
HOUSE BILL 1278

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kagi, Hinkle, Clibborn, Dickerson, Roach, Schual-Berke, P. Sullivan, Pettigrew, Orcutt, Darneille, Roberts, Kenney, Wallace, Chase and Santos

Read first time 01/19/2005. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the investigation of child abuse and neglect;
2 and amending RCW 74.13.031.

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

4 **Sec. 1.** RCW 74.13.031 and 2004 c 183 s 3 are each amended to read
5 as follows:

6 The department shall have the duty to provide child welfare
7 services and shall:

8 (1) Develop, administer, supervise, and monitor a coordinated and
9 comprehensive plan that establishes, aids, and strengthens services for
10 the protection and care of runaway, dependent, or neglected children.

11 (2) Within available resources, recruit an adequate number of
12 prospective adoptive and foster homes, both regular and specialized,
13 i.e. homes for children of ethnic minority, including Indian homes for
14 Indian children, sibling groups, handicapped and emotionally disturbed,
15 teens, pregnant and parenting teens, and annually report to the
16 governor and the legislature concerning the department's success in:
17 (a) Meeting the need for adoptive and foster home placements; (b)
18 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the
2 passport program required by RCW 74.13.285. The report shall include
3 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

4 (3)(a) Investigate complaints of any recent act or failure to act
5 on the part of a parent or caretaker that results in death, serious
6 physical or emotional harm, or sexual abuse or exploitation, or that
7 presents an imminent risk of serious harm, and on the basis of the
8 findings of such investigation, offer child welfare services in
9 relation to the problem to such parents, legal custodians, or persons
10 serving in loco parentis, and/or bring the situation to the attention
11 of an appropriate court, or another community agency(~~(+—PROVIDED,~~
12 ~~That~~)). The department shall include in its investigation a review of
13 any sibling records if the sibling resides in or visits the home of the
14 child who was the basis of the complaint, or if there is an imminent
15 risk of harm to the sibling.

16 (b) An investigation is not required of nonaccidental injuries
17 which are clearly not the result of a lack of care or supervision by
18 the child's parents, legal custodians, or persons serving in loco
19 parentis.

20 (c) If the investigation reveals that a crime against a child may
21 have been committed, the department shall notify the appropriate law
22 enforcement agency.

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

25 (5) Monitor out-of-home placements, on a timely and routine basis,
26 to assure the safety, well-being, and quality of care being provided is
27 within the scope of the intent of the legislature as defined in RCW
28 74.13.010 and 74.15.010, and annually submit a report measuring the
29 extent to which the department achieved the specified goals to the
30 governor and the legislature.

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

1 discriminate on the basis of race, creed, or color when considering
2 applications in their placement for adoption.

3 (7) Have authority to provide temporary shelter to children who
4 have run away from home and who are admitted to crisis residential
5 centers.

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

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

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

21 (11) Refer cases to the division of child support whenever state or
22 federal funds are expended for the care and maintenance of a child,
23 including a child with a developmental disability who is placed as a
24 result of an action under chapter 13.34 RCW, unless the department
25 finds that there is good cause not to pursue collection of child
26 support against the parent or parents of the child.

27 (12) Have authority within funds appropriated for foster care
28 services to purchase care for Indian children who are in the custody of
29 a federally recognized Indian tribe or tribally licensed child-placing
30 agency pursuant to parental consent, tribal court order, or state
31 juvenile court order; and the purchase of such care shall be subject to
32 the same eligibility standards and rates of support applicable to other
33 children for whom the department purchases care.

34 Notwithstanding any other provision of RCW 13.32A.170 through
35 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
36 services to be provided by the department of social and health services
37 under subsections (4), (6), and (7) of this section, subject to the

1 limitations of these subsections, may be provided by any program
2 offering such services funded pursuant to Titles II and III of the
3 federal juvenile justice and delinquency prevention act of 1974.

4 (13) Within amounts appropriated for this specific purpose, provide
5 preventive services to families with children that prevent or shorten
6 the duration of an out-of-home placement.

7 (14) Have authority to provide independent living services to
8 youths, including individuals eighteen through twenty years of age, who
9 are or have been in foster care.

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