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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5557

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen)

Read first time 03/08/1999.

1 AN ACT Relating to residential placement and transitional living  
2 services to street youth; amending RCW 74.15.020, 9.94A.390, 26.44.030,  
3 43.63A.650, and 74.13.031; reenacting and amending RCW 13.34.130 and  
4 13.34.145; adding new sections to chapter 74.15 RCW; adding a new  
5 section to chapter 13.60 RCW; adding a new section to chapter 28B.80  
6 RCW; adding a new section to chapter 82.04 RCW; adding a new section to  
7 chapter 82.16 RCW; creating new sections; and providing an effective  
8 date.

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

10 NEW SECTION. **Sec. 1.** This act may be referred to as the homeless  
11 youth prevention, protection, and education act, or the HOPE act.  
12 Every day many youth in this state seek shelter out on the street. A  
13 nurturing nuclear family does not exist for them, and state-sponsored  
14 alternatives such as foster homes do not meet the demand and isolate  
15 youth, who feel like outsiders in families not their own. The  
16 legislature recognizes the need to develop placement alternatives for  
17 dependent youth ages sixteen to eighteen, who are living on the street.  
18 The HOPE act is an effort to engage youth and provide them access to

1 services through development of life skills in a setting that supports  
2 them. Nothing in this act shall constitute an entitlement.

3 **Sec. 2.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read  
4 as follows:

5 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
6 otherwise clearly indicated by the context thereof, the following terms  
7 shall mean:

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

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

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

23 (c) "Community facility" means a group care facility operated for  
24 the care of juveniles committed to the department under RCW 13.40.185.  
25 A county detention facility that houses juveniles committed to the  
26 department under RCW 13.40.185 pursuant to a contract with the  
27 department is not a community facility;

28 (d) "Crisis residential center" means an agency which is a  
29 temporary protective residential facility operated to perform the  
30 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
31 74.13.032 through 74.13.036;

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

35 (f) "Foster-family home" means an agency which regularly provides  
36 care on a twenty-four hour basis to one or more children, expectant  
37 mothers, or persons with developmental disabilities in the family abode  
38 of the person or persons under whose direct care and supervision the

1 child, expectant mother, or person with a developmental disability is  
2 placed;

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

6 (h) "HOPE center" means an agency licensed by the secretary to  
7 provide temporary residential placement and other services to street  
8 youth. A street youth may remain in a HOPE center for thirty days  
9 while services are arranged and permanent placement is coordinated. No  
10 street youth may stay longer than thirty days unless approved by the  
11 department and any additional days approved by the department must be  
12 based on the unavailability of a long-term placement option. A street  
13 youth whose parent wants him or her returned to home may remain in a  
14 HOPE center until his or her parent arranges return of the youth, not  
15 longer. All other street youth must have court approval under chapter  
16 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

17 (i) "Maternity service" means an agency which provides or arranges  
18 for care or services to expectant mothers, before or during  
19 confinement, or which provides care as needed to mothers and their  
20 infants after confinement;

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

30 (k) "Service provider" means the entity that operates a community  
31 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) Hospitals licensed pursuant to chapter 70.41 RCW when  
2 performing functions defined in chapter 70.41 RCW, nursing homes  
3 licensed under chapter 18.51 RCW and boarding homes licensed under  
4 chapter 18.20 RCW;

5 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

25 (3) "Department" means the state department of social and health  
26 services.

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

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

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

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

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

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

3       (a) Educational services, including basic literacy and  
4 computational skills training, either in local alternative or public  
5 high schools or in a high school equivalency program that leads to  
6 obtaining a high school equivalency degree;

7       (b) Assistance and counseling related to obtaining vocational  
8 training or higher education, job readiness, job search assistance, and  
9 placement programs;

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

13       (d) Individual and group counseling;

14       (e) Recognizing and facilitating long-term relationships with  
15 significant adults; and

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

21       Transitional living services shall be tailored to meet the needs of  
22 the individual youth. If a youth demonstrates a consistent  
23 unwillingness to participate in the acquisition of transitional living  
24 skills and services, a reassessment shall be done of the youth's  
25 appropriateness for the program.

26       NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW  
27 to read as follows:

28       The secretary shall establish HOPE centers that provide no more  
29 than seventy-five beds across the state and may establish HOPE centers  
30 by contract, within funds appropriated by the legislature specifically  
31 for this purpose. HOPE centers shall be operated in a manner to  
32 reasonably assure that street youth placed there will not run away.  
33 Street youth may leave a HOPE center during the course of the day to  
34 attend school or other necessary appointments, but the street youth  
35 must be accompanied by an administrator or an administrator's designee.  
36 The street youth must provide the administration with specific  
37 information regarding his or her destination and expected time of  
38 return to the HOPE center. Any street youth who runs away from a HOPE

1 center shall not be readmitted unless specifically authorized by the  
2 street youth's placement and liaison specialist, and the placement and  
3 liaison specialist shall document with specific factual findings an  
4 appropriate basis for readmitting any street youth to a HOPE center.  
5 HOPE centers are required to have the following:

6 (1) A license issued by the secretary;

7 (2) A professional with a master's degree in counseling, social  
8 work, or related field and at least one year of experience working with  
9 street youth or a bachelor of arts degree in social work or a related  
10 field and five years of experience working with street youth. This  
11 professional staff person may be contractual or a part-time employee,  
12 but must be available to work with street youth in a HOPE center at a  
13 ratio of one to every fifteen youth staying in a HOPE center. This  
14 professional shall be known as a placement and liaison specialist.  
15 Preference shall be given to those professionals cross-credentialed in  
16 mental health and chemical dependency. The placement and liaison  
17 specialist shall:

18 (a) Conduct an assessment of the street youth that includes a  
19 determination of the street youth's legal status regarding residential  
20 placement;

21 (b) Facilitate the street youth's return to his or her legally  
22 authorized residence at the earliest possible date or initiate  
23 processes to arrange legally authorized appropriate placement. Any  
24 street youth who may meet the definition of dependent child under RCW  
25 13.34.030 must be referred to the department. The department shall  
26 determine whether a dependency petition should be filed under chapter  
27 13.34 RCW. A shelter care hearing must be held within seventy-two  
28 hours to authorize out-of-home placement for any youth the department  
29 determines is appropriate for out-of-home placement under chapter 13.34  
30 RCW. All of the provisions of chapter 13.32A RCW must be followed for  
31 children in need of services or at-risk youth;

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

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

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

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

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

9 (3) Staff trained in development needs of street youth as  
10 determined by the secretary, including an administrator who is a  
11 professional with a master's degree in counseling, social work, or a  
12 related field and at least one year of experience working with street  
13 youth, or a bachelor of arts degree in social work or a related field  
14 and five years of experience working with street youth, who must work  
15 with the placement and liaison specialist to provide appropriate  
16 services on site;

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

22 (5) Notification requirements that meet the notification  
23 requirements of chapter 13.32A RCW. The youth's arrival date and time  
24 must be logged at intake by HOPE center staff. The staff must  
25 immediately notify law enforcement and dependency caseworkers if a  
26 street youth runs away from a HOPE center. A child may be transferred  
27 to a secure facility as defined in RCW 13.32A.030 whenever the staff  
28 reasonably believes that a street youth is likely to leave the HOPE  
29 center and not return after full consideration of the factors set forth  
30 in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary  
31 placement in the HOPE center must be authorized by the court or the  
32 secretary if the youth is a dependent of the state under chapter 13.34  
33 RCW or the department is responsible for the youth under chapter 13.32A  
34 RCW, or by the youth's parent or legal custodian, until such time as  
35 the parent can retrieve the youth who is returning to home;

36 (6) HOPE centers must identify to the department any street youth  
37 it serves who is not returning promptly to home. The department then  
38 must contact the missing children's clearinghouse identified in chapter  
39 13.60 RCW and either report the youth's location or report that the



1 youth is the subject of a dependency action and the parent should  
2 receive notice from the department; and

3 (7) Services that provide counseling and education to the street  
4 youth.

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

7 The secretary shall establish responsible living skills programs  
8 that provide no more than seventy-five beds across the state and may  
9 establish responsible living skills programs by contract, within funds  
10 appropriated by the legislature specifically for this purpose.  
11 Responsible living skills programs shall have the following:

12 (1) A license issued by the secretary;

13 (2) A professional with a master's degree in counseling, social  
14 work, or related field and at least one year of experience working with  
15 street youth available to serve residents or a bachelor of arts degree  
16 in social work or a related field and five years of experience working  
17 with street youth. The professional shall provide counseling services  
18 and interface with other relevant resources and systems to prepare the  
19 minor for adult living. Preference shall be given to those  
20 professionals cross-credentialed in mental health and chemical  
21 dependency;

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

25 (4) Transitional living services and a therapeutic model of service  
26 delivery that provides necessary program supervision of residents and  
27 at the same time includes a philosophy, program structure, and  
28 treatment planning that emphasizes achievement of competency in  
29 independent living skills. Independent living skills include achieving  
30 basic educational requirements such as a GED, enrollment in vocational  
31 and technical training programs offered at the community and vocational  
32 colleges, obtaining and maintaining employment; accomplishing basic  
33 life skills such as money management, nutrition, preparing meals, and  
34 cleaning house. A baseline skill level in ability to function  
35 productively and independently shall be determined at entry.  
36 Performance shall be measured and must demonstrate improvement from  
37 involvement in the program. Each resident shall have a plan for  
38 achieving independent living skills by the time the resident leaves the

1 placement. The plan shall be written within the first thirty days of  
2 placement and reviewed every ninety days; and

3 (5) 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 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15 RCW  
9 to read as follows:

10 To be eligible for placement in a responsible living skills  
11 program, the minor must be dependent under chapter 13.34 RCW and must  
12 have lived outdoors or in another unsafe location not intended for  
13 occupancy by the minor, or a HOPE center. Responsible living skills  
14 centers are intended as a placement alternative for dependent youth  
15 that the department chooses for the youth because no other services or  
16 alternative placements have been successful. Responsible living skills  
17 centers are not for dependent youth whose permanency plan includes  
18 return to home or family reunification.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW  
20 to read as follows:

21 The secretary is authorized to license HOPE centers and responsible  
22 living skills programs that meet statutory and rule requirements  
23 created by the secretary. The secretary is authorized to develop rules  
24 necessary to carry out the provisions of this act. The secretary may  
25 rely upon existing licensing provisions in development of licensing  
26 requirements for HOPE centers and responsible living skills programs,  
27 as are appropriate to carry out the intent of this act. HOPE centers  
28 and responsible living skills programs shall be required to adhere to  
29 departmental regulations prohibiting the use of alcohol, tobacco,  
30 controlled substances, violence, and sexual activity between residents.

31 **Sec. 7.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are  
32 each reenacted and amended to read as follows:

33 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
34 been proven by a preponderance of the evidence that the child is  
35 dependent within the meaning of RCW 13.34.030; after consideration of  
36 the predisposition report prepared pursuant to RCW 13.34.110 and after

1 a disposition hearing has been held pursuant to RCW 13.34.110, the  
2 court shall enter an order of disposition pursuant to this section.

3 (1) The court shall order one of the following dispositions of the  
4 case:

5 (a) Order a disposition other than removal of the child from his or  
6 her home, which shall provide a program designed to alleviate the  
7 immediate danger to the child, to mitigate or cure any damage the child  
8 has already suffered, and to aid the parents so that the child will not  
9 be endangered in the future. In selecting a program, the court should  
10 choose those services that least interfere with family autonomy,  
11 provided that the services are adequate to protect the child.

12 (b) Order that the child be removed from his or her home and  
13 ordered into the custody, control, and care of a relative or the  
14 department of social and health services or a licensed child placing  
15 agency for placement in a foster family home or group care facility  
16 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
17 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
18 cause to believe that the safety or welfare of the child would be  
19 jeopardized or that efforts to reunite the parent and child will be  
20 hindered, such child shall be placed with a person who is related to  
21 the child as defined in RCW 74.15.020(~~(+4)~~) (2)(a) and with whom the  
22 child has a relationship and is comfortable, and who is willing and  
23 available to care for the child. Placement of the child with a  
24 relative under this subsection shall be given preference by the court.  
25 An order for out-of-home placement may be made only if the court finds  
26 that reasonable efforts have been made to prevent or eliminate the need  
27 for removal of the child from the child's home and to make it possible  
28 for the child to return home, specifying the services that have been  
29 provided to the child and the child's parent, guardian, or legal  
30 custodian, and that preventive services have been offered or provided  
31 and have failed to prevent the need for out-of-home placement, unless  
32 the health, safety, and welfare of the child cannot be protected  
33 adequately in the home, and that:

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

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

38 (iii) The court finds, by clear, cogent, and convincing evidence,  
39 a manifest danger exists that the child will suffer serious abuse or

1 neglect if the child is not removed from the home and an order under  
2 RCW 26.44.063 would not protect the child from danger; or

3 (iv) The extent of the child's disability is such that the parent,  
4 guardian, or legal custodian is unable to provide the necessary care  
5 for the child and the parent, guardian, or legal custodian has  
6 determined that the child would benefit from placement outside of the  
7 home.

8 (2) If the court has ordered a child removed from his or her home  
9 pursuant to subsection (1)(b) of this section, the court may order that  
10 a petition seeking termination of the parent and child relationship be  
11 filed if the court finds: (a) Termination is recommended by the  
12 supervising agency; (b) termination is in the best interests of the  
13 child; and (c) that because of the existence of aggravated  
14 circumstances, reasonable efforts to unify the family are not required.  
15 Notwithstanding the existence of aggravated circumstances, reasonable  
16 efforts may be required if the court or department determines it is in  
17 the best interest of the child. In determining whether aggravated  
18 circumstances exist, the court shall consider one or more of the  
19 following:

20 (i) Conviction of the parent of rape of the child in the first,  
21 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
22 9A.44.079;

23 (ii) Conviction of the parent of criminal mistreatment of the child  
24 in the first or second degree as defined in RCW 9A.42.020 and  
25 9A.42.030;

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

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

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

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

37 (vii) Failure of the parent to complete available treatment ordered  
38 under this chapter or the equivalent laws of another state, where such  
39 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in  
2 the interim. In the case of a parent of an Indian child, as defined in  
3 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.  
4 1903), the court shall also consider tribal efforts to assist the  
5 parent in completing treatment and make it possible for the child to  
6 return home;

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

9 (ix) The mother has given birth to three or more drug-affected  
10 infants, resulting in the department filing a petition under section 23  
11 (~~(of this act)~~), chapter 314, Laws of 1998.

12 (3) If reasonable efforts are not ordered under subsection (2) of  
13 this section a permanency (~~(plan [planning])~~) planning hearing shall be  
14 held within thirty days. Reasonable efforts shall be made to place the  
15 child in a timely manner in accordance with the permanency plan, and to  
16 complete whatever steps are necessary to finalize the permanent  
17 placement of the child.

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

20 (a) A permanency plan of care that shall identify one of the  
21 following outcomes as a primary goal and may identify additional  
22 outcomes as alternative goals: Return of the child to the home of the  
23 child's parent, guardian, or legal custodian; adoption; guardianship;  
24 permanent legal custody; (~~(or)~~) long-term relative or foster care,  
25 until the child is age eighteen, with a written agreement between the  
26 parties and the care provider; and independent living, if appropriate  
27 and if the child is age sixteen or older; or a responsible living  
28 skills program. Whenever a permanency plan identifies independent  
29 living as a goal, the plan shall also specifically identify the  
30 services that will be provided to assist the child to make a successful  
31 transition from foster care to independent living. Before the court  
32 approves independent living as a permanency plan of care, the court  
33 shall make a finding that the provision of services to assist the child  
34 in making a transition from foster care to independent living will  
35 allow the child to manage his or her financial affairs and to manage  
36 his or her personal, social, educational, and nonfinancial affairs.  
37 The department shall not discharge a child to an independent living  
38 situation before the child is eighteen years of age unless the child  
39 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

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

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

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

26 (c) If the court has ordered, pursuant to subsection (2) of this  
27 section, that a termination petition be filed, a specific plan as to  
28 where the child will be placed, what steps will be taken to achieve  
29 permanency for the child, services to be offered or provided to the  
30 child, and, if visitation would be in the best interests of the child,  
31 a recommendation to the court regarding visitation between parent and  
32 child pending a fact-finding hearing on the termination petition. The  
33 agency shall not be required to develop a plan of services for the  
34 parents or provide services to the parents.

35 (5) If the court determines that the continuation of reasonable  
36 efforts to prevent or eliminate the need to remove the child from his  
37 or her home or to safely return the child home should not be part of  
38 the permanency plan of care for the child, reasonable efforts shall be

1 made to place the child in a timely manner and to complete whatever  
2 steps are necessary to finalize the permanent placement of the child.

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

20 (7) Except for children whose cases are reviewed by a citizen  
21 review board under chapter 13.70 RCW, the status of all children found  
22 to be dependent shall be reviewed by the court at least every six  
23 months from the beginning date of the placement episode or the date  
24 dependency is established, whichever is first, at a hearing in which it  
25 shall be determined whether court supervision should continue. The  
26 review shall include findings regarding the agency and parental  
27 completion of disposition plan requirements, and if necessary, revised  
28 permanency time limits. The supervising agency shall provide a foster  
29 parent, preadoptive parent, or relative with notice of, and their right  
30 to an opportunity to be heard in, a review hearing pertaining to the  
31 child, but only if that person is currently providing care to that  
32 child at the time of the hearing. This section shall not be construed  
33 to grant party status to any person who has been provided an  
34 opportunity to be heard.

35 (a) A child shall not be returned home at the review hearing unless  
36 the court finds that a reason for removal as set forth in this section  
37 no longer exists. The parents, guardian, or legal custodian shall  
38 report to the court the efforts they have made to correct the  
39 conditions which led to removal. If a child is returned, casework

1 supervision shall continue for a period of six months, at which time  
2 there shall be a hearing on the need for continued intervention.

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

5 (i) Whether reasonable services have been provided to or offered to  
6 the parties to facilitate reunion, specifying the services provided or  
7 offered;

8 (ii) Whether the child has been placed in the least-restrictive  
9 setting appropriate to the child's needs, including whether  
10 consideration and preference has been given to placement with the  
11 child's relatives;

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

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

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

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

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

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

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

27 **Sec. 8.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are  
28 each reenacted and amended to read as follows:

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

36 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
37 13.34.130, the agency that has custody of the child shall provide the  
38 court with a written permanency plan of care directed towards securing



1 a safe, stable, and permanent home for the child as soon as possible.  
2 The plan shall identify one of the following outcomes as the primary  
3 goal and may also identify additional outcomes as alternative goals:  
4 Return of the child to the home of the child's parent, guardian, or  
5 legal custodian; adoption; guardianship; permanent legal custody; or  
6 long-term relative or foster care, until the child is age eighteen,  
7 with a written agreement between the parties and the care provider; a  
8 responsible living skills program; and independent living, if  
9 appropriate and if the child is age sixteen or older and the provisions  
10 of subsection (2) of this section are met.

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

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

20 (d) For purposes related to permanency planning:

21 (i) "Guardianship" means a dependency guardianship pursuant to this  
22 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or  
23 equivalent laws of another state or a federally recognized Indian  
24 tribe.

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

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

30 (2) Whenever a permanency plan identifies independent living as a  
31 goal, the plan shall also specifically identify the services that will  
32 be provided to assist the child to make a successful transition from  
33 foster care to independent living. Before the court approves  
34 independent living as a permanency plan of care, the court shall make  
35 a finding that the provision of services to assist the child in making  
36 a transition from foster care to independent living will allow the  
37 child to manage his or her financial affairs and to manage his or her  
38 personal, social, educational, and nonfinancial affairs. The  
39 department shall not discharge a child to an independent living

1 situation before the child is eighteen years of age unless the child  
2 becomes emancipated pursuant to chapter 13.64 RCW.

3 (3) A permanency planning hearing shall be held in all cases where  
4 the child has remained in out-of-home care for at least nine months and  
5 an adoption decree, guardianship order, or permanent custody order has  
6 not previously been entered. The hearing shall take place no later  
7 than twelve months following commencement of the current placement  
8 episode.

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

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

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

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

1 (ii) Modify the permanency plan, and order implementation of the  
2 modified plan; and

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

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

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

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

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

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

37 (11) Nothing in this chapter may be construed to limit the ability  
38 of the agency that has custody of the child to file a petition for  
39 termination of parental rights or a guardianship petition at any time

1 following the establishment of dependency. Upon the filing of such a  
2 petition, a fact-finding hearing shall be scheduled and held in  
3 accordance with this chapter unless the agency requests dismissal of  
4 the petition prior to the hearing or unless the parties enter an agreed  
5 order terminating parental rights, establishing guardianship, or  
6 otherwise resolving the matter.

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

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

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.60 RCW  
16 to read as follows:

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

28 NEW SECTION. **Sec. 10.** The Washington institute for public policy  
29 shall review the effectiveness of the procedures established in section  
30 9 of this act. The study shall include: (1) The number of legal  
31 custodians who utilize the clearinghouse; (2) the number of children  
32 who are located after the department's procedures are operational; (3)  
33 the impediments to effective utilization of the procedures and what  
34 steps may be taken to reduce or eliminate the impediments; (4) the  
35 methods of public education regarding the availability of the program  
36 and how to increase public awareness of the program.

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

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.04 RCW  
4 to read as follows:

5 (1) In computing tax under this chapter, a credit is authorized for  
6 each person equal to fifty percent of approved amounts donated to a  
7 HOPE educational financial assistance program under section 13 of this  
8 act during the calendar year. The amount of the credit shall not  
9 exceed five thousand dollars for any person for any calendar year.

10 (2) No credit may be taken under this section unless the credit is  
11 first approved by the department. Application for the credit shall be  
12 made in the form and manner prescribed by rules adopted by the  
13 department. Total credits approved by the department for any calendar  
14 year under this section and section 12 of this act shall not exceed two  
15 hundred fifty thousand dollars.

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

21 (4) No credit may be taken under this section for amounts for which  
22 a credit is taken under section 12 of this act.

23 NEW SECTION **Sec. 12.** A new section is added to chapter 82.16 RCW  
24 to read as follows:

25 (1) In computing tax under this chapter, a credit is authorized for  
26 each person equal to fifty percent of approved amounts donated to a  
27 HOPE educational financial assistance program under section 13 of this  
28 act during the calendar year. The amount of the credit shall not  
29 exceed five thousand dollars for any person for any calendar year.

30 (2) No credit may be taken under this section unless the credit is  
31 first approved by the department. Application for the credit shall be  
32 made in the form and manner prescribed by rules adopted by the  
33 department. Total credits approved by the department for any calendar  
34 year under this section and section 11 of this act shall not exceed two  
35 hundred fifty thousand dollars.

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

6 (4) No credit may be taken under this section for amounts for which  
7 a credit is taken under section 11 of this act.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 28B.80  
9 RCW to read as follows:

10 (1) HOPE educational financial assistance programs may be  
11 established by private nonprofit organizations and may qualify for the  
12 purposes of receiving contributions under sections 11 and 12 of this  
13 act upon approval of the board. Educational financial assistance from  
14 these programs may be used only for assistance for former street youth  
15 who qualify under subsection (2) of this section.

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

28 **Sec. 14.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read  
29 as follows:

30 If the sentencing court finds that an exceptional sentence outside  
31 the standard range should be imposed in accordance with RCW  
32 9.94A.120(2), the sentence is subject to review only as provided for in  
33 RCW 9.94A.210(4).

34 The following are illustrative factors which the court may consider  
35 in the exercise of its discretion to impose an exceptional sentence.  
36 The following are illustrative only and are not intended to be  
37 exclusive reasons for exceptional sentences.

1 (1) Mitigating Circumstances

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

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

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

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

12 (e) The defendant's capacity to appreciate the wrongfulness of his  
13 or her conduct or to conform his or her conduct to the requirements of  
14 the law, was significantly impaired (voluntary use of drugs or alcohol  
15 is excluded).

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

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

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

25 (2) Aggravating Circumstances

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

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

31 (c) The defendant knew that the victim of the current offense was  
32 a youth who was not residing with any legal custodian and was  
33 particularly vulnerable to a relationship with the defendant and the  
34 defendant established or promoted the relationship for the primary  
35 purpose of victimization.

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

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

4       (i) The current offense involved multiple victims or multiple  
5 incidents per victim;

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

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

10       (iv) The defendant used his or her position of trust, confidence,  
11 or fiduciary responsibility to facilitate the commission of the current  
12 offense.

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

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

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

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

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

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

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

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

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



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

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

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

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

10       (~~(i)~~) (j) The operation of the multiple offense policy of RCW  
11 9.94A.400 results in a presumptive sentence that is clearly too lenient  
12 in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

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

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

19       **Sec. 15.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read  
20 as follows:

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

33       (b) The reporting requirement shall also apply to department of  
34 corrections personnel who, in the course of their employment, observe  
35 offenders or the children with whom the offenders are in contact. If,  
36 as a result of observations or information received in the course of  
37 his or her employment, any department of corrections personnel has  
38 reasonable cause to believe that a child or adult dependent or

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

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

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

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

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

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

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

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

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

29 (7) The department may conduct ongoing case planning and  
30 consultation with those persons or agencies required to report under  
31 this section, with consultants designated by the department, and with  
32 designated representatives of Washington Indian tribes if the client  
33 information exchanged is pertinent to cases currently receiving child  
34 protective services or department case services for the developmentally  
35 disabled. Upon request, the department shall conduct such planning and  
36 consultation with those persons required to report under this section  
37 if the department determines it is in the best interests of the child  
38 or developmentally disabled person. Information considered privileged

1 by statute and not directly related to reports required by this section  
2 shall not be divulged without a valid written waiver of the privilege.

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

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

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

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

1 (12) The department shall maintain investigation records and  
2 conduct timely and periodic reviews of all cases constituting abuse and  
3 neglect. The department shall maintain a log of screened-out  
4 nonabusive cases.

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

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

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

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

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 74.15 RCW  
32 to read as follows:

33 The department shall provide technical assistance in preparation of  
34 grant proposals for HOPE centers and responsible living skills programs  
35 to nonprofit organizations unfamiliar with and inexperienced in  
36 submission of requests for proposals to the department.

1        NEW SECTION.    **Sec. 17.** A new section is added to chapter 74.15 RCW  
2 to read as follows:

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

7        NEW SECTION.    **Sec. 18.** The department of social and health  
8 services shall seek any necessary federal waivers for federal funding  
9 of the programs created under this act. The department shall pursue  
10 federal funding sources for the programs created under this act, and  
11 report to the legislature any statutory barriers to federal funding.

12        NEW SECTION.    **Sec. 19.** The Washington state institute for public  
13 policy shall review the effectiveness of the HOPE centers and the  
14 responsible living skills programs. The study shall include the  
15 characteristics of the youth being served, the services offered to  
16 participating youth, the success of permanent placement of youth, the  
17 number of youth participating in each program, the number of youth who  
18 successfully complete the responsible living skills program,  
19 educational achievement of participants, employment history of  
20 participants, the outcomes for youth who have progressed through the  
21 programs, and other measures that the institute deems helpful in  
22 determining the measurable outcomes of this act.

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

25        **Sec. 20.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to  
26 read as follows:

27        (1) The department shall be the principal state department  
28 responsible for coordinating federal and state resources and activities  
29 in housing, except for programs administered by the Washington state  
30 housing finance commission under chapter 43.180 RCW, and for evaluating  
31 the operations and accomplishments of other state departments and  
32 agencies as they affect housing.

33        (2) The department shall work with local governments, tribal  
34 organizations, local housing authorities, nonprofit community or  
35 neighborhood-based organizations, and regional or state-wide nonprofit

1 housing assistance organizations, for the purpose of coordinating  
2 federal and state resources with local resources for housing.

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

25 **Sec. 21.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to  
26 read as follows:

27 The department shall have the duty to provide child welfare  
28 services and shall:

29 (1) Develop, administer, supervise, and monitor a coordinated and  
30 comprehensive plan that establishes, aids, and strengthens services for  
31 the protection and care of (~~homeless,~~) runaway, dependent, or  
32 neglected children.

33 (2) Within available resources, recruit an adequate number of  
34 prospective adoptive and foster homes, both regular and specialized,  
35 i.e. homes for children of ethnic minority, including Indian homes for  
36 Indian children, sibling groups, handicapped and emotionally disturbed,  
37 teens, pregnant and parenting teens, and annually report to the  
38 governor and the legislature concerning the department's success in:

1 (a) Meeting the need for adoptive and foster home placements; (b)  
2 reducing the foster parent turnover rate; (c) completing home studies  
3 for legally free children; and (d) implementing and operating the  
4 passport program required by RCW 74.13.285. The report shall include  
5 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

6 (3) Investigate complaints of any recent act or failure to act on  
7 the part of a parent or caretaker that results in death, serious  
8 physical or emotional harm, or sexual abuse or exploitation, or that  
9 presents an imminent risk of serious harm, and on the basis of the  
10 findings of such investigation, offer child welfare services in  
11 relation to the problem to such parents, legal custodians, or persons  
12 serving in loco parentis, and/or bring the situation to the attention  
13 of an appropriate court, or another community agency: PROVIDED, That  
14 an investigation is not required of nonaccidental injuries which are  
15 clearly not the result of a lack of care or supervision by the child's  
16 parents, legal custodians, or persons serving in loco parentis. If the  
17 investigation reveals that a crime against a child may have been  
18 committed, the department shall notify the appropriate law enforcement  
19 agency.

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

22 (5) Monitor out-of-home placements, on a timely and routine basis,  
23 to assure the safety, well-being, and quality of care being provided is  
24 within the scope of the intent of the legislature as defined in RCW  
25 74.13.010 and 74.15.010, and annually submit a report measuring the  
26 extent to which the department achieved the specified goals to the  
27 governor and the legislature.

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

37 (7) Have authority to provide temporary shelter to children who  
38 have run away from home and who are admitted to crisis residential  
39 centers.



1 (8) Have authority to purchase care for children; and shall follow  
2 in general the policy of using properly approved private agency  
3 services for the actual care and supervision of such children insofar  
4 as they are available, paying for care of such children as are accepted  
5 by the department as eligible for support at reasonable rates  
6 established by the department.

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

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

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

23 Notwithstanding any other provision of RCW 13.32A.170 through  
24 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
25 services to be provided by the department of social and health services  
26 under subsections (4), (6), and (7) of this section, subject to the  
27 limitations of these subsections, may be provided by any program  
28 offering such services funded pursuant to Titles II and III of the  
29 federal juvenile justice and delinquency prevention act of 1974.

30 (12) Within amounts appropriated for this specific purpose, provide  
31 preventive services to children and their families that prevent or  
32 shorten the duration of an out-of-home placement.

33 NEW SECTION. **Sec. 22.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 23.**    Within funds specifically appropriated by  
2 the legislature, HOPE center beds referenced in section 3 of this act  
3 and responsible living skills program beds referenced in section 4 of  
4 this act shall be phased in at the rate of twenty-five percent each  
5 year beginning January 1, 2000, until the maximum is attained.

6        NEW SECTION.    **Sec. 24.**    Sections 3 and 4 of this act take effect  
7 January 1, 2000.

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