C. Sec. 5106a. These responsibilities may include a  
15 review of any of the following:

16 (a) The extent to which the state agencies and community-based  
17 programs have developed the capacity to integrate shared leadership  
18 strategies between parents and professionals to prevent and treat child  
19 abuse and neglect at the neighborhood level;

20 (b) Intake, assessment, and screening, and investigation processes  
21 for reports of child abuse and neglect;

22 (c) Multidisciplinary teams and interagency protocols used to  
23 enhance child abuse and neglect investigations;

24 (d) Legal preparation and representation of both children and  
25 families;

26 (e) Case management and service delivery systems for children and  
27 families;

28 (f) Risk and safety assessment tools and protocols;

29 (g) Automation systems that support the program and track reports  
30 of child abuse and neglect from intake through final disposition,  
31 including information referral systems;

32 (h) Training opportunities and requirements for individuals  
33 overseeing and providing services to children and their families  
34 through the child protective and child welfare systems;

35 (i) Training protocols for individuals mandated to report child  
36 abuse and neglect;

37 (j) Child abuse and neglect prevention, treatment, and research  
38 programs in the public and private sectors;

1 (k) Information, education programs, and training programs to  
2 improve the provision of service to infants with chronic disabilities  
3 or life-threatening conditions;

4 (l) Programs to assist in obtaining or coordinating necessary  
5 services for families of infants with disabilities or life-threatening  
6 conditions;

7 (m) Coordination, to the maximum extent practicable with the state  
8 plan under part B, Title IV of the Social Security Act relating to  
9 child welfare services, including adoption, and family preservation and  
10 family support services.

11 (2) Examine child protection standards set forth in the federal and  
12 state law, including but not limited to standards for reporting of  
13 known and suspected abuse and neglect, immediate screening, safety  
14 assessment, and prompt investigation, steps to protect the safety of  
15 abused or neglected children, immunity from prosecution for individuals  
16 who make good faith reports of suspected or known instances of abuse or  
17 neglect, methods to preserve confidentiality of records, provisions to  
18 allow for public disclosure of findings or information about cases of  
19 abuse and neglect that result in child fatality or near fatality, and  
20 the cooperation of law enforcement officials, courts of competent  
21 jurisdiction, and appropriate state agencies providing human services  
22 in the investigation, assessment, prosecution, and treatment of abuse  
23 and neglect;

24 (3) Examine any other criteria that the panel considers important  
25 to ensure the protection of children, including a review of the extent  
26 to which the state child protective services system is coordinated with  
27 the foster care and adoption programs established under part E, Title  
28 IV of the Social Security Act.

29 (4) Conduct a review of reports of child fatalities and near  
30 fatalities conducted under RCW 26.44.030.

31 NEW SECTION. **Sec. 20.** There shall be at least one citizen review  
32 panel in each of the six department of social and health services'  
33 designated service delivery regions. Each panel shall have no more  
34 than seven volunteer members who are all permanent residents living in  
35 the region, who broadly represent the region in which each panel is  
36 established. Three members shall have professional or academic  
37 expertise in the prevention and treatment of child abuse and neglect.  
38 Four members shall be members of the public at large with no fiduciary

1 interest in publicly funded social services. "Fiduciary interest" has  
2 the same meaning as defined in RCW 70.190.010. Volunteer members of  
3 the local citizen review panels shall serve for no longer than an  
4 eighteen-month period of time and can not serve again for a period of  
5 sixty months from the date they end their eighteen-month membership.  
6 The citizen review panel shall meet no less than once every three  
7 months to examine the policies and procedures of state and local  
8 agencies and, where appropriate in specific cases, evaluate the extent  
9 to which the agencies are effectively discharging their child  
10 protection responsibilities in accordance with applicable state law.  
11 The goal of the citizen review panels is to improve the child  
12 protective services system.

13 NEW SECTION. **Sec. 21.** The department of community, trade, and  
14 economic development shall present proposed rules, policies, and  
15 procedures to the legislative children's oversight committee created in  
16 RCW 44.04.220 prior to implementation.

17 NEW SECTION. **Sec. 22.** The citizen review panels shall employ  
18 staff as necessary which may include contracting for investigators only  
19 as necessary to assist the panel in fulfilling their responsibilities.

20 NEW SECTION. **Sec. 23.** Members and staff and any staff on contract  
21 with the citizen review panel shall not disclose to any person or  
22 government official, other than the department of social and health  
23 services or the family and children's ombudsman, any identifying  
24 information about any specific child protection case with respect to  
25 which the panel is provided information and shall not make public other  
26 information unless authorized by state statute. A violation of this  
27 section is a civil penalty punishable by a fine not to exceed five  
28 thousand dollars per violation.

29 NEW SECTION. **Sec. 24.** (1) The citizen review panels may examine  
30 any child abuse and neglect case referred to the panel.

31 (2) Members of the legislature may refer child abuse and neglect  
32 cases, in writing, to the panel in the legislator's district for  
33 review. The panels may also receive written requests for review from  
34 the family and children's ombudsman and from the department of social

1 and health services. No other entity or individual may refer cases to  
2 the citizen review panels.

3 NEW SECTION. **Sec. 25.** (1) Notwithstanding any confidentiality  
4 laws, if the citizen review panel finds possible criminal activity, the  
5 panel shall turn the investigation and information over to the local  
6 prosecuting attorney in the county in which the case resides.

7 (2) If the panel finds possible civil infractions, the panel shall  
8 turn the findings over to any interested citizen, if the conditions set  
9 forth in RCW 74.13.500 through 74.13.525 are met. The courts shall  
10 award attorney fees, costs, and triple damages, and may impose punitive  
11 damages if the citizens prevail in court.

12 NEW SECTION. **Sec. 26.** (1) All powers, duties, and functions of  
13 the department of community, trade, and economic development pertaining  
14 to entering into and administering contracts and implementation of  
15 rules, policies, and procedures pursuant to sections 16 and 21 of this  
16 act are transferred to the office of the family and children's  
17 ombudsman. All references to the director or the department of  
18 community, trade, and economic development in the Revised Code of  
19 Washington shall be construed to mean the director or the office of the  
20 family and children's ombudsman when referring to the functions  
21 transferred in this section.

22 (2)(a) All reports, documents, surveys, books, records, files,  
23 papers, or written material in the possession of the department of  
24 community, trade, and economic development pertaining to the powers,  
25 functions, and duties transferred shall be delivered to the custody of  
26 the office of the family and children's ombudsman. All cabinets,  
27 furniture, office equipment, motor vehicles, and other tangible  
28 property employed by the department of community, trade, and economic  
29 development in carrying out the powers, functions, and duties  
30 transferred shall be made available to the office of the family and  
31 children's ombudsman. All funds, credits, or other assets held in  
32 connection with the powers, functions, and duties transferred shall be  
33 assigned to the office of the family and children's ombudsman.

34 (b) Any appropriations made to the department of community, trade,  
35 and economic development for carrying out the powers, functions, and  
36 duties transferred shall, on the effective date of this section, be



1 transferred and credited to the office of the family and children's  
2 ombudsman.

3 (c) Whenever any question arises as to the transfer of any  
4 personnel, funds, books, documents, records, papers, files, equipment,  
5 or other tangible property used or held in the exercise of the powers  
6 and the performance of the duties and functions transferred, the  
7 director of financial management shall make a determination as to the  
8 proper allocation and certify the same to the state agencies concerned.

9 (3) All employees of the department of community, trade, and  
10 economic development engaged in performing the powers, functions, and  
11 duties transferred are transferred to the jurisdiction of the office of  
12 the family and children's ombudsman. All employees classified under  
13 chapter 41.06 RCW, the state civil service law, are assigned to the  
14 office of the family and children's ombudsman to perform their usual  
15 duties upon the same terms as formerly, without any loss of rights,  
16 subject to any action that may be appropriate thereafter in accordance  
17 with the laws and rules governing state civil service.

18 (4) All rules and all pending business before the department of  
19 community, trade, and economic development pertaining to the powers,  
20 functions, and duties transferred shall be continued and acted upon by  
21 the office of the family and children's ombudsman. All existing  
22 contracts and obligations shall remain in full force and shall be  
23 performed by the office of the family and children's ombudsman.

24 (5) The transfer of the powers, duties, functions, and personnel of  
25 the department of community, trade, and economic development shall not  
26 affect the validity of any act performed before the effective date of  
27 this section.

28 (6) If apportionments of budgeted funds are required because of the  
29 transfers directed by this section, the director of financial  
30 management shall certify the apportionments to the agencies affected,  
31 the state auditor, and the state treasurer. Each of these shall make  
32 the appropriate transfer and adjustments in funds and appropriation  
33 accounts and equipment records in accordance with the certification.

34 (7) Nothing contained in this section may be construed to alter any  
35 existing collective bargaining unit or the provisions of any existing  
36 collective bargaining agreement until the agreement has expired or  
37 until the bargaining unit has been modified by action of the personnel  
38 board as provided by law.

1       **Sec. 27.** RCW 44.04.220 and 1996 c 131 s 1 are each amended to read  
2 as follows:

3       (1) There is created the legislative children's oversight committee  
4 for the purpose of monitoring and ensuring compliance with  
5 administrative acts, relevant statutes, rules, and policies pertaining  
6 to family and children services and the placement, supervision, and  
7 treatment of children in the state's care or in state-licensed  
8 facilities or residences. The committee shall consist of three  
9 senators and three representatives from the legislature. The senate  
10 members of the committee shall be appointed by the president of the  
11 senate. The house members of the committee shall be appointed by the  
12 speaker of the house. Not more than two members from each chamber  
13 shall be from the same political party. Members shall be appointed  
14 before the close of each regular session of the legislature during an  
15 odd-numbered year.

16       (2) The committee shall have the following powers:

17       (a) Selection of its officers and adopt rules for orderly  
18 procedure;

19       (b) Request investigations by the ombudsman of administrative acts;

20       (c) Receive reports of the ombudsman;

21       (d)(i) Obtain access to all relevant records in the possession of  
22 the ombudsman, except as prohibited by law; and (ii) make  
23 recommendations to all branches of government;

24       (e) Request legislation;

25       (f) Conduct hearings into such matters as it deems necessary.

26       (3) Upon receipt of records from the ombudsman, the committee is  
27 subject to the same confidentiality restrictions as the ombudsman under  
28 RCW 43.06A.050.

29       (4) The committee may also review any proposed rules, policies, or  
30 procedures relating to the citizen review panels created under section  
31 16 of this act.

32       **Sec. 28.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are  
33 each reenacted and amended to read as follows:

34       (1) For purposes of this chapter:

35       (a) "Juvenile justice or care agency" means any of the following:  
36 Police, diversion units, court, prosecuting attorney, defense attorney,  
37 detention center, attorney general, the legislative children's  
38 oversight committee, the office of family and children's ombudsman,

1 members of the citizen review panels created under section 16 of this  
2 act, including the contracting agency, and the panel's staff and  
3 contractors, the department of social and health services and its  
4 contracting agencies, schools; and, in addition, persons or public or  
5 private agencies having children committed to their custody;

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

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

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

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

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

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

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

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

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

34 (5) Any person who has reasonable cause to believe information  
35 concerning that person is included in the records of a juvenile justice  
36 or care agency and who has been denied access to those records by the  
37 agency may make a motion to the court for an order authorizing that  
38 person to inspect the juvenile justice or care agency record concerning  
39 that person. The court shall grant the motion to examine records

1 unless it finds that in the interests of justice or in the best  
2 interests of the juvenile the records or parts of them should remain  
3 confidential.

4 (6) A juvenile, or his or her parents, or any person who has  
5 reasonable cause to believe information concerning that person is  
6 included in the records of a juvenile justice or care agency may make  
7 a motion to the court challenging the accuracy of any information  
8 concerning the moving party in the record or challenging the continued  
9 possession of the record by the agency. If the court grants the  
10 motion, it shall order the record or information to be corrected or  
11 destroyed.

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

16 (8) The court may permit inspection of records by, or release of  
17 information to, any clinic, hospital, or agency which has the subject  
18 person under care or treatment. The court may also permit inspection  
19 by or release to individuals or agencies, including juvenile justice  
20 advisory committees of county law and justice councils, engaged in  
21 legitimate research for educational, scientific, or public purposes.  
22 The court may also permit inspection of, or release of information  
23 from, records which have been sealed pursuant to RCW 13.50.050(11).  
24 The court shall release to the sentencing guidelines commission records  
25 needed for its research and data-gathering functions under RCW  
26 9.94A.040 and other statutes. Access to records or information for  
27 research purposes shall be permitted only if the anonymity of all  
28 persons mentioned in the records or information will be preserved.  
29 Each person granted permission to inspect juvenile justice or care  
30 agency records for research purposes shall present a notarized  
31 statement to the court stating that the names of juveniles and parents  
32 will remain confidential.

33 (9) Juvenile detention facilities shall release records to the  
34 sentencing guidelines commission under RCW 9.94A.040 upon request. The  
35 commission shall not disclose the names of any juveniles or parents  
36 mentioned in the records without the named individual's written  
37 permission.

38 (10) Requirements in this chapter relating to the court's authority  
39 to compel disclosure shall not apply to the legislative children's

1 oversight committee or the office of the family and children's  
2 ombudsman.

3       **Sec. 29.** RCW 70.47.060 and 1997 c 337 s 2, 1997 c 335 s 2, 1997 c  
4 245 s 6, and 1997 c 231 s 206 are each reenacted and amended to read as  
5 follows:

6       The administrator has the following powers and duties:

7       (1) To design and from time to time revise a schedule of covered  
8 basic health care services, including physician services, inpatient and  
9 outpatient hospital services, prescription drugs and medications, and  
10 other services that may be necessary for basic health care. In  
11 addition, the administrator may, to the extent that funds are  
12 available, offer as basic health plan services chemical dependency  
13 services, mental health services and organ transplant services;  
14 however, no one service or any combination of these three services  
15 shall increase the actuarial value of the basic health plan benefits by  
16 more than five percent excluding inflation, as determined by the office  
17 of financial management. All subsidized and nonsubsidized enrollees in  
18 any participating managed health care system under the Washington basic  
19 health plan shall be entitled to receive covered basic health care  
20 services in return for premium payments to the plan. The schedule of  
21 services shall emphasize proven preventive and primary health care and  
22 shall include all services necessary for prenatal, postnatal, and well-  
23 child care. However, with respect to coverage for groups of subsidized  
24 enrollees who are eligible to receive prenatal and postnatal services  
25 through the medical assistance program under chapter 74.09 RCW, the  
26 administrator shall not contract for such services except to the extent  
27 that such services are necessary over not more than a one-month period  
28 in order to maintain continuity of care after diagnosis of pregnancy by  
29 the managed care provider. The schedule of services shall also include  
30 a separate schedule of basic health care services for children,  
31 eighteen years of age and younger, for those subsidized or  
32 nonsubsidized enrollees who choose to secure basic coverage through the  
33 plan only for their dependent children. In designing and revising the  
34 schedule of services, the administrator shall consider the guidelines  
35 for assessing health services under the mandated benefits act of 1984,  
36 RCW ((48.42.080)) 48.47.030, and such other factors as the  
37 administrator deems appropriate.

1           However, with respect to coverage for subsidized enrollees who are  
2 eligible to receive prenatal and postnatal services through the medical  
3 assistance program under chapter 74.09 RCW, the administrator shall not  
4 contract for such services except to the extent that the services are  
5 necessary over not more than a one-month period in order to maintain  
6 continuity of care after diagnosis of pregnancy by the managed care  
7 provider.

8           (2)(a) To design and implement a structure of periodic premiums due  
9 the administrator from subsidized enrollees that is based upon gross  
10 family income, giving appropriate consideration to family size and the  
11 ages of all family members. The enrollment of children shall not  
12 require the enrollment of their parent or parents who are eligible for  
13 the plan. The structure of periodic premiums shall be applied to  
14 subsidized enrollees entering the plan as individuals pursuant to  
15 subsection (9) of this section and to the share of the cost of the plan  
16 due from subsidized enrollees entering the plan as employees pursuant  
17 to subsection (10) of this section.

18           (b) To determine the periodic premiums due the administrator from  
19 nonsubsidized enrollees. Premiums due from nonsubsidized enrollees  
20 shall be in an amount equal to the cost charged by the managed health  
21 care system provider to the state for the plan plus the administrative  
22 cost of providing the plan to those enrollees and the premium tax under  
23 RCW 48.14.0201.

24           (c) An employer or other financial sponsor may, with the prior  
25 approval of the administrator, pay the premium, rate, or any other  
26 amount on behalf of a subsidized or nonsubsidized enrollee, by  
27 arrangement with the enrollee and through a mechanism acceptable to the  
28 administrator.

29           (d) To develop, as an offering by every health carrier providing  
30 coverage identical to the basic health plan, as configured on January  
31 1, 1996, a basic health plan model plan with uniformity in enrollee  
32 cost-sharing requirements.

33           (3) To design and implement a structure of enrollee cost sharing  
34 due a managed health care system from subsidized and nonsubsidized  
35 enrollees. The structure shall discourage inappropriate enrollee  
36 utilization of health care services, and may utilize copayments,  
37 deductibles, and other cost-sharing mechanisms, but shall not be so  
38 costly to enrollees as to constitute a barrier to appropriate  
39 utilization of necessary health care services.

1 (4) To limit enrollment of persons who qualify for subsidies so as  
2 to prevent an overexpenditure of appropriations for such purposes.  
3 Whenever the administrator finds that there is danger of such an  
4 overexpenditure, the administrator shall close enrollment until the  
5 administrator finds the danger no longer exists.

6 (5) To limit the payment of subsidies to subsidized enrollees, as  
7 defined in RCW 70.47.020. The level of subsidy provided to persons who  
8 qualify may be based on the lowest cost plans, as defined by the  
9 administrator.

10 (6) To adopt a schedule for the orderly development of the delivery  
11 of services and availability of the plan to residents of the state,  
12 subject to the limitations contained in RCW 70.47.080 or any act  
13 appropriating funds for the plan.

14 (7) To solicit and accept applications from managed health care  
15 systems, as defined in this chapter, for inclusion as eligible basic  
16 health care providers under the plan. The administrator shall endeavor  
17 to assure that covered basic health care services are available to any  
18 enrollee of the plan from among a selection of two or more  
19 participating managed health care systems. In adopting any rules or  
20 procedures applicable to managed health care systems and in its  
21 dealings with such systems, the administrator shall consider and make  
22 suitable allowance for the need for health care services and the  
23 differences in local availability of health care resources, along with  
24 other resources, within and among the several areas of the state.  
25 Contracts with participating managed health care systems shall ensure  
26 that basic health plan enrollees who become eligible for medical  
27 assistance may, at their option, continue to receive services from  
28 their existing providers within the managed health care system if such  
29 providers have entered into provider agreements with the department of  
30 social and health services.

31 (8) To receive periodic premiums from or on behalf of subsidized  
32 and nonsubsidized enrollees, deposit them in the basic health plan  
33 operating account, keep records of enrollee status, and authorize  
34 periodic payments to managed health care systems on the basis of the  
35 number of enrollees participating in the respective managed health care  
36 systems.

37 (9) To accept applications from individuals residing in areas  
38 served by the plan, on behalf of themselves and their spouses and  
39 dependent children, for enrollment in the Washington basic health plan

1 as subsidized or nonsubsidized enrollees, to establish appropriate  
2 minimum-enrollment periods for enrollees as may be necessary, and to  
3 determine, upon application and on a reasonable schedule defined by the  
4 authority, or at the request of any enrollee, eligibility due to  
5 current gross family income for sliding scale premiums. Funds received  
6 by a family as part of participation in the adoption support program  
7 authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall  
8 not be counted toward a family's current gross family income for the  
9 purposes of this chapter. No subsidy may be paid with respect to any  
10 enrollee whose current gross family income exceeds twice the federal  
11 poverty level or, subject to RCW 70.47.110, who is a recipient of  
12 medical assistance or medical care services under chapter 74.09 RCW.  
13 If, as a result of an eligibility review, the administrator determines  
14 that a subsidized enrollee's income exceeds twice the federal poverty  
15 level and that the enrollee knowingly failed to inform the plan of such  
16 increase in income, the administrator may bill the enrollee for the  
17 subsidy paid on the enrollee's behalf during the period of time that  
18 the enrollee's income exceeded twice the federal poverty level. If a  
19 number of enrollees drop their enrollment for no apparent good cause,  
20 the administrator may establish appropriate rules or requirements that  
21 are applicable to such individuals before they will be allowed to  
22 reenroll in the plan.

23 (10) To accept applications from business owners on behalf of  
24 themselves and their employees, spouses, and dependent children, as  
25 subsidized or nonsubsidized enrollees, who reside in an area served by  
26 the plan. The administrator may require all or the substantial  
27 majority of the eligible employees of such businesses to enroll in the  
28 plan and establish those procedures necessary to facilitate the orderly  
29 enrollment of groups in the plan and into a managed health care system.  
30 The administrator may require that a business owner pay at least an  
31 amount equal to what the employee pays after the state pays its portion  
32 of the subsidized premium cost of the plan on behalf of each employee  
33 enrolled in the plan. Enrollment is limited to those not eligible for  
34 medicare who wish to enroll in the plan and choose to obtain the basic  
35 health care coverage and services from a managed care system  
36 participating in the plan. The administrator shall adjust the amount  
37 determined to be due on behalf of or from all such enrollees whenever  
38 the amount negotiated by the administrator with the participating



1 managed health care system or systems is modified or the administrative  
2 cost of providing the plan to such enrollees changes.

3 (11) To determine the rate to be paid to each participating managed  
4 health care system in return for the provision of covered basic health  
5 care services to enrollees in the system. Although the schedule of  
6 covered basic health care services will be the same for similar  
7 enrollees, the rates negotiated with participating managed health care  
8 systems may vary among the systems. In negotiating rates with  
9 participating systems, the administrator shall consider the  
10 characteristics of the populations served by the respective systems,  
11 economic circumstances of the local area, the need to conserve the  
12 resources of the basic health plan trust account, and other factors the  
13 administrator finds relevant.

14 (12) To monitor the provision of covered services to enrollees by  
15 participating managed health care systems in order to assure enrollee  
16 access to good quality basic health care, to require periodic data  
17 reports concerning the utilization of health care services rendered to  
18 enrollees in order to provide adequate information for evaluation, and  
19 to inspect the books and records of participating managed health care  
20 systems to assure compliance with the purposes of this chapter. In  
21 requiring reports from participating managed health care systems,  
22 including data on services rendered enrollees, the administrator shall  
23 endeavor to minimize costs, both to the managed health care systems and  
24 to the plan. The administrator shall coordinate any such reporting  
25 requirements with other state agencies, such as the insurance  
26 commissioner and the department of health, to minimize duplication of  
27 effort.

28 (13) To evaluate the effects this chapter has on private employer-  
29 based health care coverage and to take appropriate measures consistent  
30 with state and federal statutes that will discourage the reduction of  
31 such coverage in the state.

32 (14) To develop a program of proven preventive health measures and  
33 to integrate it into the plan wherever possible and consistent with  
34 this chapter.

35 (15) To provide, consistent with available funding, assistance for  
36 rural residents, underserved populations, and persons of color.

37 (16) In consultation with appropriate state and local government  
38 agencies, to establish criteria defining eligibility for persons  
39 confined or residing in government-operated institutions.

