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HOUSE BILL 2568

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Dickerson, Tokuda, Kagi, Fromhold, Ogden, Chase, Jackley and McDermott

Read first time 01/22/2002. Referred to Committee on Children & Family Services.

1 AN ACT Relating to formalizing the relationship between the  
2 department of social and health services and the state school for the  
3 deaf; reenacting and amending RCW 74.15.020; and adding a new section  
4 to chapter 74.15 RCW.

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

6 **Sec. 1.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001  
7 c 137 s 3 are each reenacted and amended to read as follows:

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

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

1 children, expectant mothers or persons with developmental disabilities  
2 for services rendered:

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

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

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

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

17 (e) "Emergency respite center" is an agency that may be commonly  
18 known as a crisis nursery, that provides emergency and crisis care for  
19 up to seventy-two hours to children who have been admitted by their  
20 parents or guardians to prevent abuse or neglect. Emergency respite  
21 centers may operate for up to twenty-four hours a day, and for up to  
22 seven days a week. Emergency respite centers may provide care for  
23 children ages birth through seventeen, and for persons eighteen through  
24 twenty with developmental disabilities who are admitted with a sibling  
25 or siblings through age seventeen. Emergency respite centers may not  
26 substitute for crisis residential centers or HOPE centers, or any other  
27 services defined under this section, and may not substitute for  
28 services which are required under chapter 13.32A or 13.34 RCW;

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

32 (g) "Foster-family home" means an agency which regularly provides  
33 care on a twenty-four hour basis to one or more children, expectant  
34 mothers, or persons with developmental disabilities in the family abode  
35 of the person or persons under whose direct care and supervision the  
36 child, expectant mother, or person with a developmental disability is  
37 placed;

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

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

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

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

28 (l) "Service provider" means the entity that operates a community  
29 facility.

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

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

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

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

37 (iii) A person who legally adopts a child or the child's parent as  
38 well as the natural and other legally adopted children of such persons,

1 and other relatives of the adoptive parents in accordance with state  
2 law;

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

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

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

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

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

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

28 (f) A person, partnership, corporation, or other entity that  
29 provides placement or similar services to international children who  
30 have entered the country by obtaining visas that meet the criteria for  
31 medical care as established by the United States immigration and  
32 naturalization service, or persons who have the care of such an  
33 international child in their home;

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

37 (h) Schools, including boarding schools, which are engaged  
38 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school-age children  
2 and do not accept custody of children;

3 (i) Seasonal camps of three months' or less duration engaged  
4 primarily in recreational or educational activities;

5 (j) Hospitals licensed pursuant to chapter 70.41 RCW when  
6 performing functions defined in chapter 70.41 RCW, nursing homes  
7 licensed under chapter 18.51 RCW and boarding homes licensed under  
8 chapter 18.20 RCW;

9 (k) Licensed physicians or lawyers;

10 (l) Facilities providing care to children for periods of less than  
11 twenty-four hours whose parents remain on the premises to participate  
12 in activities other than employment;

13 (m) Facilities approved and certified under chapter 71A.22 RCW;

14 (n) Any agency having been in operation in this state ten years  
15 prior to June 8, 1967, and not seeking or accepting moneys or  
16 assistance from any state or federal agency, and is supported in part  
17 by an endowment or trust fund;

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

23 (p) An agency operated by any unit of local, state, or federal  
24 government or an agency, located within the boundaries of a federally  
25 recognized Indian reservation, licensed by the Indian tribe;

26 (q) A maximum or medium security program for juvenile offenders  
27 operated by or under contract with the department;

28 (r) An agency located on a federal military reservation, except  
29 where the military authorities request that such agency be subject to  
30 the licensing requirements of this chapter; and

31 (s) The state school for the deaf.

32 (3) "Department" means the state department of social and health  
33 services.

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

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

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

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

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

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

10 (a) Educational services, including basic literacy and  
11 computational skills training, either in local alternative or public  
12 high schools or in a high school equivalency program that leads to  
13 obtaining a high school equivalency degree;

14 (b) Assistance and counseling related to obtaining vocational  
15 training or higher education, job readiness, job search assistance, and  
16 placement programs;

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

20 (d) Individual and group counseling; and

21 (e) Establishing networks with federal agencies and state and local  
22 organizations such as the United States department of labor, employment  
23 and training administration programs including the job training  
24 partnership act which administers private industry councils and the job  
25 corps; vocational rehabilitation; and volunteer programs.

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

28 (1) The department must investigate incidents at the state school  
29 for the deaf involving alleged child abuse and neglect, including  
30 incidents involving students victimizing other students, and determine  
31 whether the alleged abuse or neglect has occurred, and whether a  
32 referral to child protective services or a law enforcement agency is  
33 appropriate.

34 (2) The department must make recommendations for safety  
35 improvements following an investigation of an alleged incident of child  
36 abuse or neglect at the state school for the deaf, if appropriate. The  
37 recommendations will be sent to the school's superintendent and board  
38 of trustees or its successor board.

1 (3) The department must inspect the state school for the deaf  
2 periodically, including but not limited to examining the policies and  
3 procedures as well as the facilities. The department must make  
4 recommendations to the school's superintendent and the board of  
5 trustees or its successor board on health and safety improvements. The  
6 inspections must be done at least quarterly until December 31, 2006.

7 (4) The department must conduct a comprehensive health and safety  
8 review of the state school for the deaf every three years. The first  
9 comprehensive review must be delivered to the governor, the  
10 legislature, the school's superintendent, and the school's board of  
11 trustees by December 1, 2005.

12 (5) For the purposes of this section, the department must involve  
13 the division of licensed resources or its successor division.

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