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HOUSE BILL 1898

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By Representatives Hankins, Skinner, Tokuda, Boldt, Kenney, Dunn, Keiser, Van Luven, McMorris, Delvin, Mitchell and Santos

Read first time 02/08/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the licensing of crisis nurseries; amending RCW  
2 74.15.020; and adding a new section to chapter 74.15 RCW.

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

4 **Sec. 1.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read  
5 as follows:

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

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

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

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

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

11 (d) "Crisis nursery" means an agency that provides emergency and  
12 crisis care to children from birth through age seventeen for up to  
13 twenty-four hours a day, and for up to seven days a week;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (d) Individual and group counseling; and

37 (e) Establishing networks with federal agencies and state and local  
38 organizations such as the United States department of labor, employment  
39 and training administration programs including the job training

1 partnership act which administers private industry councils and the job  
2 corps; vocational rehabilitation; and volunteer programs.

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

5 The secretary is authorized to license crisis nurseries. The  
6 department may adopt rules to specify licensing requirements for crisis  
7 nurseries.

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