

2 **E2SHB 1493** - S AMD - 358

3 By Senators Hargrove, Long, Costa, Zarelli, Thibaudeau, Franklin,
4 Stevens, Kohl-Wells, Patterson and Sheahan

5 PULLED

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

8 "NEW SECTION. **Sec. 1.** The legislature finds that homelessness for
9 families with children is a serious, widespread problem that has a
10 devastating effect on children, including significant adverse effects
11 upon their growth and development. Planning for and serving the
12 shelter and housing needs of homeless families with children has been
13 and continues to be a responsibility of the department of community,
14 trade, and economic development. The legislature further finds that
15 the department of social and health services also plays an important
16 role in addressing the service needs of homeless families with
17 children. In order to adequately and effectively address the complex
18 issues confronting homeless families with children, planning for,
19 implementing, and evaluating such services must be a collaborative
20 effort between the department of community, trade, and economic
21 development and the department of social and health services, other
22 local, state, and federal agencies, and community organizations. It is
23 the intent of the legislature that the department of community, trade,
24 and economic development and the department of social and health
25 services jointly present the plan to the appropriate committees of the
26 legislature as required in section 3 of this act. It is the intent of
27 the legislature that children should not be placed or retained in the
28 foster care system if family homelessness is the primary reason for
29 placement or the continuation of their placement. It is the further
30 intent of the legislature that services to homeless families with
31 children shall be provided within funds appropriated for that specific
32 purpose by the legislature in the operating and capital budgets.
33 Nothing in this act is intended to prevent the court's review of the
34 plan developed by the department of social and health services and the
35 department of community, trade, and economic development under
36 *Washington State Coalition for the Homeless v. Department of Social and*

1 *Health Services*, King County Superior Court No. 91-2-15889-4. However,
2 it is the intent of the legislature that the court's review in that
3 proceeding be confined solely to review of the plan submitted under the
4 order of February 4, 1998. Nothing in sections 1 through 10 of this
5 act is intended to grant the court in this proceeding continuing review
6 over the department of social and health services after the effective
7 date of this act.

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

10 (1) The department shall collaborate with the department of
11 community, trade, and economic development in the development of the
12 coordinated and comprehensive plan for homeless families with children
13 required under RCW 43.63A.650, which designates the department of
14 community, trade, and economic development as the state agency with
15 primary responsibility for providing shelter and housing services to
16 homeless families with children. In fulfilling its responsibilities to
17 collaborate with the department of community, trade, and economic
18 development pursuant to RCW 43.63A.650, the department shall develop,
19 administer, supervise, and monitor its portion of the plan. The
20 department's portion of the plan shall contain at least the following
21 elements:

- 22 (a) Coordination or linkage of services with shelter and housing;
23 (b) Accommodation and addressing the needs of homeless families in
24 the design and administration of department programs;
25 (c) Participation of the department's local offices in the
26 identification, assistance, and referral of homeless families; and
27 (d) Ongoing monitoring of the efficiency and effectiveness of the
28 plan's design and implementation.

29 (2) The department shall include community organizations involved
30 in the delivery of services to homeless families with children, and
31 experts in the development and ongoing evaluation of the plan.

32 (3) The duties under this section shall be implemented within
33 amounts appropriated for that specific purpose by the legislature in
34 the operating and capital budgets.

35 **Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to
36 read as follows:

1 (1) The department shall be the principal state department
2 responsible for coordinating federal and state resources and activities
3 in housing, except for programs administered by the Washington state
4 housing finance commission under chapter 43.180 RCW, and for evaluating
5 the operations and accomplishments of other state departments and
6 agencies as they affect housing.

7 (2) The department shall work with local governments, tribal
8 organizations, local housing authorities, nonprofit community or
9 neighborhood-based organizations, and regional or state-wide nonprofit
10 housing assistance organizations, for the purpose of coordinating
11 federal and state resources with local resources for housing.

12 (3) The department shall be the principal state department
13 responsible for providing shelter and housing services to homeless
14 families with children. The department shall have the principal
15 responsibility to coordinate, plan, and oversee the state's activities
16 for developing a coordinated and comprehensive plan to serve homeless
17 families with children. The plan shall be developed collaboratively
18 with the department of social and health services. The department
19 shall include community organizations involved in the delivery of
20 services to homeless families with children, and experts in the
21 development and ongoing evaluation of the plan. The department shall
22 follow professionally recognized standards and procedures. The plan
23 shall be implemented within amounts appropriated by the legislature for
24 that specific purpose in the operating and capital budgets. The
25 department shall submit the plan to the appropriate committees of the
26 senate and house of representatives no later than August 13, 1999, and
27 shall update the plan every two years thereafter. The plan shall
28 address at least the following: (a) The need for prevention
29 assistance; (b) the need for emergency shelter; (c) the need for
30 transitional assistance to aid families into permanent housing; (d) the
31 need for linking services with shelter or housing; and (e) the need for
32 ongoing monitoring of the efficiency and effectiveness of the plan's
33 design and implementation.

34 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW
35 to read as follows:

36 (1) In order to improve services for the homeless, the department,
37 within amounts appropriated by the legislature for this specific
38 purpose, shall implement a system for the ongoing collection and

1 analysis of data about the extent and nature of homelessness in
2 Washington state, giving emphasis to information about extent and
3 nature of homelessness in Washington state families with children. The
4 system may be merged with other data gathering and reporting systems
5 and shall:

6 (a) Protect the right of privacy of individuals;

7 (b) Provide for consultation and collaboration with state agencies
8 including the department of social and health services, experts, and
9 community organizations involved in the delivery of services to
10 homeless persons; and

11 (c) Include related information held or gathered by other state
12 agencies.

13 (2) Within amounts appropriated by the legislature, for this
14 specific purpose, the department shall evaluate the information
15 gathered and disseminate the analysis and the evaluation broadly, using
16 appropriate computer networks as well as written reports.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.63A RCW
18 to read as follows:

19 The department shall, by rule, establish program standards,
20 eligibility standards, eligibility criteria, and administrative rules
21 for emergency housing programs and specify other benefits that may
22 arise in consultation with providers.

23 **Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read
24 as follows:

25 For purposes of this chapter:

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

28 (2) "Current placement episode" means the period of time that
29 begins with the most recent date that the child was removed from the
30 home of the parent, guardian, or legal custodian for purposes of
31 placement in out-of-home care and continues until the child returns
32 home, an adoption decree, a permanent custody order, or guardianship
33 order is entered, or the dependency is dismissed, whichever occurs
34 soonest. If the most recent date of removal occurred prior to the
35 filing of a dependency petition under this chapter or after filing but
36 prior to entry of a disposition order, such time periods shall be

1 included when calculating the length of a child's current placement
2 episode.

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

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

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

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

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

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

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

37 (7) "Guardian ad litem program" means a court-authorized volunteer
38 program, which is or may be established by the superior court of the
39 county in which such proceeding is filed, to manage all aspects of

1 volunteer guardian ad litem representation for children alleged or
2 found to be dependent. Such management shall include but is not
3 limited to: Recruitment, screening, training, supervision, assignment,
4 and discharge of volunteers.

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

9 (9) "Preventive services" means preservation services, as defined
10 in chapter 74.14C RCW, and other reasonably available services,
11 including housing services, capable of preventing the need for out-of-
12 home placement while protecting the child. Housing services may
13 include, but are not limited to, referrals to federal, state, local, or
14 private agencies or organizations, assistance with forms and
15 applications, or financial subsidies for housing.

16 **Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read
17 as follows:

18 As used in Title 74 RCW, child welfare services shall be defined as
19 public social services including adoption services which strengthen,
20 supplement, or substitute for, parental care and supervision for the
21 purpose of:

22 (1) Preventing or remedying, or assisting in the solution of
23 problems which may result in families in conflict, or the neglect,
24 abuse, exploitation, or criminal behavior of children;

25 (2) Protecting and caring for (~~homeless~~) dependent(~~(7)~~) or
26 neglected children;

27 (3) Assisting children who are in conflict with their parents, and
28 assisting parents who are in conflict with their children with services
29 designed to resolve such conflicts;

30 (4) Protecting and promoting the welfare of children, including the
31 strengthening of their own homes where possible, or, where needed;

32 (5) Providing adequate care of children away from their homes in
33 foster family homes or day care or other child care agencies or
34 facilities.

35 As used in this chapter, child means a person less than eighteen
36 years of age.

1 The department's duty to provide services to homeless families with
2 children is set forth in section 2 of this act and in appropriations
3 provided by the legislature for implementation of the plan.

4 **Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read
5 as follows:

6 The department shall have the duty to provide child welfare
7 services and shall:

8 (1) Develop, administer, supervise, and monitor a coordinated and
9 comprehensive plan that establishes, aids, and strengthens services for
10 the protection and care of (~~homeless,~~) runaway, dependent, or
11 neglected children.

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

23 (3) Investigate complaints of any recent act or failure to act on
24 the part of a parent or caretaker that results in death, serious
25 physical or emotional harm, or sexual abuse or exploitation, or that
26 presents an imminent risk of serious harm, and on the basis of the
27 findings of such investigation, offer child welfare services in
28 relation to the problem to such parents, legal custodians, or persons
29 serving in loco parentis, and/or bring the situation to the attention
30 of an appropriate court, or another community agency: PROVIDED, That
31 an investigation is not required of nonaccidental injuries which are
32 clearly not the result of a lack of care or supervision by the child's
33 parents, legal custodians, or persons serving in loco parentis. If the
34 investigation reveals that a crime against a child may have been
35 committed, the department shall notify the appropriate law enforcement
36 agency.

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

1 (5) Monitor out-of-home placements, on a timely and routine basis,
2 to assure the safety, well-being, and quality of care being provided is
3 within the scope of the intent of the legislature as defined in RCW
4 74.13.010 and 74.15.010, and annually submit a report measuring the
5 extent to which the department achieved the specified goals to the
6 governor and the legislature.

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

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

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

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

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

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

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

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

10 (12) Within amounts appropriated for this specific purpose, provide
11 preventive services to families with children that prevent or shorten
12 the duration of an out-of-home placement.

13 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
14 each reenacted and amended to read as follows:

15 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
16 been proven by a preponderance of the evidence that the child is
17 dependent within the meaning of RCW 13.34.030; after consideration of
18 the predisposition report prepared pursuant to RCW 13.34.110 and after
19 a disposition hearing has been held pursuant to RCW 13.34.110, the
20 court shall enter an order of disposition pursuant to this section.

21 (1) The court shall order one of the following dispositions of the
22 case:

23 (a) Order a disposition other than removal of the child from his or
24 her home, which shall provide a program designed to alleviate the
25 immediate danger to the child, to mitigate or cure any damage the child
26 has already suffered, and to aid the parents so that the child will not
27 be endangered in the future. In selecting a program, the court should
28 choose those services, including housing assistance, that least
29 interfere with family autonomy, provided that the services are adequate
30 to protect the child.

31 (b) Order that the child be removed from his or her home and
32 ordered into the custody, control, and care of a relative or the
33 department of social and health services or a licensed child placing
34 agency for placement in a foster family home or group care facility
35 licensed pursuant to chapter 74.15 RCW or in a home not required to be
36 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
37 cause to believe that the safety or welfare of the child would be
38 jeopardized or that efforts to reunite the parent and child will be

1 hindered, such child shall be placed with a person who is related to
2 the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom
3 the child has a relationship and is comfortable, and who is willing and
4 available to care for the child. Placement of the child with a
5 relative under this subsection shall be given preference by the court.
6 An order for out-of-home placement may be made only if the court finds
7 that reasonable efforts have been made to prevent or eliminate the need
8 for removal of the child from the child's home and to make it possible
9 for the child to return home, specifying the services that have been
10 provided to the child and the child's parent, guardian, or legal
11 custodian, and that preventive services have been offered or provided
12 and have failed to prevent the need for out-of-home placement, unless
13 the health, safety, and welfare of the child cannot be protected
14 adequately in the home, and that:

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

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

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

23 (iv) The extent of the child's disability is such that the parent,
24 guardian, or legal custodian is unable to provide the necessary care
25 for the child and the parent, guardian, or legal custodian has
26 determined that the child would benefit from placement outside of the
27 home.

28 (2) If the court has ordered a child removed from his or her home
29 pursuant to subsection (1)(b) of this section, the court may order that
30 a petition seeking termination of the parent and child relationship be
31 filed if the court finds: (a) Termination is recommended by the
32 supervising agency; (b) termination is in the best interests of the
33 child; and (c) that because of the existence of aggravated
34 circumstances, reasonable efforts to unify the family are not required.
35 Notwithstanding the existence of aggravated circumstances, reasonable
36 efforts may be required if the court or department determines it is in
37 the best interest of the child. In determining whether aggravated
38 circumstances exist, the court shall consider one or more of the
39 following:

1 (i) Conviction of the parent of rape of the child in the first,
2 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
3 9A.44.079;

4 (ii) Conviction of the parent of criminal mistreatment of the child
5 in the first or second degree as defined in RCW 9A.42.020 and
6 9A.42.030;

7 (iii) Conviction of the parent of one of the following assault
8 crimes, when the child is the victim: Assault in the first or second
9 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
10 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

11 (iv) Conviction of the parent of murder, manslaughter, or homicide
12 by abuse of the child's other parent, sibling, or another child;

13 (v) Conviction of the parent of attempting, soliciting, or
14 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of
15 this subsection;

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

18 (vii) Failure of the parent to complete available treatment ordered
19 under this chapter or the equivalent laws of another state, where such
20 failure has resulted in a prior termination of parental rights to
21 another child and the parent has failed to effect significant change in
22 the interim. In the case of a parent of an Indian child, as defined in
23 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
24 1903), the court shall also consider tribal efforts to assist the
25 parent in completing treatment and make it possible for the child to
26 return home;

27 (viii) An infant under three years of age has been abandoned as
28 defined in RCW 13.34.030(4)(a);

29 (ix) The mother has given birth to three or more drug-affected
30 infants, resulting in the department filing a petition under section 23
31 of this act.

32 (3) If reasonable efforts are not ordered under subsection (2) of
33 this section a permanency (~~{plan-planning}~~) planning hearing shall be
34 held within thirty days. Reasonable efforts shall be made to place the
35 child in a timely manner in accordance with the permanency plan, and to
36 complete whatever steps are necessary to finalize the permanent
37 placement of the child.

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

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

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

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

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

37 (iii) A child shall be placed as close to the child's home as
38 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the
2 child's or parents' well-being.

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

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

17 (5) If the court determines that the continuation of reasonable
18 efforts to prevent or eliminate the need to remove the child from his
19 or her home or to safely return the child home should not be part of
20 the permanency plan of care for the child, reasonable efforts shall be
21 made to place the child in a timely manner and to complete whatever
22 steps are necessary to finalize the permanent placement of the child.

23 (6) If there is insufficient information at the time of the
24 disposition hearing upon which to base a determination regarding the
25 suitability of a proposed placement with a relative, the child shall
26 remain in foster care and the court shall direct the supervising agency
27 to conduct necessary background investigations as provided in chapter
28 74.15 RCW and report the results of such investigation to the court
29 within thirty days. However, if such relative appears otherwise
30 suitable and competent to provide care and treatment, the criminal
31 history background check need not be completed before placement, but as
32 soon as possible after placement. Any placements with relatives,
33 pursuant to this section, shall be contingent upon cooperation by the
34 relative with the agency case plan and compliance with court orders
35 related to the care and supervision of the child including, but not
36 limited to, court orders regarding parent-child contacts and any other
37 conditions imposed by the court. Noncompliance with the case plan or
38 court order shall be grounds for removal of the child from the
39 relative's home, subject to review by the court.

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

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

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

25 (i) Whether reasonable services have been provided to or offered to
26 the parties to facilitate reunion, specifying the services provided or
27 offered;

28 (ii) Whether the child has been placed in the least-restrictive
29 setting appropriate to the child's needs, including whether
30 consideration and preference has been given to placement with the
31 child's relatives;

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

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

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

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

1 (vii) Whether additional services, including housing assistance,
2 are needed to facilitate the return of the child to the child's
3 parents; if so, the court shall order that reasonable services be
4 offered specifying such services; and

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

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

9 (8) The court's ability to order housing assistance under this
10 section is: (a) Limited to cases in which homelessness or the lack of
11 adequate and safe housing is the primary reason for an out-of-home
12 placement; and (b) subject to the availability of funds appropriated
13 for this specific purpose.

14 NEW SECTION. Sec. 10. Sections 10 through 29 of this act may be
15 referred to as the homeless youth prevention, protection, and education
16 act, or the HOPE act. Every day many youth in this state seek shelter
17 out on the street. A nurturing nuclear family does not exist for them,
18 and state-sponsored alternatives such as foster homes do not meet the
19 demand and isolate youth, who feel like outsiders in families not their
20 own. The legislature recognizes the need to develop placement
21 alternatives for dependent youth ages sixteen to eighteen, who are
22 living on the street. The HOPE act is an effort to engage youth and
23 provide them access to services through development of life skills in
24 a setting that supports them. Nothing in sections 10 through 29 of
25 this act shall constitute an entitlement.

26 **Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read
27 as follows:

28 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
29 otherwise clearly indicated by the context thereof, the following terms
30 shall mean:

31 (1) "Agency" means any person, firm, partnership, association,
32 corporation, or facility which receives children, expectant mothers, or
33 persons with developmental disabilities for control, care, or
34 maintenance outside their own homes, or which places, arranges the
35 placement of, or assists in the placement of children, expectant
36 mothers, or persons with developmental disabilities for foster care or
37 placement of children for adoption, and shall include the following

1 irrespective of whether there is compensation to the agency or to the
2 children, expectant mothers or persons with developmental disabilities
3 for services rendered:

4 (a) "Child day-care center" means an agency which regularly
5 provides care for a group of children for periods of less than twenty-
6 four hours;

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

9 (c) "Community facility" means a group care facility operated for
10 the care of juveniles committed to the department under RCW 13.40.185.
11 A county detention facility that houses juveniles committed to the
12 department under RCW 13.40.185 pursuant to a contract with the
13 department is not a community facility;

14 (d) "Crisis residential center" means an agency which is a
15 temporary protective residential facility operated to perform the
16 duties specified in chapter 13.32A RCW, in the manner provided in RCW
17 74.13.032 through 74.13.036;

18 (e) "Family day-care provider" means a child day-care provider who
19 regularly provides child day care for not more than twelve children in
20 the provider's home in the family living quarters;

21 (f) "Foster-family home" means an agency which regularly provides
22 care on a twenty-four hour basis to one or more children, expectant
23 mothers, or persons with developmental disabilities in the family abode
24 of the person or persons under whose direct care and supervision the
25 child, expectant mother, or person with a developmental disability is
26 placed;

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

30 (h) "HOPE center" means an agency licensed by the secretary to
31 provide temporary residential placement and other services to street
32 youth. A street youth may remain in a HOPE center for thirty days
33 while services are arranged and permanent placement is coordinated. No
34 street youth may stay longer than thirty days unless approved by the
35 department and any additional days approved by the department must be
36 based on the unavailability of a long-term placement option. A street
37 youth whose parent wants him or her returned to home may remain in a
38 HOPE center until his or her parent arranges return of the youth, not

1 longer. All other street youth must have court approval under chapter
2 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

3 (i) "Maternity service" means an agency which provides or arranges
4 for care or services to expectant mothers, before or during
5 confinement, or which provides care as needed to mothers and their
6 infants after confinement;

7 ~~((i))~~ (j) "Responsible living skills program" means an agency
8 licensed by the secretary that provides residential and transitional
9 living services to persons ages sixteen to eighteen who are dependent
10 under chapter 13.34 RCW and who have been unable to live in his or her
11 legally authorized residence and, as a result, the minor lived outdoors
12 or in another unsafe location not intended for occupancy by the minor.
13 Dependent minors ages fourteen and fifteen may be eligible if no other
14 placement alternative is available and the department approves the
15 placement;

16 (k) "Service provider" means the entity that operates a community
17 facility.

18 (2) "Agency" shall not include the following:

19 (a) Persons related to the child, expectant mother, or person with
20 developmental disability in the following ways:

21 (i) Any blood relative, including those of half-blood, and
22 including first cousins, nephews or nieces, and persons of preceding
23 generations as denoted by prefixes of grand, great, or great-great;

24 (ii) Stepfather, stepmother, stepbrother, and stepsister;

25 (iii) A person who legally adopts a child or the child's parent as
26 well as the natural and other legally adopted children of such persons,
27 and other relatives of the adoptive parents in accordance with state
28 law;

29 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
30 subsection (2)(a), even after the marriage is terminated; or

31 (v) Extended family members, as defined by the law or custom of the
32 Indian child's tribe or, in the absence of such law or custom, a person
33 who has reached the age of eighteen and who is the Indian child's
34 grandparent, aunt or uncle, brother or sister, brother-in-law or
35 sister-in-law, niece or nephew, first or second cousin, or stepparent
36 who provides care in the family abode on a twenty-four-hour basis to an
37 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

1 (c) Persons who care for a neighbor's or friend's child or
2 children, with or without compensation, where: (i) The person
3 providing care for periods of less than twenty-four hours does not
4 conduct such activity on an ongoing, regularly scheduled basis for the
5 purpose of engaging in business, which includes, but is not limited to,
6 advertising such care; or (ii) the parent and person providing care on
7 a twenty-four-hour basis have agreed to the placement in writing and
8 the state is not providing any payment for the care;

9 (d) Parents on a mutually cooperative basis exchange care of one
10 another's children;

11 (e) A person, partnership, corporation, or other entity that
12 provides placement or similar services to exchange students or
13 international student exchange visitors or persons who have the care of
14 an exchange student in their home;

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

18 (g) Schools, including boarding schools, which are engaged
19 primarily in education, operate on a definite school year schedule,
20 follow a stated academic curriculum, accept only school-age children
21 and do not accept custody of children;

22 (h) Seasonal camps of three months' or less duration engaged
23 primarily in recreational or educational activities;

24 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
25 performing functions defined in chapter 70.41 RCW, nursing homes
26 licensed under chapter 18.51 RCW and boarding homes licensed under
27 chapter 18.20 RCW;

28 (j) Licensed physicians or lawyers;

29 (k) Facilities providing care to children for periods of less than
30 twenty-four hours whose parents remain on the premises to participate
31 in activities other than employment;

32 (l) Facilities approved and certified under chapter 71A.22 RCW;

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

37 (n) Persons who have a child in their home for purposes of
38 adoption, if the child was placed in such home by a licensed child-
39 placing agency, an authorized public or tribal agency or court or if a

1 replacement report has been filed under chapter 26.33 RCW and the
2 placement has been approved by the court;

3 (o) An agency operated by any unit of local, state, or federal
4 government or an agency, located within the boundaries of a federally
5 recognized Indian reservation, licensed by the Indian tribe;

6 (p) An agency located on a federal military reservation, except
7 where the military authorities request that such agency be subject to
8 the licensing requirements of this chapter.

9 (3) "Department" means the state department of social and health
10 services.

11 (4) "Juvenile" means a person under the age of twenty-one who has
12 been sentenced to a term of confinement under the supervision of the
13 department under RCW 13.40.185.

14 (5) "Probationary license" means a license issued as a disciplinary
15 measure to an agency that has previously been issued a full license but
16 is out of compliance with licensing standards.

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

19 (7) "Secretary" means the secretary of social and health services.

20 (8) "Street youth" means a person under the age of eighteen who
21 lives outdoors or in another unsafe location not intended for occupancy
22 by the minor and who is not residing with his or her parent or at his
23 or her legally authorized residence.

24 (9) "Transitional living services" means at a minimum, to the
25 extent funds are available, the following:

26 (a) Educational services, including basic literacy and
27 computational skills training, either in local alternative or public
28 high schools or in a high school equivalency program that leads to
29 obtaining a high school equivalency degree;

30 (b) Assistance and counseling related to obtaining vocational
31 training or higher education, job readiness, job search assistance, and
32 placement programs;

33 (c) Counseling and instruction in life skills such as money
34 management, home management, consumer skills, parenting, health care,
35 access to community resources, and transportation and housing options;

36 (d) Individual and group counseling;

37 (e) Recognizing and facilitating long-term relationships with
38 significant adults; and

1 (f) Establishing networks with federal agencies and state and local
2 organizations such as the United States department of labor, employment
3 and training administration programs including the job training
4 partnership act which administers private industry councils and the job
5 corps; vocational rehabilitation; and volunteer programs.

6 Transitional living services shall be tailored to meet the needs of
7 the individual youth. If a youth demonstrates a consistent
8 unwillingness to participate in the acquisition of transitional living
9 skills and services, a reassessment shall be done of the youth's
10 appropriateness for the program.

11 NEW SECTION. Sec. 12. A new section is added to chapter 74.15 RCW
12 to read as follows:

13 The secretary shall establish HOPE centers that provide no more
14 than seventy-five beds across the state and may establish HOPE centers
15 by contract, within funds appropriated by the legislature specifically
16 for this purpose. HOPE centers shall be operated in a manner to
17 reasonably assure that street youth placed there will not run away.
18 Street youth may leave a HOPE center during the course of the day to
19 attend school or other necessary appointments, but the street youth
20 must be accompanied by an administrator or an administrator's designee.
21 The street youth must provide the administration with specific
22 information regarding his or her destination and expected time of
23 return to the HOPE center. Any street youth who runs away from a HOPE
24 center shall not be readmitted unless specifically authorized by the
25 street youth's placement and liaison specialist, and the placement and
26 liaison specialist shall document with specific factual findings an
27 appropriate basis for readmitting any street youth to a HOPE center.
28 HOPE centers are required to have the following:

29 (1) A license issued by the secretary;

30 (2) A professional with a master's degree in counseling, social
31 work, or related field and at least one year of experience working with
32 street youth or a bachelor of arts degree in social work or a related
33 field and five years of experience working with street youth. This
34 professional staff person may be contractual or a part-time employee,
35 but must be available to work with street youth in a HOPE center at a
36 ratio of one to every fifteen youth staying in a HOPE center. This
37 professional shall be known as a placement and liaison specialist.
38 Preference shall be given to those professionals cross-credentialed in

1 mental health and chemical dependency. The placement and liaison
2 specialist shall:

3 (a) Conduct an assessment of the street youth that includes a
4 determination of the street youth's legal status regarding residential
5 placement;

6 (b) Facilitate the street youth's return to his or her legally
7 authorized residence at the earliest possible date or initiate
8 processes to arrange legally authorized appropriate placement. Any
9 street youth who may meet the definition of dependent child under RCW
10 13.34.030 must be referred to the department. The department shall
11 determine whether a dependency petition should be filed under chapter
12 13.34 RCW. A shelter care hearing must be held within seventy-two
13 hours to authorize out-of-home placement for any youth the department
14 determines is appropriate for out-of-home placement under chapter 13.34
15 RCW. All of the provisions of chapter 13.32A RCW must be followed for
16 children in need of services or at-risk youth;

17 (c) Interface with other relevant resources and system
18 representatives to secure long-term residential placement and other
19 needed services for the street youth;

20 (d) Be assigned immediately to each youth and meet with the youth
21 within eight hours of the youth receiving HOPE center services;

22 (e) Develop a therapeutic relationship with the youth that enables
23 the specialist to help the street youth navigate the social service and
24 child welfare systems;

25 (f) Facilitate a physical examination of any street youth who has
26 not seen a physician within one year prior to residence at a HOPE
27 center and facilitate evaluation by a county-designated mental health
28 professional, a chemical dependency specialist, or both if appropriate;
29 and

30 (g) Arrange an educational assessment to measure the street youth's
31 competency level in reading, writing, and basic mathematics, and that
32 will measure learning disabilities or special needs;

33 (3) Staff trained in development needs of street youth as
34 determined by the secretary, including an administrator who is a
35 professional with a master's degree in counseling, social work, or a
36 related field and at least one year of experience working with street
37 youth, or a bachelor of arts degree in social work or a related field
38 and five years of experience working with street youth, who must work

1 with the placement and liaison specialist to provide appropriate
2 services on site;

3 (4) A data collection system that measures outcomes for the
4 population served, and enables research and evaluation that can be used
5 for future program development and service delivery. Data collection
6 systems must have confidentiality rules and protocols developed by the
7 secretary;

8 (5) Notification requirements that meet the notification
9 requirements of chapter 13.32A RCW. The youth's arrival date and time
10 must be logged at intake by HOPE center staff. The staff must
11 immediately notify law enforcement and dependency caseworkers if a
12 street youth runs away from a HOPE center. A child may be transferred
13 to a secure facility as defined in RCW 13.32A.030 whenever the staff
14 reasonably believes that a street youth is likely to leave the HOPE
15 center and not return after full consideration of the factors set forth
16 in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary
17 placement in the HOPE center must be authorized by the court or the
18 secretary if the youth is a dependent of the state under chapter 13.34
19 RCW or the department is responsible for the youth under chapter 13.32A
20 RCW, or by the youth's parent or legal custodian, until such time as
21 the parent can retrieve the youth who is returning to home;

22 (6) HOPE centers must identify to the department any street youth
23 it serves who is not returning promptly to home. The department then
24 must contact the missing children's clearinghouse identified in chapter
25 13.60 RCW and either report the youth's location or report that the
26 youth is the subject of a dependency action and the parent should
27 receive notice from the department; and

28 (7) Services that provide counseling and education to the street
29 youth.

30 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.15 RCW
31 to read as follows:

32 The secretary shall establish responsible living skills programs
33 that provide no more than seventy-five beds across the state and may
34 establish responsible living skills programs by contract, within funds
35 appropriated by the legislature specifically for this purpose.
36 Responsible living skills programs shall have the following:

37 (1) A license issued by the secretary;

1 (2) A professional with a master's degree in counseling, social
2 work, or related field and at least one year of experience working with
3 street youth available to serve residents or a bachelor of arts degree
4 in social work or a related field and five years of experience working
5 with street youth. The professional shall provide counseling services
6 and interface with other relevant resources and systems to prepare the
7 minor for adult living. Preference shall be given to those
8 professionals cross-credentialed in mental health and chemical
9 dependency;

10 (3) Staff trained in development needs of older adolescents
11 eligible to participate in responsible living skills programs as
12 determined by the secretary;

13 (4) Transitional living services and a therapeutic model of service
14 delivery that provides necessary program supervision of residents and
15 at the same time includes a philosophy, program structure, and
16 treatment planning that emphasizes achievement of competency in
17 independent living skills. Independent living skills include achieving
18 basic educational requirements such as a GED, enrollment in vocational
19 and technical training programs offered at the community and vocational
20 colleges, obtaining and maintaining employment; accomplishing basic
21 life skills such as money management, nutrition, preparing meals, and
22 cleaning house. A baseline skill level in ability to function
23 productively and independently shall be determined at entry.
24 Performance shall be measured and must demonstrate improvement from
25 involvement in the program. Each resident shall have a plan for
26 achieving independent living skills by the time the resident leaves the
27 placement. The plan shall be written within the first thirty days of
28 placement and reviewed every ninety days; and

29 (5) A data collection system that measures outcomes for the
30 population served, and enables research and evaluation that can be used
31 for future program development and service delivery. Data collection
32 systems must have confidentiality rules and protocols developed by the
33 secretary.

34 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.15 RCW
35 to read as follows:

36 To be eligible for placement in a responsible living skills
37 program, the minor must be dependent under chapter 13.34 RCW and must
38 have lived outdoors or in another unsafe location not intended for

1 occupancy by the minor, or a HOPE center. Responsible living skills
2 centers are intended as a placement alternative for dependent youth
3 that the department chooses for the youth because no other services or
4 alternative placements have been successful. Responsible living skills
5 centers are not for dependent youth whose permanency plan includes
6 return to home or family reunification.

7 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.15 RCW
8 to read as follows:

9 The secretary is authorized to license HOPE centers and responsible
10 living skills programs that meet statutory and rule requirements
11 created by the secretary. The secretary is authorized to develop rules
12 necessary to carry out the provisions of sections 10 through 29 of this
13 act. The secretary may rely upon existing licensing provisions in
14 development of licensing requirements for HOPE centers and responsible
15 living skills programs, as are appropriate to carry out the intent of
16 sections 10 through 29 of this act. HOPE centers and responsible
17 living skills programs shall be required to adhere to departmental
18 regulations prohibiting the use of alcohol, tobacco, controlled
19 substances, violence, and sexual activity between residents.

20 **Sec. 16.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are
21 each reenacted and amended to read as follows:

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

29 (a) Whenever a child is placed in out-of-home care pursuant to RCW
30 13.34.130, the agency that has custody of the child shall provide the
31 court with a written permanency plan of care directed towards securing
32 a safe, stable, and permanent home for the child as soon as possible.
33 The plan shall identify one of the following outcomes as the primary
34 goal and may also identify additional outcomes as alternative goals:
35 Return of the child to the home of the child's parent, guardian, or
36 legal custodian; adoption; guardianship; permanent legal custody; or
37 long-term relative or foster care, until the child is age eighteen,

1 with a written agreement between the parties and the care provider; a
2 responsible living skills program; and independent living, if
3 appropriate and if the child is age sixteen or older and the provisions
4 of subsection (2) of this section are met.

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

7 (c) Permanency planning goals should be achieved at the earliest
8 possible date, preferably before the child has been in out-of-home care
9 for fifteen months. In cases where parental rights have been
10 terminated, the child is legally free for adoption, and adoption has
11 been identified as the primary permanency planning goal, it shall be a
12 goal to complete the adoption within six months following entry of the
13 termination order.

14 (d) For purposes related to permanency planning:

15 (i) "Guardianship" means a dependency guardianship pursuant to this
16 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or
17 equivalent laws of another state or a federally recognized Indian
18 tribe.

19 (ii) "Permanent custody order" means a custody order entered
20 pursuant to chapter 26.10 RCW.

21 (iii) "Permanent legal custody" means legal custody pursuant to
22 chapter 26.10 RCW or equivalent laws of another state or of a federally
23 recognized Indian tribe.

24 (2) Whenever a permanency plan identifies independent living as a
25 goal, the plan shall also specifically identify the services that will
26 be provided to assist the child to make a successful transition from
27 foster care to independent living. Before the court approves
28 independent living as a permanency plan of care, the court shall make
29 a finding that the provision of services to assist the child in making
30 a transition from foster care to independent living will allow the
31 child to manage his or her financial affairs and to manage his or her
32 personal, social, educational, and nonfinancial affairs. The
33 department shall not discharge a child to an independent living
34 situation before the child is eighteen years of age unless the child
35 becomes emancipated pursuant to chapter 13.64 RCW.

36 (3) A permanency planning hearing shall be held in all cases where
37 the child has remained in out-of-home care for at least nine months and
38 an adoption decree, guardianship order, or permanent custody order has
39 not previously been entered. The hearing shall take place no later

1 than twelve months following commencement of the current placement
2 episode.

3 (4) Whenever a child is removed from the home of a dependency
4 guardian or long-term relative or foster care provider, and the child
5 is not returned to the home of the parent, guardian, or legal custodian
6 but is placed in out-of-home care, a permanency planning hearing shall
7 take place no later than twelve months, as provided in subsection (3)
8 of this section, following the date of removal unless, prior to the
9 hearing, the child returns to the home of the dependency guardian or
10 long-term care provider, the child is placed in the home of the parent,
11 guardian, or legal custodian, an adoption decree, guardianship order,
12 or permanent custody order is entered, or the dependency is dismissed.

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

17 (6) At the permanency planning hearing, the court shall enter
18 findings as required by RCW 13.34.130(7) and shall review the
19 permanency plan prepared by the agency. If the child has resided in
20 the home of a foster parent or relative for more than six months prior
21 to the permanency planning hearing, the court shall also enter a
22 finding regarding whether the foster parent or relative was informed of
23 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal
24 of long-term foster or relative care has been achieved prior to the
25 permanency planning hearing, the court shall review the child's status
26 to determine whether the placement and the plan for the child's care
27 remain appropriate. In cases where the primary permanency planning
28 goal has not yet been achieved, the court shall inquire regarding the
29 reasons why the primary goal has not been achieved and determine what
30 needs to be done to make it possible to achieve the primary goal. In
31 all cases, the court shall:

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

34 (ii) Modify the permanency plan, and order implementation of the
35 modified plan; and

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

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

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

8 (8) Continued juvenile court jurisdiction under this chapter shall
9 not be a barrier to the entry of an order establishing a legal
10 guardianship or permanent legal custody when, (a) the court has ordered
11 implementation of a permanency plan that includes legal guardianship or
12 permanent legal custody, and (b) the party pursuing the legal
13 guardianship or permanent legal custody is the party identified in the
14 permanency plan as the prospective legal guardian or custodian. During
15 the pendency of such proceeding, juvenile court shall conduct review
16 hearings and further permanency planning hearings as provided in this
17 chapter. At the conclusion of the legal guardianship or permanent
18 legal custody proceeding, a juvenile court hearing shall be held for
19 the purpose of determining whether dependency should be dismissed. If
20 a guardianship or permanent custody order has been entered, the
21 dependency shall be dismissed.

22 (9) Following the first permanency planning hearing, the court
23 shall hold a further permanency planning hearing in accordance with
24 this section at least once every twelve months until a permanency
25 planning goal is achieved or the dependency is dismissed, whichever
26 occurs first.

27 (10) Except as otherwise provided in RCW 13.34.235, the status of
28 all dependent children shall continue to be reviewed by the court at
29 least once every six months, in accordance with RCW 13.34.130(7), until
30 the dependency is dismissed. Prior to the second permanency planning
31 hearing, the agency that has custody of the child shall consider
32 whether to file a petition for termination of parental rights.

33 (11) Nothing in this chapter may be construed to limit the ability
34 of the agency that has custody of the child to file a petition for
35 termination of parental rights or a guardianship petition at any time
36 following the establishment of dependency. Upon the filing of such a
37 petition, a fact-finding hearing shall be scheduled and held in
38 accordance with this chapter unless the agency requests dismissal of
39 the petition prior to the hearing or unless the parties enter an agreed

1 order terminating parental rights, establishing guardianship, or
2 otherwise resolving the matter.

3 (12) The approval of a permanency plan that does not contemplate
4 return of the child to the parent does not relieve the supervising
5 agency of its obligation to provide reasonable services, under this
6 chapter, intended to effectuate the return of the child to the parent,
7 including but not limited to, visitation rights.

8 (13) Nothing in this chapter may be construed to limit the
9 procedural due process rights of any party in a termination or
10 guardianship proceeding filed under this chapter.

11 NEW SECTION. **Sec. 17.** A new section is added to chapter 13.60 RCW
12 to read as follows:

13 The department of social and health services shall develop a
14 procedure for reporting missing children information to the missing
15 children clearinghouse on children who are receiving departmental
16 services in each of its administrative regions. The purpose of this
17 procedure is to link parents to missing children. When the department
18 has obtained information that a minor child has been located at a
19 facility funded by the department, the department shall notify the
20 clearinghouse and the child's legal custodian, advising the custodian
21 of the child's whereabouts or that the child is subject to a dependency
22 action. The department shall inform the clearinghouse when
23 reunification occurs.

24 NEW SECTION. **Sec. 18.** The Washington institute for public policy
25 shall review the effectiveness of the procedures established in section
26 17 of this act. The study shall include: (1) The number of legal
27 custodians who utilize the clearinghouse; (2) the number of children
28 who are located after the department's procedures are operational; (3)
29 the impediments to effective utilization of the procedures and what
30 steps may be taken to reduce or eliminate the impediments; (4) the
31 methods of public education regarding the availability of the program
32 and how to increase public awareness of the program.

33 The review shall be submitted to the legislature and the governor
34 not later than December 1, 2001.

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 82.04 RCW
36 to read as follows:

1 (1) In computing tax under this chapter, a credit is authorized for
2 each person equal to fifty percent of approved amounts donated to a
3 HOPE educational financial assistance program under section 21 of this
4 act during the calendar year. The amount of the credit shall not
5 exceed five thousand dollars for any person for any calendar year.

6 (2) No credit may be taken under this section unless the credit is
7 first approved by the department. Application for the credit shall be
8 made in the form and manner prescribed by rules adopted by the
9 department. Total credits approved by the department for any calendar
10 year under this section and section 20 of this act shall not exceed two
11 hundred fifty thousand dollars.

12 (3) The credit shall be taken against taxes due for the same
13 calendar year in which the amounts for which credit is claimed were
14 paid. A credit must be claimed by the due date of the last tax return
15 for the calendar year in which the payment is made. No credit may be
16 carried back or forward to a different calendar year.

17 (4) No credit may be taken under this section for amounts for which
18 a credit is taken under section 20 of this act.

19 NEW SECTION **Sec. 20.** A new section is added to chapter 82.16 RCW
20 to read as follows:

21 (1) In computing tax under this chapter, a credit is authorized for
22 each person equal to fifty percent of approved amounts donated to a
23 HOPE educational financial assistance program under section 21 of this
24 act during the calendar year. The amount of the credit shall not
25 exceed five thousand dollars for any person for any calendar year.

26 (2) No credit may be taken under this section unless the credit is
27 first approved by the department. Application for the credit shall be
28 made in the form and manner prescribed by rules adopted by the
29 department. Total credits approved by the department for any calendar
30 year under this section and section 19 of this act shall not exceed two
31 hundred fifty thousand dollars.

32 (3) The credit shall be taken against taxes due for the same
33 calendar year in which the amounts for which credit is claimed were
34 paid. A credit must be claimed by the due date of the last tax return
35 for the calendar year in which the payment is made. No credit may be
36 carried back or forward to a different calendar year.

37 (4) No credit may be taken under this section for amounts for which
38 a credit is taken under section 19 of this act.

1 NEW SECTION. **Sec. 21.** A new section is added to chapter 28B.80
2 RCW to read as follows:

3 (1) HOPE educational financial assistance programs may be
4 established by private nonprofit organizations and may qualify for the
5 purposes of receiving contributions under sections 19 and 20 of this
6 act upon approval of the board. Educational financial assistance from
7 these programs may be used only for assistance for former street youth
8 who qualify under subsection (2) of this section.

9 (2) Only former street youth who have been residents of a HOPE
10 center as defined in RCW 74.15.020 and who have received transitional
11 living services as defined in RCW 74.15.020 may apply for and receive
12 educational financial assistance under this section. The educational
13 financial assistance may be used for expenses incurred in conjunction
14 with enrollment in any institution of higher education in the state.
15 Yearly educational financial assistance under this section is limited
16 to an amount equal to the highest yearly undergraduate resident tuition
17 charged by a public institution of higher education within the state,
18 and may only be provided to an individual twice in any four-year
19 period. The assistance shall take into account family and other
20 financial resources available to the individual.

21 **Sec. 22.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read
22 as follows:

23 If the sentencing court finds that an exceptional sentence outside
24 the standard range should be imposed in accordance with RCW
25 9.94A.120(2), the sentence is subject to review only as provided for in
26 RCW 9.94A.210(4).

27 The following are illustrative factors which the court may consider
28 in the exercise of its discretion to impose an exceptional sentence.
29 The following are illustrative only and are not intended to be
30 exclusive reasons for exceptional sentences.

31 (1) Mitigating Circumstances

32 (a) To a significant degree, the victim was an initiator, willing
33 participant, aggressor, or provoker of the incident.

34 (b) Before detection, the defendant compensated, or made a good
35 faith effort to compensate, the victim of the criminal conduct for any
36 damage or injury sustained.

1 (c) The defendant committed the crime under duress, coercion,
2 threat, or compulsion insufficient to constitute a complete defense but
3 which significantly affected his or her conduct.

4 (d) The defendant, with no apparent predisposition to do so, was
5 induced by others to participate in the crime.

6 (e) The defendant's capacity to appreciate the wrongfulness of his
7 or her conduct or to conform his or her conduct to the requirements of
8 the law, was significantly impaired (voluntary use of drugs or alcohol
9 is excluded).

10 (f) The offense was principally accomplished by another person and
11 the defendant manifested extreme caution or sincere concern for the
12 safety or well-being of the victim.

13 (g) The operation of the multiple offense policy of RCW 9.94A.400
14 results in a presumptive sentence that is clearly excessive in light of
15 the purpose of this chapter, as expressed in RCW 9.94A.010.

16 (h) The defendant or the defendant's children suffered a continuing
17 pattern of physical or sexual abuse by the victim of the offense and
18 the offense is a response to that abuse.

19 (2) Aggravating Circumstances

20 (a) The defendant's conduct during the commission of the current
21 offense manifested deliberate cruelty to the victim.

22 (b) The defendant knew or should have known that the victim of the
23 current offense was particularly vulnerable or incapable of resistance
24 due to extreme youth, advanced age, disability, or ill health.

25 (c) The defendant knew that the victim of the current offense was
26 a youth who was not residing with any legal custodian and was
27 particularly vulnerable to a relationship with the defendant and the
28 defendant established or promoted the relationship for the primary
29 purpose of victimization.

30 (d) The current offense was a violent offense, and the defendant
31 knew that the victim of the current offense was pregnant.

32 (~~(d)~~) (e) The current offense was a major economic offense or
33 series of offenses, so identified by a consideration of any of the
34 following factors:

35 (i) The current offense involved multiple victims or multiple
36 incidents per victim;

37 (ii) The current offense involved attempted or actual monetary loss
38 substantially greater than typical for the offense;

1 (iii) The current offense involved a high degree of sophistication
2 or planning or occurred over a lengthy period of time; or

3 (iv) The defendant used his or her position of trust, confidence,
4 or fiduciary responsibility to facilitate the commission of the current
5 offense.

6 ~~((e))~~ (f) The current offense was a major violation of the
7 Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related
8 to trafficking in controlled substances, which was more onerous than
9 the typical offense of its statutory definition: The presence of ANY
10 of the following may identify a current offense as a major VUCSA:

11 (i) The current offense involved at least three separate
12 transactions in which controlled substances were sold, transferred, or
13 possessed with intent to do so;

14 (ii) The current offense involved an attempted or actual sale or
15 transfer of controlled substances in quantities substantially larger
16 than for personal use;

17 (iii) The current offense involved the manufacture of controlled
18 substances for use by other parties;

19 (iv) The circumstances of the current offense reveal the offender
20 to have occupied a high position in the drug distribution hierarchy;

21 (v) The current offense involved a high degree of sophistication or
22 planning or occurred over a lengthy period of time or involved a broad
23 geographic area of disbursement; or

24 (vi) The offender used his or her position or status to facilitate
25 the commission of the current offense, including positions of trust,
26 confidence or fiduciary responsibility (e.g., pharmacist, physician, or
27 other medical professional).

28 ~~((f))~~ (g) The current offense included a finding of sexual
29 motivation pursuant to RCW 9.94A.127.

30 ~~((g))~~ (h) The offense was part of an ongoing pattern of sexual
31 abuse of the same victim under the age of eighteen years manifested by
32 multiple incidents over a prolonged period of time.

33 ~~((h))~~ (i) The current offense involved domestic violence, as
34 defined in RCW 10.99.020 and one or more of the following was present:

35 (i) The offense was part of an ongoing pattern of psychological,
36 physical, or sexual abuse of the victim manifested by multiple
37 incidents over a prolonged period of time;

38 (ii) The offense occurred within sight or sound of the victim's or
39 the offender's minor children under the age of eighteen years; or

1 (iii) The offender's conduct during the commission of the current
2 offense manifested deliberate cruelty or intimidation of the victim.

3 (~~(i)~~) (j) The operation of the multiple offense policy of RCW
4 9.94A.400 results in a presumptive sentence that is clearly too lenient
5 in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

6 (~~(j)~~) (k) The defendant's prior unscored misdemeanor or prior
7 unscored foreign criminal history results in a presumptive sentence
8 that is clearly too lenient in light of the purpose of this chapter as
9 expressed in RCW 9.94A.010.

10 (~~(k)~~) (l) The offense resulted in the pregnancy of a child victim
11 of rape.

12 **Sec. 23.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read
13 as follows:

14 (1)(a) When any practitioner, county coroner or medical examiner,
15 law enforcement officer, professional school personnel, registered or
16 licensed nurse, social service counselor, psychologist, pharmacist,
17 licensed or certified child care providers or their employees, employee
18 of the department, juvenile probation officer, placement and liaison
19 specialist, responsible living skills program staff, HOPE center staff,
20 or state family and children's ombudsman or any volunteer in the
21 ombudsman's office has reasonable cause to believe that a child or
22 adult dependent or developmentally disabled person, has suffered abuse
23 or neglect, he or she shall report such incident, or cause a report to
24 be made, to the proper law enforcement agency or to the department as
25 provided in RCW 26.44.040.

26 (b) The reporting requirement shall also apply to department of
27 corrections personnel who, in the course of their employment, observe
28 offenders or the children with whom the offenders are in contact. If,
29 as a result of observations or information received in the course of
30 his or her employment, any department of corrections personnel has
31 reasonable cause to believe that a child or adult dependent or
32 developmentally disabled person has suffered abuse or neglect, he or
33 she shall report the incident, or cause a report to be made, to the
34 proper law enforcement agency or to the department as provided in RCW
35 26.44.040.

36 (c) The reporting requirement shall also apply to any adult who has
37 reasonable cause to believe that a child or adult dependent or
38 developmentally disabled person, who resides with them, has suffered

1 severe abuse, and is able or capable of making a report. For the
2 purposes of this subsection, "severe abuse" means any of the following:
3 Any single act of abuse that causes physical trauma of sufficient
4 severity that, if left untreated, could cause death; any single act of
5 sexual abuse that causes significant bleeding, deep bruising, or
6 significant external or internal swelling; or more than one act of
7 physical abuse, each of which causes bleeding, deep bruising,
8 significant external or internal swelling, bone fracture, or
9 unconsciousness.

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

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

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

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

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

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

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

34 (8) Any case referred to the department by a physician licensed
35 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
36 opinion that child abuse, neglect, or sexual assault has occurred and
37 that the child's safety will be seriously endangered if returned home,
38 the department shall file a dependency petition unless a second
39 licensed physician of the parents' choice believes that such expert

1 medical opinion is incorrect. If the parents fail to designate a
2 second physician, the department may make the selection. If a
3 physician finds that a child has suffered abuse or neglect but that
4 such abuse or neglect does not constitute imminent danger to the
5 child's health or safety, and the department agrees with the
6 physician's assessment, the child may be left in the parents' home
7 while the department proceeds with reasonable efforts to remedy
8 parenting deficiencies.

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

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

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

31 (12) The department shall maintain investigation records and
32 conduct timely and periodic reviews of all cases constituting abuse and
33 neglect. The department shall maintain a log of screened-out
34 nonabusive cases.

35 (13) The department shall use a risk assessment process when
36 investigating alleged child abuse and neglect referrals. The
37 department shall present the risk factors at all hearings in which the
38 placement of a dependent child is an issue. Substance abuse must be a
39 risk factor. The department shall, within funds appropriated for this

1 purpose, offer enhanced community-based services to persons who are
2 determined not to require further state intervention.

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

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

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

22 NEW SECTION. **Sec. 24.** A new section is added to chapter 74.15 RCW
23 to read as follows:

24 The department shall provide technical assistance in preparation of
25 grant proposals for HOPE centers and responsible living skills programs
26 to nonprofit organizations unfamiliar with and inexperienced in
27 submission of requests for proposals to the department.

28 NEW SECTION. **Sec. 25.** A new section is added to chapter 74.15 RCW
29 to read as follows:

30 The department shall consider prioritizing, on an ongoing basis,
31 the awarding of contracts for HOPE centers and responsible living
32 skills programs to providers who have not traditionally been awarded
33 contracts with the department.

34 NEW SECTION. **Sec. 26.** The department of social and health
35 services shall seek any necessary federal waivers for federal funding
36 of the programs created under sections 10 through 29 of this act. The

1 department shall pursue federal funding sources for the programs
2 created under sections 10 through 29 of this act, and report to the
3 legislature any statutory barriers to federal funding.

4 NEW SECTION. **Sec. 27.** The Washington state institute for public
5 policy shall review the effectiveness of the HOPE centers and the
6 responsible living skills programs. The study shall include the
7 characteristics of the youth being served, the services offered to
8 participating youth, the success of permanent placement of youth, the
9 number of youth participating in each program, the number of youth who
10 successfully complete the responsible living skills program,
11 educational achievement of participants, employment history of
12 participants, the outcomes for youth who have progressed through the
13 programs, and other measures that the institute deems helpful in
14 determining the measurable outcomes of sections 10 through 29 of this
15 act.

16 The review shall be submitted to the legislature and the governor
17 not later than December 1, 2001.

18 NEW SECTION. **Sec. 28.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 29.** Within funds specifically appropriated by
23 the legislature, HOPE center beds referenced in section 12 of this act
24 and responsible living skills program beds referenced in section 13 of
25 this act shall be phased in at the rate of twenty-five percent each
26 year beginning January 1, 2000, until the maximum is attained.

27 NEW SECTION. **Sec. 30.** Sections 12 and 13 of this act take effect
28 January 1, 2000."

1 **E2SHB 1493** - S AMD - 358

2 By Senators Hargrove, Long, Costa, Zarelli, Thibaudeau, Franklin,
3 Stevens, Kohl-Wells, Patterson and Sheahan

4

5 On page 1, line 1 of the title, after "families;" strike the
6 remainder of the title and insert "amending RCW 43.63A.650, 13.34.030,
7 74.13.020, 74.13.031, 74.15.020, 9.94A.390, and 26.44.030; reenacting
8 and amending RCW 13.34.130 and 13.34.145; adding a new section to
9 chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding
10 new sections to chapter 74.15 RCW; adding a new section to chapter
11 13.60 RCW; adding a new section to chapter 82.04 RCW; adding a new
12 section to chapter 82.16 RCW; adding a new section to chapter 28B.80
13 RCW; creating new sections; and providing an effective date."

--- END ---