
HOUSE BILL 3081

State of Washington

58th Legislature

2004 Regular Session

By Representative Rockefeller

Read first time 01/27/2004. Referred to Committee on Children & Family Services.

1 AN ACT Relating to medical and dental care and testing for children
2 in the care of the department of social and health services; amending
3 RCW 13.34.060; adding new sections to chapter 74.13 RCW; and adding a
4 new section to chapter 13.34 RCW.

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

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

8 The legislature intends to establish a policy with the goal of
9 ensuring that the health and well-being of both infants in foster care
10 and the families providing for their care are protected.

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

13 (1) The department of social and health services shall recommend
14 that the physician or other licensed health care practitioner
15 conducting the initial medical assessment of a child under one year of
16 age following placement in out-of-home care conduct screening and, if
17 appropriate, testing for blood-borne pathogens.

1 (2) The department shall obtain the results of the screening and,
2 if conducted, testing for blood-borne pathogens and incorporate those
3 results in the evaluation conducted pursuant to RCW 74.14A.050.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW
5 to read as follows:

6 (1) Upon any placement, the department of social and health
7 services shall inform each out-of-home care provider if the child to be
8 placed in that provider's care is infected with a blood-borne pathogen,
9 if known by the department.

10 (2) All out-of-home care providers licensed by the department shall
11 receive training related to blood-borne pathogens, including
12 prevention, transmission, infection control, treatment, testing, and
13 confidentiality.

14 (3) Any disclosure of information related to HIV must be in
15 accordance with RCW 70.24.105.

16 **Sec. 4.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read
17 as follows:

18 (1) A child taken into custody pursuant to RCW 13.34.050 or
19 26.44.050 shall be immediately placed in shelter care. A child taken
20 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070
21 shall be placed in shelter care only when permitted under RCW
22 13.34.055.

23 (a) Unless there is reasonable cause to believe that the health,
24 safety, or welfare of the child would be jeopardized or that the
25 efforts to reunite the parent and child will be hindered, priority
26 placement for a child in shelter care shall be with any person
27 described in RCW 74.15.020(2)(a). The person must be willing and
28 available to care for the child and be able to meet any special needs
29 of the child. The person must be willing to facilitate the child's
30 visitation with siblings, if such visitation is part of the supervising
31 agency's plan or is ordered by the court. If a child is not initially
32 placed with a relative pursuant to this section, the supervising agency
33 shall make an effort within available resources to place the child with
34 a relative on the next business day after the child is taken into
35 custody. The supervising agency shall document its effort to place the

1 child with a relative pursuant to this section. Nothing within this
2 subsection (1)(a) establishes an entitlement to services or a right to
3 a particular placement.

4 (b) Whenever a child is taken into custody pursuant to this
5 section, the supervising agency may authorize evaluations and treatment
6 of the child's physical or emotional condition, routine medical and
7 dental examination and care, medical testing including, but not limited
8 to, testing conducted pursuant to section 2 of this act, and all
9 necessary emergency care. In no case may a child who is taken into
10 custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained
11 in a secure detention facility. No child may be held longer than
12 seventy-two hours, excluding Saturdays, Sundays and holidays, after
13 such child is taken into custody unless a court order has been entered
14 for continued shelter care. The child and his or her parent, guardian,
15 or custodian shall be informed that they have a right to a shelter care
16 hearing. The court shall hold a shelter care hearing within seventy-
17 two hours after the child is taken into custody, excluding Saturdays,
18 Sundays, and holidays. If a parent, guardian, or legal custodian
19 desires to waive the shelter care hearing, the court shall determine,
20 on the record and with the parties present, whether such waiver is
21 knowing and voluntary.

22 (2) Whenever a child is taken into custody by child protective
23 services pursuant to a court order issued under RCW 13.34.050 or when
24 child protective services is notified that a child has been taken into
25 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
26 services shall make reasonable efforts to inform the parents, guardian,
27 or legal custodian of the fact that the child has been taken into
28 custody, the reasons why the child was taken into custody, and their
29 legal rights under this title as soon as possible and in no event shall
30 notice be provided more than twenty-four hours after the child has been
31 taken into custody or twenty-four hours after child protective services
32 has been notified that the child has been taken into custody. The
33 notice of custody and rights may be given by any means reasonably
34 certain of notifying the parents including, but not limited to,
35 written, telephone, or in person oral notification. If the initial
36 notification is provided by a means other than writing, child
37 protective services shall make reasonable efforts to also provide
38 written notification.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 If the court orders a disposition pursuant to RCW 13.34.130(1)(b),
4 the supervising agency may authorize evaluations and treatment of the
5 child's physical or emotional condition, routine medical and dental
6 examination and care, medical testing including, but not limited to,
7 testing conducted pursuant to section 2 of this act, and all necessary
8 emergency care.

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