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SENATE BILL 5557

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State of Washington

56th Legislature

1999 Regular Session

By Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen

Read first time 01/27/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to residential placement and transitional living  
2 services to street youth; amending RCW 74.15.020 and 9.94A.390;  
3 reenacting and amending RCW 13.34.130 and 13.34.145; adding new  
4 sections to chapter 74.15 RCW; adding a new section to chapter 74.13  
5 RCW; adding a new section to chapter 43.20A RCW; adding a new section  
6 to chapter 28B.80 RCW; and creating a new section.

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

8 **Sec. 1.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read  
9 as follows:

10 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
11 otherwise clearly indicated by the context thereof, the following terms  
12 shall mean:

13 (1) "Agency" means any person, firm, partnership, association,  
14 corporation, or facility which receives children, expectant mothers, or  
15 persons with developmental disabilities for control, care, or  
16 maintenance outside their own homes, or which places, arranges the  
17 placement of, or assists in the placement of children, expectant  
18 mothers, or persons with developmental disabilities for foster care or  
19 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 transitional services  
32 to street youth for a maximum period of thirty days while services are  
33 arranged and permanent placement is coordinated. HOPE centers shall be  
34 operated in a manner to reasonably assure that street youth placed  
35 there will not run away. Street youth may leave a HOPE center during  
36 the course of the day to attend school or other necessary appointments,  
37 but the street youth must be accompanied by an administrator or an  
38 administrator's designee. The street youth must provide the  
39 administration with specific information regarding his or her

1 destination and expected time of return to the HOPE center. Any street  
2 youth who runs away from a HOPE center shall not be readmitted unless  
3 specifically authorized by the street youth's placement and liaison  
4 specialist, and the placement and liaison specialist shall document  
5 with specific factual findings an appropriate basis for readmitting any  
6 street youth to a HOPE center. HOPE centers shall not provide services  
7 to street youth on a revolving door basis; street youth admitted must  
8 agree to remain in the HOPE center up to thirty days until services can  
9 be established and long-term placement can be arranged.

10 (i) "Maternity service" means an agency which provides or arranges  
11 for care or services to expectant mothers, before or during  
12 confinement, or which provides care as needed to mothers and their  
13 infants after confinement;

14 ((+i)) (j) "Responsible living skills program" means an agency  
15 licensed by the secretary that provides residential and transitional  
16 living services to persons ages sixteen to eighteen who cannot live in  
17 his or her legally authorized residence because the circumstances are  
18 irreparably harmful and, as a result, the minor lives outdoors or in  
19 another unsafe location not intended for occupancy by the minor.

20 (k) "Service provider" means the entity that operates a community  
21 facility.

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

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

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

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

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

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

35 (v) Extended family members, as defined by the law or custom of the  
36 Indian child's tribe or, in the absence of such law or custom, a person  
37 who has reached the age of eighteen and who is the Indian child's  
38 grandparent, aunt or uncle, brother or sister, brother-in-law or  
39 sister-in-law, niece or nephew, first or second cousin, or stepparent

1 who provides care in the family abode on a twenty-four-hour basis to an  
2 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

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

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

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

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

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

28 (i) Hospitals licensed pursuant to chapter 70.41 RCW when  
29 performing functions defined in chapter 70.41 RCW, nursing homes  
30 licensed under chapter 18.51 RCW and boarding homes licensed under  
31 chapter 18.20 RCW;

32 (j) Licensed physicians or lawyers;

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

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

37 (m) Any agency having been in operation in this state ten years  
38 prior to June 8, 1967, and not seeking or accepting moneys or

1 assistance from any state or federal agency, and is supported in part  
2 by an endowment or trust fund;

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

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

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

14 (3) "Department" means the state department of social and health  
15 services.

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

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

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

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

25 (8) "Street youth" means a person under the age of eighteen who  
26 lives outdoors or in another unsafe location not intended for occupancy  
27 by the minor and who is not residing with his or her family or legal  
28 custodian.

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

31 (a) Educational services, including basic literacy and  
32 computational skills training, either in local alternative or public  
33 high schools or in a high school equivalency program that leads to  
34 obtaining a high school equivalency degree;

35 (b) Assistance and counseling related to obtaining vocational  
36 training or higher education, job readiness, job search assistance, and  
37 placement programs;

38 (c) Health services including prenatal and postnatal care;

1 (d) Counseling and instruction in life skills such as money  
2 management, home management, consumer skills, parenting, health care,  
3 access to community resources, and transportation and housing options;

4 (e) Individual and group counseling with emphasis on issues of  
5 avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse,  
6 depression, motivation, self-esteem, and interpersonal and social  
7 skills training and development;

8 (f) Recognizing and facilitating long-term relationships with  
9 significant adults; and

10 (g) Establishing networks with federal agencies and state and local  
11 organizations such as the United States department of labor, employment  
12 and training administration programs including the job training  
13 partnership act which administers private industry councils and the job  
14 corps; vocational rehabilitation; and volunteer programs.

15 Transitional living services should be tailored to meet the needs  
16 of the individual youth. If a youth demonstrates a consistent  
17 unwillingness to participate in the acquisition of transitional living  
18 skills and services, a reassessment shall be done of the youth's  
19 appropriateness for the program.

20 NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW  
21 to read as follows:

22 The secretary shall establish HOPE centers that provide a minimum  
23 of one hundred beds across the state. HOPE centers are required to  
24 have the following:

25 (1) A license issued by the secretary;

26 (2) A professional with a master's degree in counseling, social  
27 work, or related field and at least one year of experience working with  
28 street youth. This professional staff person may be a part-time  
29 employee, but must be on site and available to work with street youth  
30 in a HOPE center at a ratio of one to every fifteen youth staying in a  
31 HOPE center. This professional shall be known as a placement and  
32 liaison specialist. Preference shall be given to those professionals  
33 cross-credentialed in mental health and chemical dependency. The  
34 placement and liaison specialist shall:

35 (a) Conduct an assessment of the street youth that includes a  
36 determination of the street youth's legal status regarding residential  
37 placement;

1 (b) Facilitate the street youth's return to his or her legally  
2 authorized residence at the earliest possible date if return is  
3 appropriate or initiate processes to arrange alternative appropriate  
4 placement;

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

8 (d) Be assigned to each youth within seventy-two hours of the youth  
9 receiving HOPE center services;

10 (e) Develop a therapeutic relationship with the youth that enables  
11 the specialist to help the street youth navigate the social  
12 service/child welfare system;

13 (f) Facilitate a physical examination of any street youth who has  
14 not seen a physician within one year prior to residence at a HOPE  
15 center; and

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

19 (3) Staff trained in development needs of street youth as  
20 determined by the secretary;

21 (4) A data collection system that measures outcomes for the  
22 population served, and enables research and evaluation that can be used  
23 for future program development and service delivery. Any data  
24 collection system must have confidentiality rules and protocols  
25 developed by the secretary;

26 (5) A process for notification to the street youth's parents or  
27 legal custodian that the street youth is at the HOPE center unless  
28 notification would place the street youth in serious risk of danger or  
29 physical harm. Notification must occur within eight hours from the  
30 time the street youth arrives at the HOPE center. HOPE centers must  
31 promptly notify law enforcement and dependency caseworkers if a street  
32 youth runs away from a HOPE center. The HOPE center may transfer a  
33 child to a secure facility as defined in RCW 13.32A.030 whenever the  
34 HOPE center reasonably believes that a street youth is likely to leave  
35 the HOPE center and not return after full consideration of the factors  
36 set forth in RCW 13.32A.130(2)(a) (i) and (ii); and

37 (6) Services that provide counseling and education to the street  
38 youth.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 74.15 RCW  
2 to read as follows:

3        Any street youth entering a HOPE center shall execute an agreed  
4 order together with all relevant parties that obligates the youth to  
5 residential placement in the HOPE center not to exceed thirty days  
6 until permanent residential placement can be arranged.    The agreed  
7 order shall be filed with the court in the street youth's dependency  
8 file, at-risk youth case, child in need of services case, or other  
9 pending legal custody matter.    In the event the street youth runs away  
10 from a HOPE center, the HOPE center shall contact the appropriate  
11 authorities, including law enforcement.

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

14        The secretary shall establish responsible living skills programs  
15 that provide a minimum of one hundred beds across the state.  
16 Responsible living skills programs shall have the following:

17        (1) A license issued by the secretary;

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

25        (3) Staff trained in development needs of street youth as  
26 determined by the secretary;

27        (4) Transitional living services and a therapeutic model of service  
28 delivery that provides necessary program supervision of residents and  
29 at the same time includes a philosophy, program structure, and  
30 treatment planning that emphasizes achievement of competency in  
31 independent living skills.    Each resident shall have a plan for  
32 achieving independent living skills by the time the resident leaves the  
33 placement; and

34        (5) A data collection system that measures outcomes for the  
35 population served, and enables research and evaluation that can be used  
36 for future program development and service delivery.    Any data  
37 collection system must have confidentiality rules and protocols  
38 developed by the secretary.



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

3        To be eligible for placement in a responsible living skills  
4 program, the minor's most recent residence must have been outdoors or  
5 in another unsafe location not intended for occupancy by the minor, or  
6 a HOPE center. Responsible living skills programs must have parental  
7 authorization and financial support of the placement, or a court order  
8 pursuant to a dependency petition under chapter 13.34 RCW placing the  
9 minor in the responsible living skills program. Responsible living  
10 skills programs shall prohibit drugs, alcohol, sex, and violence.

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

13        The secretary is authorized to license HOPE centers and responsible  
14 living skills programs that meet statutory and rule requirements  
15 created by the secretary. The secretary is authorized to develop rules  
16 necessary to carry out the provisions of this act.

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

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

25        (1) The court shall order one of the following dispositions of the  
26 case:

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

34        (b) Order that the child be removed from his or her home and  
35 ordered into the custody, control, and care of a relative or the  
36 department of social and health services or a licensed child placing  
37 agency for placement in a foster family home or group care facility

1 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
2 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
3 cause to believe that the safety or welfare of the child would be  
4 jeopardized or that efforts to reunite the parent and child will be  
5 hindered, such child shall be placed with a person who is related to  
6 the child as defined in RCW 74.15.020(~~(+4)~~) (2)(a) and with whom the  
7 child has a relationship and is comfortable, and who is willing and  
8 available to care for the child. Placement of the child with a  
9 relative under this subsection shall be given preference by the court.  
10 An order for out-of-home placement may be made only if the court finds  
11 that reasonable efforts have been made to prevent or eliminate the need  
12 for removal of the child from the child's home and to make it possible  
13 for the child to return home, specifying the services that have been  
14 provided to the child and the child's parent, guardian, or legal  
15 custodian, and that preventive services have been offered or provided  
16 and have failed to prevent the need for out-of-home placement, unless  
17 the health, safety, and welfare of the child cannot be protected  
18 adequately in the home, and that:

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

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

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

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

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

1 efforts may be required if the court or department determines it is in  
2 the best interest of the child. In determining whether aggravated  
3 circumstances exist, the court shall consider one or more of the  
4 following:

5 (i) Conviction of the parent of rape of the child in the first,  
6 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
7 9A.44.079;

8 (ii) Conviction of the parent of criminal mistreatment of the child  
9 in the first or second degree as defined in RCW 9A.42.020 and  
10 9A.42.030;

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

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

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

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

22 (vii) Failure of the parent to complete available treatment ordered  
23 under this chapter or the equivalent laws of another state, where such  
24 failure has resulted in a prior termination of parental rights to  
25 another child and the parent has failed to effect significant change in  
26 the interim. In the case of a parent of an Indian child, as defined in  
27 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.  
28 1903), the court shall also consider tribal efforts to assist the  
29 parent in completing treatment and make it possible for the child to  
30 return home;

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

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

36 (3) If reasonable efforts are not ordered under subsection (2) of  
37 this section a permanency (~~(plan planning)~~) planning hearing shall be  
38 held within thirty days. Reasonable efforts shall be made to place the  
39 child in a timely manner in accordance with the permanency plan, and to

1 complete whatever steps are necessary to finalize the permanent  
2 placement of the child.

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

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

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

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

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

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

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

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

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

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

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

1 limited to, court orders regarding parent-child contacts and any other  
2 conditions imposed by the court. Noncompliance with the case plan or  
3 court order shall be grounds for removal of the child from the  
4 relative's home, subject to review by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
22 13.34.130, the agency that has custody of the child shall provide the  
23 court with a written permanency plan of care directed towards securing  
24 a safe, stable, and permanent home for the child as soon as possible.  
25 The plan shall identify one of the following outcomes as the primary  
26 goal and may also identify additional outcomes as alternative goals:  
27 Return of the child to the home of the child's parent, guardian, or  
28 legal custodian; adoption; guardianship; permanent legal custody; or  
29 long-term relative or foster care, until the child is age eighteen,  
30 with a written agreement between the parties and the care provider; a  
31 responsible living skills program; and independent living, if  
32 appropriate and if the child is age sixteen or older and the provisions  
33 of subsection (2) of this section are met.

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

36 (c) Permanency planning goals should be achieved at the earliest  
37 possible date, preferably before the child has been in out-of-home care  
38 for fifteen months. In cases where parental rights have been

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

5 (d) For purposes related to permanency planning:

6 (i) "Guardianship" means a dependency guardianship pursuant to this  
7 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or  
8 equivalent laws of another state or a federally recognized Indian  
9 tribe.

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

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

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

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

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



1 long-term care provider, the child is placed in the home of the parent,  
2 guardian, or legal custodian, an adoption decree, guardianship order,  
3 or permanent custody order is entered, or the dependency is dismissed.

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

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

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

25 (ii) Modify the permanency plan, and order implementation of the  
26 modified plan; and

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

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

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

36 (8) Continued juvenile court jurisdiction under this chapter shall  
37 not be a barrier to the entry of an order establishing a legal  
38 guardianship or permanent legal custody when, (a) the court has ordered  
39 implementation of a permanency plan that includes legal guardianship or

1 permanent legal custody, and (b) the party pursuing the legal  
2 guardianship or permanent legal custody is the party identified in the  
3 permanency plan as the prospective legal guardian or custodian. During  
4 the pendency of such proceeding, juvenile court shall conduct review  
5 hearings and further permanency planning hearings as provided in this  
6 chapter. At the conclusion of the legal guardianship or permanent  
7 legal custody proceeding, a juvenile court hearing shall be held for  
8 the purpose of determining whether dependency should be dismissed. If  
9 a guardianship or permanent custody order has been entered, the  
10 dependency shall be dismissed.

11 (9) Following the first permanency planning hearing, the court  
12 shall hold a further permanency planning hearing in accordance with  
13 this section at least once every twelve months until a permanency  
14 planning goal is achieved or the dependency is dismissed, whichever  
15 occurs first.

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

22 (11) Nothing in this chapter may be construed to limit the ability  
23 of the agency that has custody of the child to file a petition for  
24 termination of parental rights or a guardianship petition at any time  
25 following the establishment of dependency. Upon the filing of such a  
26 petition, a fact-finding hearing shall be scheduled and held in  
27 accordance with this chapter unless the agency requests dismissal of  
28 the petition prior to the hearing or unless the parties enter an agreed  
29 order terminating parental rights, establishing guardianship, or  
30 otherwise resolving the matter.

31 (12) The approval of a permanency plan that does not contemplate  
32 return of the child to the parent does not relieve the supervising  
33 agency of its obligation to provide reasonable services, under this  
34 chapter, intended to effectuate the return of the child to the parent,  
35 including but not limited to, visitation rights.

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

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 74.13 RCW  
2 to read as follows:

3        Regions three and six shall add sixteen beds each in crisis  
4 residential centers as defined in RCW 74.15.020.    Other regions can  
5 request further beds and shall be given priority based on need.

6        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 43.20A  
7 RCW to read as follows:

8        (1) The department shall establish a central clearinghouse for  
9 receipt and dissemination of information regarding minor children who  
10 have run away from home and who have legal custodians who are seeking  
11 to locate them.    The department shall contract for the operation of the  
12 clearinghouse.    In awarding the contract, the department shall  
13 consider:    (a) The contractor's expertise in working with legal  
14 custodians of runaway children and agencies serving children; (b) the  
15 contractor's ability to rapidly respond to calls from legal custodians  
16 and individuals with information on the location of runaway children;  
17 (c) the contractor's experience in working with law enforcement  
18 agencies; and (d) resources that the contractor is able to provide  
19 beyond those acquired as a result of the contract.

20        (2) The clearinghouse shall receive and disseminate information,  
21 including identifying data, on minor children who are absent from their  
22 legal custodian without permission.    The information on each child  
23 shall be disseminated to the programs established in subsection(3) of  
24 this section, as well as such other agencies as the secretary shall  
25 deem appropriate.    The information shall not be disseminated in any  
26 manner likely to present a risk of harm to the child.    When the  
27 clearinghouse has obtained information that a minor child has been  
28 located and reunited with his or her legal custodian, it shall notify  
29 the parties and programs who received information on the child.

30        (3) The department shall establish in each of its administrative  
31 regions the operation of a program to receive information from the  
32 clearinghouse established in subsection (1) of this section and to  
33 provide information on runaway children to agencies and individuals  
34 within the region.    The department shall contract for the operation of  
35 each of the programs.    In awarding the contract, the department shall  
36 consider:    (a) The contractor's ability to rapidly provide and obtain  
37 information to and from agencies which serve runaway children; and (b)

1 the experience the contractor has in working with youth-serving  
2 agencies.

3 (4) The program shall receive and disseminate information,  
4 including identifying data, on minor children who are absent from their  
5 legal custodian without permission. The information shall be  
6 disseminated to law enforcement and youth-serving agencies within the  
7 region in which the program operates, as well as such other agencies as  
8 the secretary deems appropriate. The information shall not be  
9 disseminated in any manner likely to present a risk of harm to the  
10 child.

11 (5) When a program has obtained information that a minor child has  
12 been located, it shall notify the clearinghouse and the child's legal  
13 custodian and advise the custodian where the child may be located.  
14 Programs that receive notice that a child has been located shall inform  
15 those agencies to which notice was given that the child was being  
16 sought.

17 NEW SECTION. **Sec. 11.** The Washington institute for public policy  
18 shall review the effectiveness of the program established in section 10  
19 of this act. The study shall include: (1) The number of legal  
20 custodians who utilize the clearinghouse; (2) the number of children  
21 who are located after utilization of the clearinghouse; (3) the average  
22 length of time between the notice to the clearinghouse and locating the  
23 child; (4) the impediments to effective utilization of the program and  
24 what steps may be taken to reduce or eliminate the impediments; (5) the  
25 methods of public education regarding the availability of the program  
26 and how to increase public awareness of the program.

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

29 NEW SECTION. **Sec. 12.** A new section is added to chapter 28B.80  
30 RCW to read as follows:

31 (1) The HOPE educational assistance account is created in the  
32 custody of the state treasurer. All receipts from private donations  
33 and appropriations specified for the purposes of this account must be  
34 deposited into the account. Expenditures from the account may be used  
35 only for educational financial assistance for former street youth who  
36 qualify under subsection (2) of this section. Only the director of  
37 the board or the director's designee may authorize expenditures from

1 the account. The account is subject to allotment procedures under  
2 chapter 43.88 RCW, but an appropriation is not required for  
3 expenditures.

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

17 **Sec. 13.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read  
18 as follows:

19 If the sentencing court finds that an exceptional sentence outside  
20 the standard range should be imposed in accordance with RCW  
21 9.94A.120(2), the sentence is subject to review only as provided for in  
22 RCW 9.94A.210(4).

23 The following are illustrative factors which the court may consider  
24 in the exercise of its discretion to impose an exceptional sentence.  
25 The following are illustrative only and are not intended to be  
26 exclusive reasons for exceptional sentences.

27 (1) Mitigating Circumstances

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

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

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

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

1 (e) The defendant's capacity to appreciate the wrongfulness of his  
2 or her conduct or to conform his or her conduct to the requirements of  
3 the law, was significantly impaired (voluntary use of drugs or alcohol  
4 is excluded).

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

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

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

14 (2) Aggravating Circumstances

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

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

20 (c) The defendant knew that the victim of the current offense was  
21 a youth who was not residing with any legal custodian and was  
22 particularly vulnerable to a relationship with the defendant and the  
23 defendant established or promoted the relationship for the primary  
24 purpose of victimization.

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

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

30 (i) The current offense involved multiple victims or multiple  
31 incidents per victim;

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

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

36 (iv) The defendant used his or her position of trust, confidence,  
37 or fiduciary responsibility to facilitate the commission of the current  
38 offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

37       (~~(i)~~) (j) The operation of the multiple offense policy of RCW  
38 9.94A.400 results in a presumptive sentence that is clearly too lenient  
39 in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

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

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

7       NEW SECTION.   **Sec. 14.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

--- END ---